

# 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





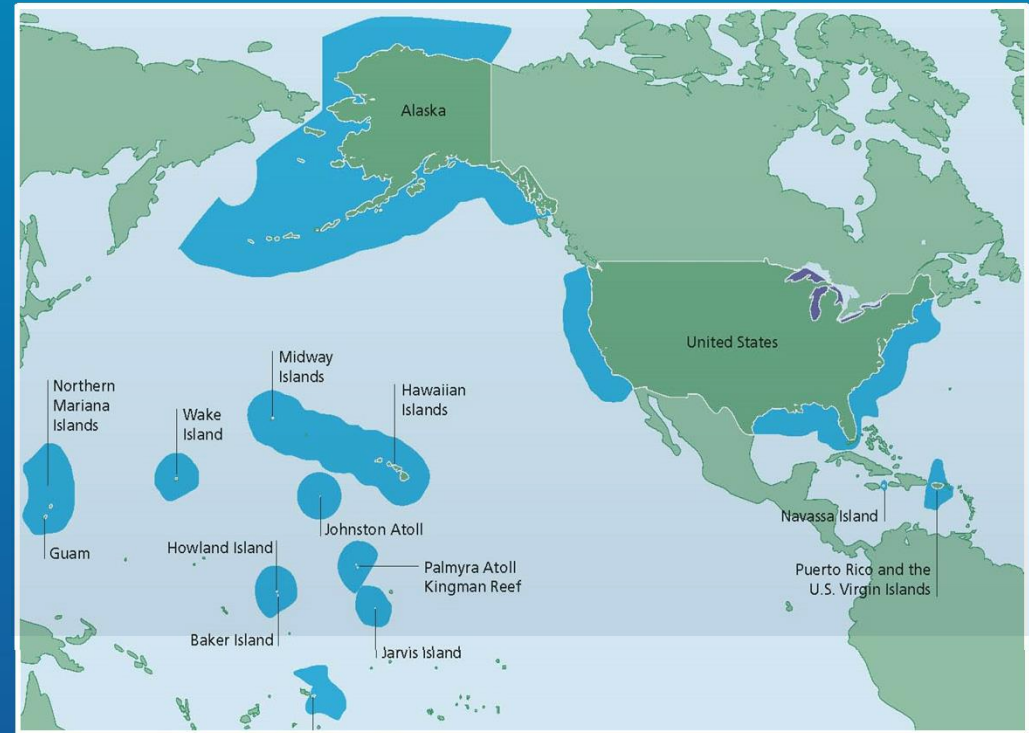
# Background and History

- **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)



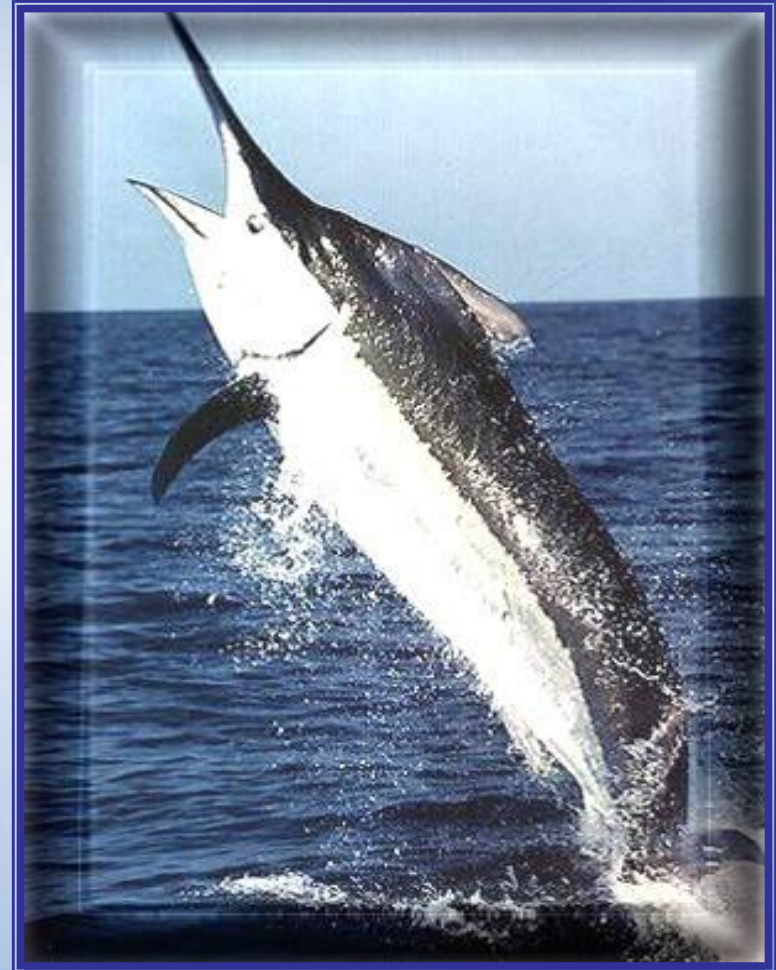
# Ending Overfishing

- 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



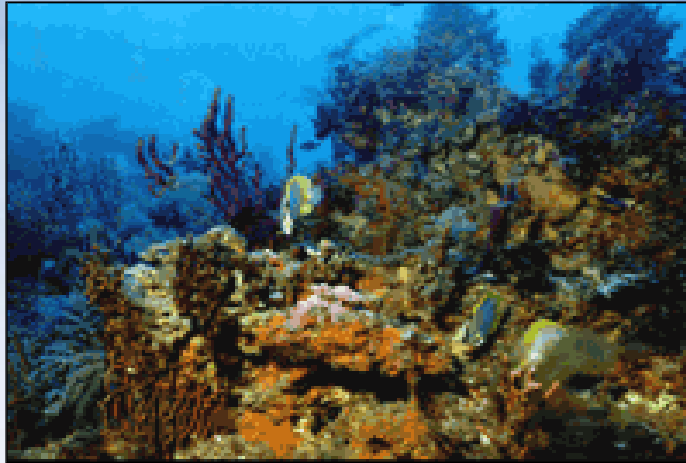
# Highly Migratory Species (HMS)

- **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

## Consultations:

- Action agencies must consult

## CRs/Response:

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



# 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**