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# ***Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act***

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# Outline of Presentation



- Principal Issues
  - Ecosystems and the MSA
  - National Standard 1 Issues
  - Separation of Science and Allocation
  - Dedicated Access Privileges Programs
  - Council Appointments
  - NEPA and MSA
  - EFH
- Other Issues



# Ecosystems and MSA



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## The Issue:

- Should MSA be amended to be more compatible with EAM?
- What does EAM mean in the context of fisheries management, and how does it differ from how we do business today?
- What is the relationship between fishery management plans and fishery ecosystem plans?
- What role should Councils play in ecosystem management?  
How should they relate to possible ecosystem-level groups?



# Ecosystems and MSA



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## Considerations:

- Complicating the process
- The Councils and NOAA regulatory processes are already overstressed

## Options:

- Ecosystem Plans and FMP's
- Fishery Ecosystem Plans and FMP's
- Stand-alone Fishery Ecosystem Plans
- Status Quo



# National Standard 1 Issues



## The Issue:

- Implementation of certain SFA features has been conceptually problematic, e.g., the rebuilding time frame, including discontinuity; lack of clarity between “stocks” and “fisheries”

## Alternatives:

- Amend the MSA to incorporate a simpler rebuilding standard, e.g., one mean generation time plus 10 years
- MSA should focus more on fishing mortality than on biomass rebuilding



# Separation of Science & Allocation



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## The Issue:

- Should SSC's set TAC levels and leave Councils only to allocate allowable harvest?
- Should SSC's be appointed by the Secretary, meet strict conflict of interest standards, and receive compensation?

## Considerations:

- Is it really possible to separate the amount and the allocation issues?
- Would this politicize the science community?



# Separation of Science & Allocation



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## Alternatives:

- More clearly articulate the relationship and roles of NOAA, the Councils, and the SSC's.
- Require the Councils, if not following SSC advice, to carefully document all of the reasons.
- USCOP Recommendation.
- Clarify the issues in National Standards Guidelines



# Dedicated Access Privilege Programs



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## The Issue:

- The MSA does not comprehensively address the increased use of market-based incentives in fisheries management.
- What types of market-based measures should be in MSA?
- What standards and requirements should apply to these programs?

## Alternatives:

- New IFQ standards
- New standards for IFQs and other DAP programs (community quotas, fishing cooperatives, and area-based quota programs)
- Propose MSA standards for all DAPs and Administrative guidelines for IFQs



# Council Appointments



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## The Issue:

- A common criticism of the Council system is that its voting members are drawn excessively from resource user groups, in particular the fishing industry, and do not include adequate representation of non-users.
- Governors often nominate from only specific sectors -- not broadly based.
- MSA currently only requires equitable balance between commercial and recreational sectors.
- Current MSA language – “fair and balanced apportionment” – is hard to interpret.



# Council Appointments



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## Considerations:

- Mandatory national formulas may not meet needs of each region.
- Nominees may not fit neatly in any group – commercial, recreational, and public interest.

## Alternatives:

- Require Governors to submit broader list of nominees; e.g., a 2-2-2 requirement (USCOP)
- Revise or clarify current Council balance language
- Designate specific seats (number or type) for groups in statute



# NEPA and MSA



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## The Issue:

- Does the need to integrate the requirements of NEPA and MSA inherently lead to an overly lengthy and complex administrative process?
- Do the different time frames for NEPA and MSA reviews contribute to regulatory process difficulties?
- Do NEPA considerations lead to over-analysis and bureaucratic inefficiency?
- Do the Councils and the Secretary need more flexibility than the current process allows? (e.g., so many decisions seem to be “major federal actions” under CEQ regulations)



# NEPA and MSA



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## Alternatives:

- Amend MSA to exempt fishery management actions from NEPA.
- Include revisions to MSA to insure that NEPA concerns are addressed
  - Alternatives analysis
  - Cumulative effects analysis
  - Timelines
- Status Quo



# Essential Fish Habitat



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## The Issue:

- Is the designation or application of essential fish habitat overly broad?
- Does the MSA fail to protect other EFH that may not be related to FMP species?
- Should EFH be considered on a species or FMP basis, or more on a broad ecosystem basis?

## Alternatives:

- Amend MSA to prioritize of habitats of higher concern.
- Allow Secretary to designate additional EFH. (e.g., non-managed or state-managed species)



# Other Issues



- Definitions
  - “Fisheries” and “stocks”
  - MSY and OY
  - “conservation and management”
  - “fish”
  - “protected species”
- Observer Issues
  - Confidentiality of Observer Data
  - Fund new observer programs\
  - Definition of an observer



# Other Issues (cont'd.)



- Data Issues
  - Social and Economic Data
  - Use of Other Agency Data
- Permits and Fees
  - Single SSN/TIN Permit Identifier
  - Fees for permits
  - Cost Recovery Fees
- Aquaculture
- Industry Assistance
  - Fishing Capacity Reduction Program
  - Fisheries Disaster Relief



# Next Steps



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- NOAA Fisheries – State Directors Meeting
  - Council Chairs and Executive Directors Meeting
  - Congressional hearings
  - Continue to work with Hill, partners, and stakeholders