



Magnuson-Stevens Reauthorization Act: *Working Together on Implementation*

Workshop September 25-26, 2007
Washington, DC

NOAA Fisheries Service (NMFS) in partnership with the Regional Fishery Management Councils is organizing a 2-day workshop on September 25-26, 2007, to help advance implementation of provisions in the Magnuson-Stevens Reauthorization Act (MSRA).

- ❖ The objectives include:
 1. Fostering an ongoing exchange of information on the implementation of new or expanded requirements included in the Act,
 2. Understanding the required time frames, division of labor between Councils and NMFS, and revealing the intersections of the various mandates; and
 3. Advancing strategies for fulfilling the requirements, identifying and resolving impediments to success, and offering priorities among competing options.

- ❖ The intended outcome is better informed and engaged stakeholders who have generated ideas and solutions on the best way forward for NMFS and the Councils on the issues covered.

- ❖ The target audience is stakeholders of MSRA implementation, including NMFS and the Councils, and industry and NGO representatives.

- ❖ The meeting will be held in Washington, DC in a workshop format: brief panel presentations on each of five issues followed by extensive table-top breakout sessions of small facilitated groups. To promote effective participant interaction and outcomes, attendance will be limited to 125 persons, principally by invitation.

- ❖ The preliminary list of five issues to be covered is:
 1. Balancing Management Objectives: Capacity and Annual Catch Limits
 2. Ecosystem-Based Management – Next Steps under MSRA?
 3. Multispecies Management and Bycatch
 4. International and Jointly Managed Fisheries
 5. Aquaculture, Councils and Multi-Sector EEZ Activities

- ❖ The workshop planning is being led by the NMFS Office of Policy, utilizing a small steering committee of NMFS and Council personnel. For further information contact Dr. Mark Holliday, (301) 713.2239 or mark.holliday@noaa.gov.

Background/Context for Session Topics

The background/context for the preliminary list of five issues to be covered is described below. Each issue would be introduced by a brief panel presentation (1-2-3 or more panelists, one hour total to provide context and some Q&A, leading up to one to several trigger questions. This is to be followed by 2 to 2.5 hours of tabletop breakout sessions (e.g., on the Day one session (the biggest we'd have) ~10-12 tables of 10 persons; the remaining 4 topics on Day two would be 5-6 separate tables of 10 persons for each concurrent session, to focus on the trigger questions. Each table could deal with different questions, or the same one, depending on circumstances, and report-out back to the plenary on their results.

1. Balancing Management Objectives: Capacity and Annual Catch Limits

Session Organizer. Dr. Lee Anderson, University of DE/Mid-Atlantic Council Member

ACLs was the topic mentioned as the “elephant in the room” by almost everyone who was consulted. By the time of the workshop, a proposed rule on implementing the ACL provisions will have been published. Rather than focus on the nuts and bolts of the proposed rule and turn the workshop into a hearing or an on-the-administrative record rulemaking session, we propose to discuss some of the conceptual issues facing NMFS and Councils. ACLs are tools to achieve optimum yield and in the process prevent overfishing. However, given the most recent round of MSRA, how do we balance the biology and economics side of OY? For example, MSRA also asks us to report on overcapacity and identify prescriptions for removing excess capacity. In creating hard TACs/ACLs, we don't want to neglect the social and economic sides of achieving OY. Some questions to possibly consider:

What is the interplay of ACLs and LAPs? ACLs and buybacks?

What are relevant trade-offs between changes in risk and socioeconomic effects and how can they be considered?

What about other policies to help participants transition or at least to sign on to the rebuilding package?

How do we evaluate Accountability Measures (AMs) that are best for avoiding or mitigating overages?

Can buybacks, LAPs, and precautionary minimum spawning stock biomasses be considered AMs?

What role should the Council have in determining the level of capacity?

What role can/should LAPs play in achieving OY?

What role can/should buybacks play in achieving OY?

How are answers to the above questions changed in data poor or data weak fisheries?

How are answers changed in fisheries with mandated rebuilding plans?

2. Ecosystem-Based Management – Next Steps under MSRA?

Session Organizer: Dr. Dave Fluharty, University of WA

The Administration MSA bill placed a lot of emphasis on ecosystem approaches while the signed bill did not. What's in/out MSRA vs Admin bill – and what are the current challenges/opportunities re: new Section 406(f) and ecosystem approaches for Councils? What are Councils presently doing vs. present MSRA language, what are the results of pilot Council efforts? How do we transfer pilot projects to management actions? Integrated ecosystem assessments – what is the NOAA Science direction, can we agree on the scientific underpinnings necessary for policy choices? How do we encompass multi-sector EA mgt into existing

Regional Council fish governance model? How do we implement the joint MSRA provisions re: Deep sea corals?

3. Multispecies Management and Bycatch

Session Organizer: Lee Benaka, Office of Sustainable Fisheries

Section 316 of MSRA requires establishment of a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in federally managed fisheries. In addition, any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction.

How do the new requirements affect the standardized bycatch reporting methodologies?

What types of fisherman incentives will be effective?

How would individual bycatch quotas be assigned?

Can we best resolve multispecies mgt. issues across FMPS via conservation engineering?

4. International and Jointly Managed Fisheries

Session Organizer: Laura Cimo, Office of Policy

Passage of the MSRA has brought significant changes to the management of international and other jointly managed fisheries. The new requirements of MSRA – such as the establishment of annual catch limits and emphasis on bilateral/multilateral approaches and market-related measures to ending illegal, unregulated, and unreported (IUU) fishing and bycatch of protected living marine resources (LMRs) – bring a host of new challenges and potential opportunities for fisheries management. How will the management of international fisheries and other jointly managed fisheries change in light of new mandates to end overfishing? (*see language from Sec. 304(e) and Sec. 304(i)*)

What are some common challenges with achieving rebuilding objectives in international and jointly managed state-federal fisheries, and how have these changed with passage of MSRA? Are the new tools in MSRA to achieve our management objectives directly applicable in international and/or state-federal fisheries? If not, what other tools and authorizations are necessary or helpful?

What changes are necessary to emphasize bilateral/multilateral approaches and the use of market-related measures to ending IUU fishing and bycatch of protected LMRs in MSRA?

5. Aquaculture, Councils and Multi-Sector EEZ Activities

Session Organizer: Wayne Swingle, Gulf of Mexico Fishery Management Council

The Gulf Council is going to public hearings this July on their aquaculture amendment requiring EEZ permits; the SA Council recently adopted an aquaculture policy statement, other Councils may be actively doing things as well, all with the overlay of the House and Senate aquaculture bills that have been introduced. The FMP amendment may be approved prior to any national legislation. Is there a consistent EEZ approach Councils should develop (how would it be subject to state law/possible opt-out interactions)? How should fishery enhancement via aquaculture play into stock rebuilding and ACLs? What should be the role of Councils in permitting aquaculture or any other non-fishing (other sector) EEZ activity that impacts EFH or sustainability of LMRs? What follow-up from the aquaculture summit impacts Councils?