

PACIFIC FISHERY MANAGEMENT COUNCIL REPORT ON ISSUES FOR
CONSIDERATION UNDER REAUTHORIZATION OF THE MAGNUSON STEVENS ACT
AND REVISION OF FEDERAL REGULATIONS

At its April 2013 meeting, the Pacific Fishery Management Council (PFMC) received input from a number of its advisory bodies regarding recommendations for the reauthorization of the Magnuson-Stevens Act (MSA) and revision of National Standard Guidelines and other regulations. The following list is a synthesis of recommendations and issues identified during the Council discussion period as matters deserving further consideration by the Council Coordination Committee (CCC) during MSA reauthorization deliberations.

Although not necessarily specific PFMC recommendations, the Council identified the following issues for CCC discussion and consideration:

1. MSA Section 3(34) - “Overfished” and “overfishing” are currently defined to be the same in the Act. The definitions of these terms should be changed to reflect actual practice when applying status determination criteria. “Overfished” is related to population size relative to the Minimum Stock Size Threshold (MSST) and “overfishing” is related to exploitation rate relative to the Maximum Fishing Mortality Threshold.
2. MSA Section 3(34) - The term “overfished” gives the impression that a stock is below the MSST because of excessive fishing. This is often not the case, so the term “overfished” should be replaced by one such as “depleted.”
3. Rebuilding Requirements: Congress added the rebuilding provisions to the law in 1996 with certain policy goals in mind. Feedback from the PFMC’s experience could help Congress’ deliberations on whether those goals are being met. For instance, with petrale sole the rebuilding projections showed the most long-term yield was expected by rebuilding using the standard F_{MSY} harvest rate, which was the slowest rebuilding alternative considered by the Council. This was counter to expectations and the widely held assumption that rebuilding “as short as possible” produces the most yield and economic benefit overall.
 - a. MSA Section 304(e)(4)(A)(i) – The requirement that the rebuilding time will be as short as “possible” should be changed to as short as “practical”. This would allow a more balanced approach between short-term economic consequences and long-term yield, without imposing overly formulaic constraints. For example, if a stock can rebuild in 9.9 years but at a cost of closing all fisheries, this becomes a mandate even if the economic disruption is greatly lessened with an 11-year rebuilding plan.
 - b. National Standard 1: 50 CFR 600.310(j)(3)(i) – The rule that defines the maximum time for overfished stocks to rebuild, T_{MAX} , is discontinuous at 10 years. It should be replaced by a rule that is not discontinuous, such as “ T_{MAX} is the larger of 10 years or the sum of T_{MIN} and one mean generation time.”
 - c. National Standard 1: 50 CFR 600.310(j)(3)(i) – A provision should be added that allows a reconsideration of the need for a rebuilding plan when a new assessment representing the best available science indicates the stock was never overfished. Similarly, a provision should be added recognizing the effects of scientific

uncertainty in the assessment process; for example, a minor reduction in T_{MAX} that is within the limits of expected uncertainty should not necessitate a revision of a rebuilding plan, especially if revision would require an FMP amendment.

4. Annual Catch Limits:
 - a. MSA Section 302(h)(6) – Add language specifying that implementation of catch limits (ACLs) should emphasize attaining optimum Yield (OY), including the socioeconomic objectives of the MSA, and minimizing fishery instability.
 - b. National Standard 1: 50 CFR 600.310(f)(5) - Allowing long term averaging or multi-year ACLs would facilitate more efficient implementation of carry-over provisions in the Pacific Coast Groundfish Fishery Management Plan. This change would have no biological consequence to long-lived species such as most Pacific Coast groundfish.
5. MSA Section 304(i)(1) - The integration of MSA and National Environmental Policy Act (NEPA) that Congress mandated in the last reauthorization of the statute still has not been implemented, and there currently appear to be some redundancies that remain between Council processes under MSA and NEPA. In short, NEPA and the MSA could likely be better integrated—in terms of process and environmental analysis—without reducing the quality of either. In addition, there are strong connections between the environmental questions NEPA raises and the analytical methods being advanced under ecosystem based fisheries management. Recognizing those connections and better integrating NEPA with MSA-focused analysis would support continued progress toward ecosystem based fisheries management.
6. Funding: Any changes to existing MSA mandates should be accompanied by full analysis of what appropriate funding levels need to be to carry out the intention of such mandates. These should include but not be limited to adequate research funding, for NMFS-sponsored as well as cooperative research. In addition, regional fishery management council operations must be funded at appropriate levels to achieve the directives and objectives of the re-authorized MSA.
 - a. MSA Section 318(c) – Another paragraph (6) should be added to consider funding priorities for projects that integrate ecosystem, habitat, and climate change into stock assessments and management decisions.
 - b. MSA Section 318(c) – Another paragraph (7) should be added to consider funding priorities for projects that support collaborative research and management opportunities between stakeholder and NMFS, and among stakeholders.
7. National Standard 1: 50 CFR 600.310(d)(5) - The term “Ecosystem Component” should be defined more clearly.
8. List of Fisheries: 50 CFR 600.747 - Rules for the List of Fisheries have been in place since 1979, and should be updated to be more direct, efficient, and consistent with Council’s goals and objectives.