

North Pacific Fishery Management Council

Perspectives on Magnuson-Stevens Act Reauthorization

April 2014

- 2006 MSA reauthorization covered broad set of issues – extensive provisions for LAPP development, and powerful set of requirements for ACLs
- Required major FMP amendments to comply, even though largely patterned after 30+ years' practice in North Pacific (and more to come to address uncertainty?)
- Generally, the current MSA provides a successful framework, and major changes are not necessary at this time
- However, modifications and flexibility in some areas may be appropriate, to minimize unnecessary impacts, with some important caveats
- Recent Senate and House hearings, draft Bills, and numerous national conversations (MONF3 and many others), Council engagement...
- Four major focus areas have emerged- ACLs (data poor stocks); stock rebuilding; data collection; competing statutes



Things that are working well

- LAPP provisions

- 2006 reauthorization provided explicit authority to use LAPPs or 'catch shares' as a fisheries management tool.
- Councils need maximum flexibility in program design to tailor programs to the specific fisheries involved.
- In the North Pacific, LAPP or similar 'catch share' programs are in place for most major fisheries – programs differ in design based on specific characteristics of each fishery.
- Automatic sunset dates can be disruptive and counter to the basic premise of LAPP programs.
- LAPPs, or 'catch shares', are an essential tool within the Councils' overall management toolbox.
- Additional LAPP constraints not necessary – existing provisions are already constraining on LAPP development
- Additional requirements (referendums) should be region-specific



Things that are working well

- Annual Catch Limits

- Have been used in the North Pacific for 30 years, and are cornerstone of sustainable fisheries management - necessary to prevent overfishing.
- Some flexibility may be warranted for certain fisheries, particularly data poor stocks (example of octopus in North Pacific)
- Flexibility for mixed-stock fisheries may be warranted (need care in defining targets and non-targets)
- Flexibility also necessary to allow use of various approaches to address uncertainty and necessary buffers.
- Properly constituted SSC is appropriate body to establish maximum ACL; no need for additional peer review in most circumstances.
- Economic considerations important...BUT, don't trade long-term benefits for short-term gains, AND allowing ACLs to be set at OEL is risky and not supported by NPFMC.



Things that could be better

- Rebuilding Plans

- Room for flexibility, greater consideration for economic and community impacts.
- 10 year requirement arbitrary and inappropriate for some situations – T_{min} plus one mean generation is reasonable approach.
- North Pacific example of Pribilof blue king crab where fishing activities were found to have no effect on rebuilding success, yet rebuilding plan mandated.
- Replace term ‘overfished’ with ‘depleted’ (but need measurable metric)
- Flexibility is fine, but...stock conservation must remain primary focus.
- NS 1 guidelines currently in revision – could address several aspects of ACL and rebuilding flexibility - timing???



Things that could be better

- Streamlining Statutes (NEPA/MSA)
 - 2006 reauthorization mandated revision of environmental review process (304(i)).
 - Lengthy process of rulemaking unsuccessful – repealed.
 - NMFS currently developing Policy Directive in response – primarily memorializes ‘status quo’ process.
 - Excessive costs and redundant requirements imposed via current regulatory process.
 - Ample opportunity remains for truly streamlining analysis and review process, without compromising environmental protection intent of NEPA, or reducing public input.
 - Add requirements, such as explicit environmental analysis and reasonable range of Alternatives, directly into MSA



Some Additional Points and General Tenets

- Legislation should allow for management flexibility in achieving conservation objectives – intended outcomes rather than prescriptive measures. But...tradeoff between specificity and lengthy, complex implementing regulations or ‘guidelines’.
- Some requirements should be region-specific. Avoid unintended consequences to other regions (examples – ACLs in 2006; additional LAPP requirements).
- Legislation should avoid unrealistic/expensive analytical mandates/timelines for Councils, SSCs, or NMFS (example – 2011 draft bill). And please no unfunded mandates!
- Additional requirements for video broadcasting/transcripts of Council/SSC meetings offer little marginal benefit – current practice/technology provides ample public access to meetings/records.
- EM requirements should be optional tool with realistic timelines – different needs and different progress across regions . Large mandate for NMFS and Councils could have unintended consequences to current efforts.
- Support proposed discretion to develop ecosystem plans, but overly onerous provisions could curtail development. Recognition of forage fish considerations is well-intended, but care in definition is critical. Same with changes to ‘bycatch’.
- Legislation should avoid constraints that limit the flexibility of Councils and NMFS to respond to changing climates and shifting ecosystems.
- Preservation and enhancement of stock assessments must remain high priority.

