

Introduction to the MSA



**Council Member
Orientation**

10/27-10/29

Silver Spring, MD

Objectives are for you to be able to:

- Describe the MSA's fishery management mission
- Summarize the history of the MSA
- Describe the MSA's Unique approach to fishery management
- Recognize the Special Provisions of the MSA including those pertaining to tribal rights, native customs, and Western Pacific indigenous communities

The Fishery Management Mission

“The Congress finds and declares [that]..... A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.”

The Fishery Management Mission



Background and History

- **Pre-1976**

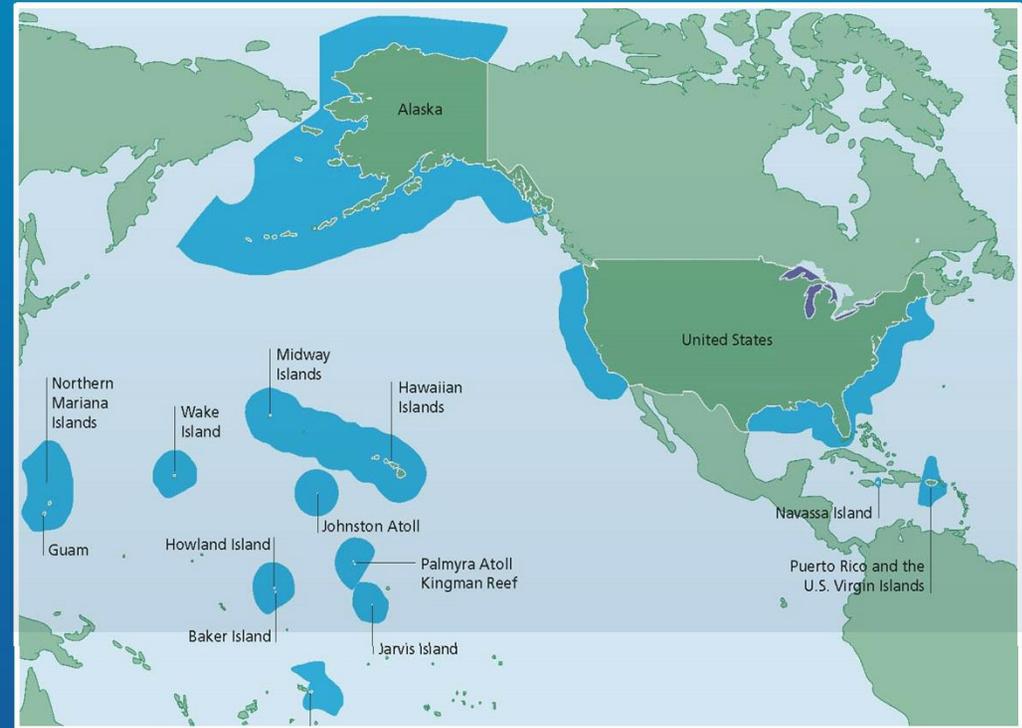
- State management within territorial waters

- Foreign fishing in what is now EEZ



1976: FCMA

- Established FCZ/EEZ
- Set management structure
- User-group self regulation
- Congress sets policy parameters/objectives; Councils design management; NMFS implements
- Policy: Expand domestic capacity and achieve OY (MSY as modified)



Evolving Objectives

- 1996 Sustainable Fisheries Act –
 - Changed “optimum yield” (not exceed MSY)
 - Rebuild overfished stocks **within 10 years**
 - 3 new national standards
 - Essential Fish Habitat
- 2007 Magnuson-Stevens Reauthorization Act: increased accountability and emphasis on science
 - End overfishing **immediately** (and prevent)
 - **Annual Catch Limits** (ACLs) and Accountability Measures
 - Strengthens role of Science (SSCs)
- 37 years after FMCA, councils operating within vastly different policy parameters and mandates



The MSA Approach to Fisheries Management

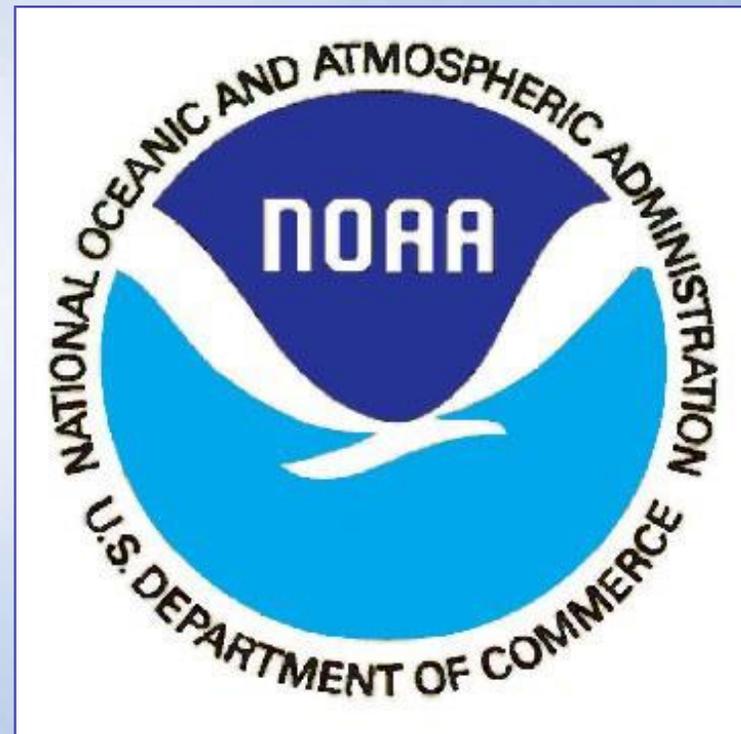
- Federal Jurisdiction
- Councils
- Fishery Management Plans (FMPs)
 - National Standards
 - FMP Components (Mandatory and discretionary)
 - Other Applicable Law
 - Secretarial Review
- Special Provisions

Special Provisions of the MSA

- Secretarial FMPs/amendments
- Ending Overfishing
- Highly Migratory Species (HMS)
- Essential Fish Habitat
- Emergency Actions
- Tribal rights, native customs, indigenous communities

Secretarial FMPs/amendments

- **The Secretary may prepare an FMP if:**
 - A fishery requires management and a Council fails to act
 - The Secretary disapproves a Council submission and Council fails to submit revision
 - Special Secretarial authority (e.g., HMS, overfishing)



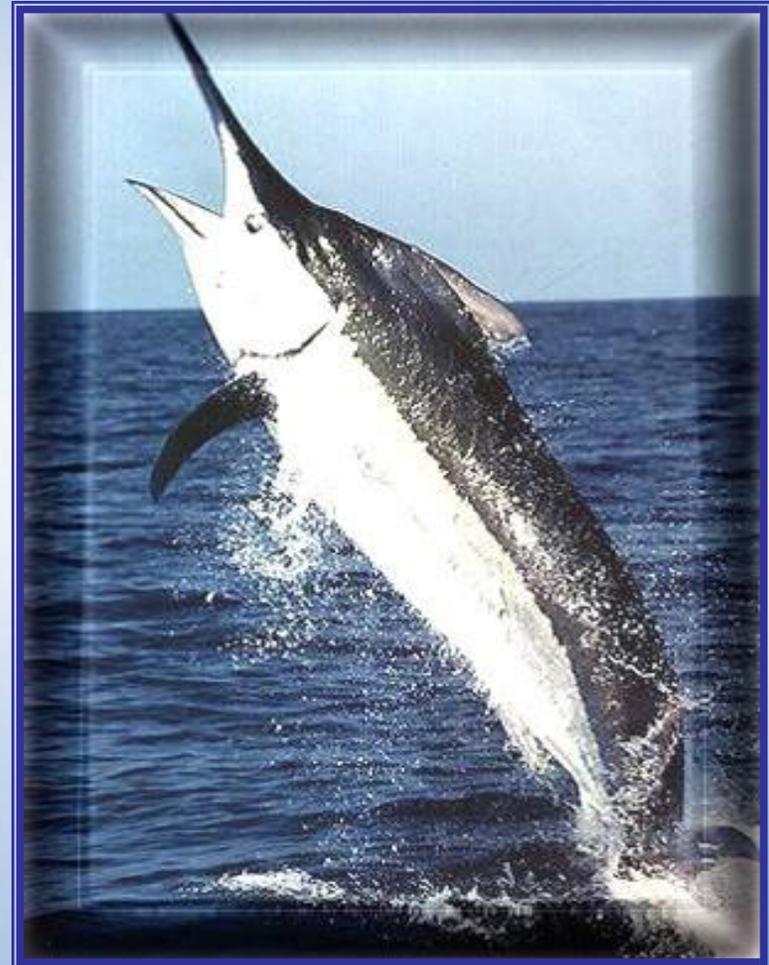
Ending Overfishing

- **Annual Status Report**
- **Detailed timelines**
- **If Council fails to implement within 2 years, Secretary must**
 - **Specifies criteria for Rebuilding plans**
 - **End overfishing immediately**
 - **Rebuild in as short a time as possible**



Highly Migratory Species (HMS)

- **Centralized management for Atlantic HMS**
 - Tuna, marlin, oceanic sharks, sailfishes, and swordfish
- **Primary responsibility rests with Secretary**
- **Consult with Councils**
- **Utilize Advisory Committees**



Essential Fish Habitat



Council Comments

- May comment on agency actions that may affect habitat
- Must make recommendations on actions likely to substantially affect habitat of anadromous fish

CRs/Response:

- NMFS makes conservation recommendation for actions that would adversely affect EFH.
- Action agency must respond within 30 days

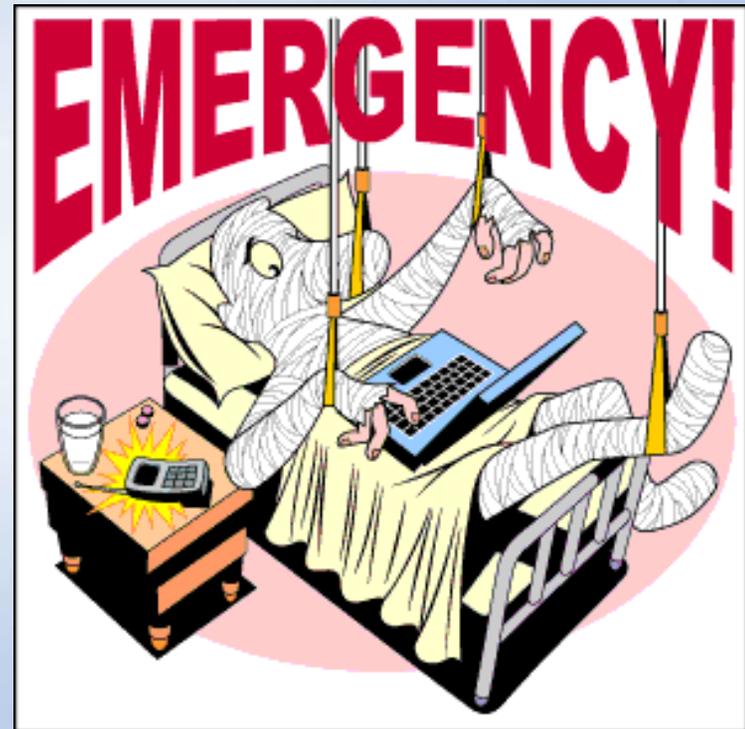
Consultations:

- Action agencies must consult

Emergency Actions

- **Is it an Emergency?**
 - Unforeseen circumstances
 - Serious problems in fishery
 - Benefits outweigh normal public process

- **Is Emergency Procedure justified?**
 - Substantial damage and loss
 - For specific reasons:
 - Ecological
 - Economic
 - Social



Tribal rights, native customs, indigenous communities

- ◆ Pacific Insular Areas
 - Marine Conservation Plans, Western Pacific Sustainable Fisheries Fund
- ◆ Western Pacific Community Development Program and Fishery Demonstration Projects
- ◆ Regional Marine Education and Training
- ◆ Pacific Council and Tribal issues

See Handout

Pacific Council and Tribes

Status

- Over 30 tribes with Federally recognized treaty/tribal fishing rights (Puget Sound, Washington Coast, Columbia River, Oregon, and Idaho).
- Many other Federally recognized tribes (who have lost access to salmonids).

All FMPs involve tribal fishing rights.

Council fisheries managed as part of larger group of fisheries

Council membership provision for treaty tribal member and alternate (302(b)(5)(D))

Recap: the MSA

- ◆ **Our Mission/Competing Objectives**
- ◆ **Evolution towards more holistic approach**
- ◆ **Basic Structure and Goals**
 - ◆ **Councils**
 - ◆ **FMPs: OY National Standards, FMP Components, other applicable law, Secretarial review**
 - ◆ **Special Provisions**