

## MAGNUSON-STEVENSON REAUTHORIZATION – CCC DISCUSSION

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### GENERAL ACTION ITEMS

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1. Develop and transmit a letter with consensus statements.
2. Develop working paper to address issues in more detail.
3. Form a Legislative Committee to follow these issues.

### WORKING PAPER

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Items to be further explored/developed in working paper:

- Delayed implementation of rebuilding plans
- Ending overfishing
- SSC role in quota setting
- NEPA/Statutory Requirements (WG2)

### ISSUES TO BE FURTHER DEVELOPED BY LEGISLATIVE COMMITTEE

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- Sustainability Certification
- State/Federal/Council Coordination (consider geographically specific recommendations)
- National Standards

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## CCC POSITION LETTER

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### Increased flexibility

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All the Councils agree on the need to consider an alternative term (such as depleted) to reflect conditions that are not the result of fishing activity, but note that there are some specific uses of "depleted" in other statutes; some degree of additional flexibility with respect to stock rebuilding would allow Councils to balance biological imperative to rebuild overfished stocks with need to minimize negative social and economic impacts associated with rebuilding.

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### Stock rebuilding requirements

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Exceptions should be limited in scope and carefully defined. Suggest that MSA codify exceptions; provide guidance regarding applicable circumstances in NS guidelines.

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### Mixed stock exemption

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Current high degree of prescription relative to single species biological reference point/stock rebuilding requirements may be incompatible with ecosystem approaches. However, development of criteria for application of a mixed stock exemption would ideally ensure ecosystem principles are being adhered to.

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### ACL exemptions

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Exemptions for data poor species should be considered.

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### Other related priorities

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- Conflict between holistic, ecosystem-based management approaches and some of the rebuilding requirements currently in the Act (noted under Question 5).
- Allowance for consideration of ecosystem changes and economic needs of communities in determining OY is reasonable, but defining economic needs could be challenging.
- Consideration of alternative definitions of overfishing – MSY-based approaches are difficult to determine for some of the data-poor, mixed-stock complexes in certain areas of the country.
- Delays in the review process beyond those specified in the law can impact conservation efforts, e.g., councils can respond quickly to ACL changes to accommodate stock assessment updates, but delays in review impact ability to implement change.
- From an overall perspective, it appears that some of the regional differences or nuances in the discussions related to Questions 1-7 stem from regional differences in data quality, which are generally related to lack of agency resources to pursue additional data collection efforts.
- Many of the regional differences in perspective appear to stem from different experiences in attempting to comply with the statute. Those regions that have struggled to rebuild overfished stocks and end overfishing while addressing community impacts tend to view the need for changes in the statute as more pressing than those regions that have not faced the same challenges.

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### Electronic Monitoring

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The Act should encourage development, and enable the full utilization of, EM in U.S. fisheries. Due to funding constraints, resource issues, the uniqueness of each fishery, and the rapid evolution of technology, additional national-level regulations to govern the use of electronic monitoring beyond the

current constraints of the Act (e.g. the National Standards) may be counterproductive. Exact details for monitoring programs should be left up to each Council so as to provide maximum flexibility for tailored development and implementation. Ongoing collaborative efforts by NMFS and the Councils on EM should be sufficient to achieve coordination and avoid duplication. Additionally, the Act should not preclude the use of information collected by EM for the purposes of fishery law enforcement, but such measures should be carefully considered in individual fishery management plans as appropriate.

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### **Data Confidentiality**

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Any changes to the act should not limit Councils' abilities to use aggregated fishery-dependent data (landings data, observer data, etc.) for decision-making purposes.

The revised Act should improve the ability of the Councils to use fishery data to evaluate management programs (e.g. NEFMC's current inability to review data from individual groundfish sectors in their annual reports even though the report requirements were adopted in order to provide information on the performance of the sectors). Contractors and grant recipients of either the federal government or Councils that sign data confidentiality agreements should also be able to access confidential data.

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### **Marine Spatial Planning**

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Information is power and without identifying important fishing grounds, practices, etc., the fishing industry has more to lose than they would ever gain by not having fisheries data (subject to confidentiality) available to guide spatial planning efforts. The data could be particularly useful when coupled with habitat classification using remote sensing technologies.

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### **Transparency**

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The Councils support a transparent public process including webcasts and recordings of all Council and SSC meetings. However, budget problems are very real and written transcripts are cost prohibitive. Video recordings of large meetings may not add substantive content as they will not capture presentations and motions, which are the most critical visual aspects of meetings. Streaming video may also degrade the quality of webcast audio. The technology for webcasts is also evolving rapidly, especially in the context of remote meetings near fishing ports as are typically conducted by the Councils. We recommend that Congress require each Council to develop a policy in its Standard Operating Procedures that describes how it makes each type of Council meeting accessible to the public, and that Congress require the use of webcasts "to the extent practicable."

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### **Ecosystem Management**

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NMFS and the Councils are making efforts to move toward ecosystem approaches to fishery management. Most of the emphasis in the current Act is on the requirements to end overfishing and rebuild individual stocks of fish. These can at times constrain efforts to take more holistic approaches. Also, many aspects of single-species stock dynamics are still poorly understood, and additional resources are needed for research in the rapidly-progressing area of ecosystem based fishery management (as well as in how to effectively translate that science into fisheries policy). Section 406 of the Act requires the Secretary to establish an advisory panel to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities. This Panel hasn't been active

since 1999 but should be regularly active. Also, an update of the 2009 Report to Congress "The State of Science to Support an Ecosystem Approach to Regional Fishery Management"<sup>1</sup> would seem appropriate.

As a general comment relative to potential legislation on development of Fishery Ecosystem Plans, the CCC recommends that any such legislation provide general guidance, and not be so prescriptive as to possibly discourage Councils from developing such Ecosystem Plans."

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### **Forage Fish**

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The Act should encourage managers to take into consideration to the extent practicable the role of forage fish for other species when establishing quotas and other management measures. The current language with respect to taking into account ecological factors in Optimum Yield considerations already provides the Councils with authority to address forage concerns, and greater specificity is unlikely to be appropriate given the rapid evolution of ecosystem/forage fisheries science. Several Councils have placed moratoria on the development of new fisheries on forage stocks via a variety of processes, and a new authority in the act for Councils to place moratoria on the development of new fisheries on forage stocks could be useful.

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### **Recreational Fisheries**

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While MRIP has provided some improved statistical methodologies to reduce bias, MRIP is only partially implemented even from a methods point of view and little has been done to increase precision - having greater certainty that an estimate is likely to be significantly off from the real number does little to assist effective management. The deliberate approach of MRIP should avoid missteps but the pace of implementation has been very frustrating to managers and constituents. There has also been a failure to effectively communicate the approach that MRIP has taken and why it will ultimately benefit the public. Since major parts of MRIP have yet to be implemented (especially wide-spread use of license data to determine effort levels), it is difficult to evaluate the success or failure of MRIP. Since recreational fisheries need to be fully accountable with appropriate measures for overages of annual catch limits, effective monitoring of recreational fisheries at the scales important to fishery management is critical for overall success, and has not yet been achieved under MRIP. MRIP may get us there, but it has not done so yet.

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### **Transboundary Stocks**

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Allowances should be made for the Councils to develop annual and in-season quota trading programs. Also, enhancement of enforcement capabilities for international fisheries, including at-sea and in-port monitoring and enforcement would likely be useful. Assistance to developing countries in their enforcement capacity could also have substantial benefits.

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### **Catch Shares**

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Councils should maintain the maximum flexibility possible to develop effective management tools, including catch shares, which meet the needs and goals of each fishery. The referendum requirements may reduce the ability to implement new catch share measures.

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<sup>1</sup> [http://www.nmfs.noaa.gov/msa2007/docs/tm\\_96\\_repto\\_congress\\_final.pdf](http://www.nmfs.noaa.gov/msa2007/docs/tm_96_repto_congress_final.pdf)