

LEGISLATIVE COMMITTEE REPORT ON REVIEW AND PLANNING FOR  
IMPLEMENTATION OF NEW REQUIREMENTS RESULTING FROM  
REAUTHORIZATION OF THE MAGNUSON-STEVENSON ACT

The Legislative Committee (LC) met March 5, 2007 and reviewed new provisions in the recently reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) and discussed recommendations for Council participation in the ongoing process of implementing the new requirements. The LC finds that many of the new provisions in MSA are directed at other regions of the nation as they are currently common practice in the Council process and West Coast fishery management. Other requirements, such as establishing annual catch limits and accountability measures, revising National Standard 1 Guidelines, developing a new Environmental Review Process, and appointing Council representatives to international fishery management organizations are import matters that will require Council input and coordination with the Secretary of Commerce, National Oceanic and Atmospheric Administration (NOAA), the Regional Fishery Management Councils (RFMCs), and the public as they are implemented. This process will likely result in the development of new policies, regulations, and potentially, amendments to the Council's Fishery Management Plans to ensure implementation occurs within the time frames specified in the reauthorization.

The reauthorized MSA requires that FMPs “*establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.*” Council FMPs are currently being reviewed for consistency with this recommendation and Council staff has provided information to NOAA regarding existing mechanisms for annual catch limits (ACLs) and accountability measures (AMs). If current ACLs and AMs are determined by NOAA to be insufficient, Council FMPs would be required to be amended by 2010 for overfished species and 2011 for all other species. NOAA is currently soliciting input on the development of alternative guidelines for ACLs and AMs in an Notice of Intent (NOI) to prepare and Environmental Impact Statement (EIS) (Agenda Item D.2.a, Attachment 7). The resulting guidelines are intended to be added to the proposed revision to National Standard 1 Guidelines. The Council has provided considerable input in the past regarding both AMs and National Standard 1 Guidelines and it would be prudent to engage early in the development of new guidelines by responding to the NOI. The public comment period on the NOI to prepare an EIS has been extended to April 17, 2007 (Agenda Item D.2.a, Supplemental Attachment 9). The LC recommends the Council consider the issues and proposed alternatives in the NOI and develop a formal response at the April Council meeting.

Staff members of several RFMCs are currently on proposed revisions to NOAA procedures for compliance with the environmental review processes of the National Environmental Policy Act (NEPA). The proposal is to integrate applicable environmental analytical procedures I NEPA with the procedures for preparation or amendment of FMPs. The goal is to provide clear and concise analyses for decision makers while reducing paperwork and maintaining effective public involvement. The reauthorized MSA calls for the new policies to be in place in one year. All RFMCs are currently being consulted for input and the LC recommends the Council schedule time on the April Council agenda to review and comment on the proposals developed thus far.

The *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006* also ratified the U.S./Canada Treaty on Pacific whiting and implemented U.S. participation in the Western and Central Pacific Fishery Convention (WCPFC). The LC recommends the Council begin the process of determining appropriate U.S. representation on the various commissions and advisory committees associated with these international fishery organizations. The LC recommends the Council and its advisory bodies begin planning for U.S. appointees in April.

**LC Recommendations:**

- 1. Plan for final review and comment on the NOI to prepare and EIS on alternatives for guidance on ACLs and AMs to be added to the National Standard 1 Guidelines at the April meeting.**
- 2. Plan for review of proposed procedures under a new environmental review process at the April meeting.**
- 3. Request the HMSMT and HMSAS assist in the implementation of the WCPFC Implementation Act by developing recommendations to the Council on coordination with Pacific RFMCs and in determining appropriate U.S. representation on the WCPFC Advisory Committee, for Council consideration at the April Council meeting.**
- 4. Plan to consider U.S. representation regarding joint management of Pacific whiting with Canada as specified in the Pacific Whiting Act of 2006, for Council consideration at the April Council meeting.**

PFMC  
03/06/07