

NATIONAL MARINE FISHERIES SERVICE UPDATE ON THE MODERNIZING  
RECREATIONAL FISHERIES MANAGEMENT ACT OF 2018

The National Marine Fisheries Service West Coast Regional Office (WCR) has prepared a table summarizing the requirements under the Modernizing Recreational Fisheries Management Act of 2018, Public Law 115-405 (MFA) in response to Council discussion in June 2019. This table does not represent the Administration’s official interpretation of the statute. The table lists the main provisions of the MFA, including Section 102 which grants the Pacific Fishery Management Council (PFMC) and other Councils explicit authority to use fishery management measures in a recreational fishery, and other sections in which the PFMC may engage in reports or studies.

**Table outline of requirements:**

Short Title	Provision Summary	Council Action	Deadline
<b>Sec. 101 South Atlantic &amp; Gulf of Mexico Mixed-Use Fisheries Allocation Review</b>			
Government Accountability Office (GAO) report on allocation of fishing privileges in mixed-use fisheries in the South Atlantic and Gulf of Mexico.	GAO report to Congress including: (1) recommendations on criteria to allocate or reallocate fishing privileges; (2) identify info sources to support the use of such criteria in allocation decisions; (3) assessment of budgetary requirements for periodic allocation reviews for South Atlantic Fishery Management Council (SAFMC) & Gulf of Mexico Fishery Management Council (GFMC); (4) developing recommendations of procedures for allocation reviews and potential adjustments in allocation.	Engage with GAO upon request (focus is on SAFMC and GFMC)	GAO to submit report no later than December 31, 2019.

<b>Sec. 102 Fishery Management Measures</b>			
Authority for alternative management measures in mixed-use fisheries	Councils have the authority to use fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities. Annual Catch Limits and other MSA provisions are still required.	<b>Councils have the authority to use fishery management measures.</b>	None  Report to Congress on Council adoption of tools in Sec. 102 due 6/30/19.
<b>Sec. 103 Limited Access Privilege Program Study in Mixed-Use Fisheries</b>			
National Academies of Sciences, Engineering, and Medicine (NAS) Study on Limited Access Privilege Programs (LAPPs) in mixed-use fisheries <b>(Excludes PFMC except part F)</b>	NAS to complete: (1) Study on LAPPs in mixed-use fisheries, including: (A) an assessment of progress in meeting the goals of the program and this Act; (B) assessment of the social, economic, and ecological effects of the program; (C) assessment of any impacts to stakeholders in a mixed-use fishery caused by a LAPP; (D) recommendations of policies to address any impacts identified above; (E) identification of and recommendation of the different factors and information that should be considered to mitigate any impacts of LAPPs to the extent practicable; and (F) a review of best practices and challenges of LAPPs developed by each of the 8 RFMCs.	Engage with NAS if desired / requested.	NAS study no later than December 31, 2020  Report to Congress following completion of NAS study.

**Sec. 201 Cooperative Data Collection**

<p>Report to Congress on facilitating greater incorporation of data, surveys, etc. from State agencies and non-governmental sources into fishery management decisions</p>	<p>Secretary of Commerce with SSCs &amp; Commissions to prepare report to Congress including: (A) Identifying data &amp; analysis, especially concerning recreational fishing, to establish conservation and management measures, including setting standards for its collection and use in stock assessments and surveys; (B) provide specific recommendations for collecting data and performing analyses identified to reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by nongovernmental sources; and (C) consider the extent to which the acceptance and use of those identified is practicable and compatible with the requirements of section 301(a)(2)--BSIA requirement.</p>	<p>S&amp;T to engage with Council SSCs</p>	<p>Report to Congress no later than December 31, 2019</p>
<p>Biennial reports to Congress on implementation of recommendations from 2017 NAS Report, "Review of the Marine Recreational Information Program" (MRIP)</p>	<p>Secretary shall consider and implement to the extent feasible, the recommendations of the NAS report "Review of the Marine Recreational Information Program (2017)", and submit a report to Congress every 2 years, detailing progress on implementation. Recommendations considered shall include—          (1) prioritizing the evaluation of electronic data collection, electronic diaries for prospective data collection and an internet website option for panel members or for the public;          (2) evaluating whether MRIP is compatible with the needs of in-season management of ACLs regarding stock assessment and determination of stock</p>	<p>MRIP may confer with Councils through Regional Implementation Teams.</p>	<p>1st report due 12/31/20, then continuing indefinitely every 2 years after that first report.</p>

	management reference points; and (3) if MRIP is incompatible with the needs of in-season management of ACLs, determining an alternative method for in-season management.		
<b>Sec. 202 Recreational Data Collection</b>			
Guidance on best practices for implementing State registry programs for recreational fishermen	Federal-State partnerships for State recreational registry program: (A) The Secretary shall establish a partnership with a State to develop best practices for implementing the State program (B) The Secretary shall develop guidance, in cooperation with the States, that details best practices for administering State programs, and provide such guidance to the States.	MRIP may confer with Councils through Regional Implementation Teams.	No deadline
Biennial reports to Congress	Secretary of Commerce to submit biennial reports to Congress to include— (i) the estimated accuracy of: (I) the information provided for each registry program established; and (II) the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures (ii) priorities for improving recreational fishing data collection; and (iii) an explanation of any use of information collected by such State programs and by the Secretary.	MRIP may confer with Councils through Regional Implementation Teams.	No deadline for the first report, but then continuing indefinitely every 2 years after that first report.

NAS study on MRIP	1) NAS study & report to evaluate: (A) how MRIP's design can be improved to better meet the needs of in-season management of ACLs; and (B) what actions the Secretary, Councils, and States could take to improve the accuracy and timeliness of data collection and analysis	Engage with NAS if desired / requested.	Agreement with NAS must be in place by: 3/31/2019. No deadline for report completion.
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**Section related to traditional or cultural practices:**

Also in response to Council discussion about Section 102(a) of the MFA: Section 102(a) amends section 302(h) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) by adding a new subparagraph (8) that provides regional fishery management councils the explicit authority to develop management measures in managing recreational fisheries (or recreational components of mixed fisheries), including measures such as *traditional or cultural practices of native communities*. Under this provision, NMFS expects that if there is a recreational fishery and the Council wanted to develop a traditional or cultural practice of a native community as a management tool for recommendation to NMFS, then the Council could do so under the explicit legal authority of the MFA, provided the practice complied with the rest of the Magnuson-Stevens Act. However, we do not anticipate that this provision would be used to address tribal fishing under treaties, as that fishing has unique legal status and the provision does not affect treaty fishing rights. We do not expect that this provision would have any effect on the management of West Coast tribal treaty fishing.