

Science, Service, Stewardship



Magnuson-Stevens Reauthorization Act Implementation

Status Update – Nov 09

**NOAA
FISHERIES
SERVICE**



Annual Catch Limit (ACL) Guidance Summary

- MSRA requirement to *end and prevent overfishing* through the use of “annual catch limits” (ACLs), and “measures to ensure accountability” (accountability measures or AMs).



- Guidelines published in January 2009 revise National Standard 1 guidance relative to optimum yield and overfishing to implement these new provisions.



ACLs: Additional requirements

- May not exceed a Council's Scientific and Statistical Committee's (SSC) recommendation
- Required for all managed fisheries except:
 - Species with annual life cycles, unless subject to overfishing
 - Stocks managed under an international agreement to which the U.S. is party
- Implementation in fishing year:
 - 2010 for fisheries subject to overfishing
 - 2011 for all other fisheries



Annual Catch Limit Implementation Status

- NOAA Fisheries and the Councils are working hard to meet the statutory ACL implementation deadlines for 2010-11
- In some cases, still must consider the 2 statutory exceptions to the ACL requirement (international and 1 year life cycle).
- Based on current information, we are on track to have ACLs implemented for those stocks on time.

Stocks “Subject to Overfishing” (38) – as of September 30, 2009



New England:

1. Cod – Gulf of Maine
2. Cod – Georges Bank
3. Yellowtail flounder – Georges Bank
4. Yellowtail flounder – Southern New England/Middle Atlantic
5. Yellowtail flounder – Cape Cod/Gulf of Maine
6. White Hake
7. Winter Flounder – Georges Bank
8. Winter Flounder – Southern New England/Middle Atlantic

Pacific:

1. **Yellowfin Tuna – Eastern Pacific

Pacific and Western Pacific

1. **Bigeye Tuna – Pacific



Highly Migratory Species:

1. **Blue Marlin – Atlantic
2. **White Marlin – Atlantic
3. **Sailfish – West Atlantic
4. **Albacore – North Atlantic
5. **Bluefin Tuna – West Atlantic
6. Sandbar Shark
7. Dusky Shark
8. Blacknose Shark
9. Shortfin Mako - Atlantic

South Atlantic:

1. Vermilion Snapper
3. Snowy Grouper
5. Red Grouper
7. Gag
9. Speckled Hind

2. Red Snapper
4. Tilefish
6. Black Sea Bass
8. Black Grouper
10. Warsaw Grouper

Gulf of Mexico:

1. Red Snapper
2. Greater Amberjack
3. Gag
4. Gray Triggerfish

Caribbean:

1. Snapper Unit 1
2. Grouper Unit 1
3. Grouper Unit 4
4. Queen Conch
5. *Parrotfishes



U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Sustainable Fisheries

*Indicates non-FSSI stock
**Stock is fished by U.S. and International fleets.
Blue = Also Overfished

NOTE: This map does not include the results of GARM III. Northeast multispecies stock status is based on GARM II (assessed in 2005).



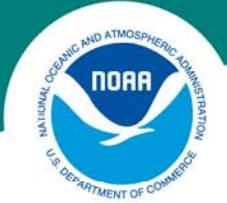
Fishery Disaster Assistance Program Summary

- This final rule would govern the application for and determination of disaster assistance requests under both the MSFCMA and the Interjurisdictional Fisheries Act
- The regulations would establish definitions, characteristics of commercial fishery failures and fishery resource disasters, requirements for initiating a review by NFMS, and the administrative process it will follow in processing disaster assistance requests



Fishery Disaster Assistance Program Status

- Proposed Rule published January 15, 2009
— Accepted comments through April 20, 2009
- Final rule is under review



National Environmental Policy Act Procedures for Fishery Management Actions

Summary --

- The revised and updated procedures are to be the *sole* environmental impact assessment procedure for fishery management actions used by the FMCs or NMFS
 - FMPs, FMP amendments, or other actions taken or approved pursuant to the MSA
- NMFS, in cooperation with CEQ and the FMCs, is to involve the affected public in the development of the revised procedures



National Environmental Policy Act Procedures for Fishery Management Actions

Status --

- Proposed rule published May 14, 2008
- NMFS developed a final rule and submitted it to OMB on October 31
- The rule was withdrawn from OMB review on December 19, 2008
- NMFS is considering the next steps, which may include additional public outreach



National Environmental Policy Act Procedures for Fishery Management Actions

Challenges:

- Recognizing the Councils' role in developing fishery management actions while meeting NMFS responsibilities under NEPA
- Conforming the mandatory timelines for fisheries management actions under the MSA with the timelines for the NEPA process set forth in the CEQ regulations and NMFS implementing procedures
- Designing a process that integrates NEPA's considerations into the Council process and informs the Councils' recommendations, without constraining the statutory process established pursuant to the MSA, and while retaining NMFS's ability to ensure compliance in the early stages of the NEPA process.



Scientific Information Summary

- NMFS proposes to revise National Standard 2 (NS2) guidance in regard to scientific information
- The NS 2 proposed guidelines address the quality of scientific information used to support conservation and management actions, and includes:
 - principles for evaluating best scientific information available
 - minimum peer review requirements
 - role of the SSC with peer reviews
 - Stock Assessment and Fishery Evaluation (SAFE) reports
 - ensure peer reviews are not duplicative or competing in order to avoid confusion or delay



Scientific Information Status

- NS2 proposed rule is under review
- Expect NS2 proposed rule to be published in the FR shortly
- Public comments will be solicited on proposed rule for 90 days
- Role of the SSC in the review of scientific information will be topic at National SSC Workshop

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