

MAGNUSON-STEVENS ACT REAUTHORIZATION IMPLEMENTATION

The Council has been working closely with the National Marine Fisheries Service (NMFS) and the other seven Regional Fishery Management Councils on implementing new provisions in the Magnuson-Stevens Act (MSA) as amended by the *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006* (MSRA). Agenda Item B.3.a, Attachment 1, is a summary of new provisions in the reauthorized MSA which may be of particular interest to the Council; the summary includes updates on the status of implementation of these new provisions.

At this Council meeting, it was expected the Council would focus on four matters: (1) a draft Environmental Impact Statement (DEIS) from NMFS regarding the process for establishing annual catch limits (ACL) and accountability measures (AM) that insure catch limits are not exceeded, (2) a proposed rule for a new environmental review process for fishery management actions, (3) a proposed rule for expedited, uniform, and regionally-based experimental fishing permits (EFP), and (4) draft revisions to the Council Operating Procedure (COP) for the Scientific and Statistical Committee (SSC) that reflects new MSRA provisions and current practices. Following the April Council meeting, the Council provided scoping comments on the first two of these matters; Council staff participated in an all-Councils conference call on the third matter in mid-summer and provided NMFS the Council's existing EFP policies and practices with the initial input that ultimate consistency with these policies and practices was desired.

There were July expectation dates for the release of the first three of these matters, but no review materials were available by the deadline for the advance September Briefing Book. It is now anticipated that a DEIS analyzing alternate NMFS guidance on ACL and AM will be published with a public comment period that spans the November 2007 Council meeting. The proposed rule for a new EFP process is anticipated in the near future. Council staff will continue to work with NMFS on the new EFP regulations and should a proposed rule become available, it will be distributed as supplemental material at the September Council meeting.

Regarding the fourth matter, Council staff has provided a draft updated COP 4, which governs the function of the SSC, to facilitate review by the Council process (Agenda Item B.3.a, Attachment 2). Draft new items include revisions and updates to the SSC's scientific review responsibilities, clarification on the separation of policy versus best available science determinations, a clarification of the independent review process, a description of financial disclosure requirements for SSC members, and provisions for stipends. The draft also contains document organizational consolidations.

For additional information on the full suite of new MSRA implementation elements, NMFS maintains a web site focused on MSA reauthorization (www.nmfs.noaa.gov/msa2007/) including a regularly updated tracking sheet on the status of implementation of many new provisions and summaries of comments received on various aspects of the reauthorization.

Council Action:

Direct Planning and Action on New MSA Requirements as needed and consider adopting revisions to Council Operating Procedure 4.

Reference Materials:

1. Agenda Item B.3.a, Attachment 1: Summary of selected new provisions in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as Amended in January 2006 with an emphasis on matters associated with Pacific Fishery Management Council Activities.
2. Agenda Item B.3.a, Attachment 2: Draft Revisions to Council Operating Procedure 4 – Scientific and Statistical Committee.

Agenda Order:

- a. Agenda Item Overview
 - b. NMFS Report
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Direct Planning and Action on New Requirements as Needed for Timely Implementation
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PFMC
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