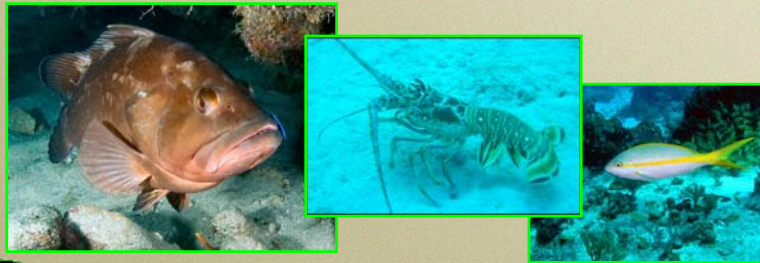


# Marine Fisheries State-Federal Coordination Workshop

What's Driving Federal Fisheries Management

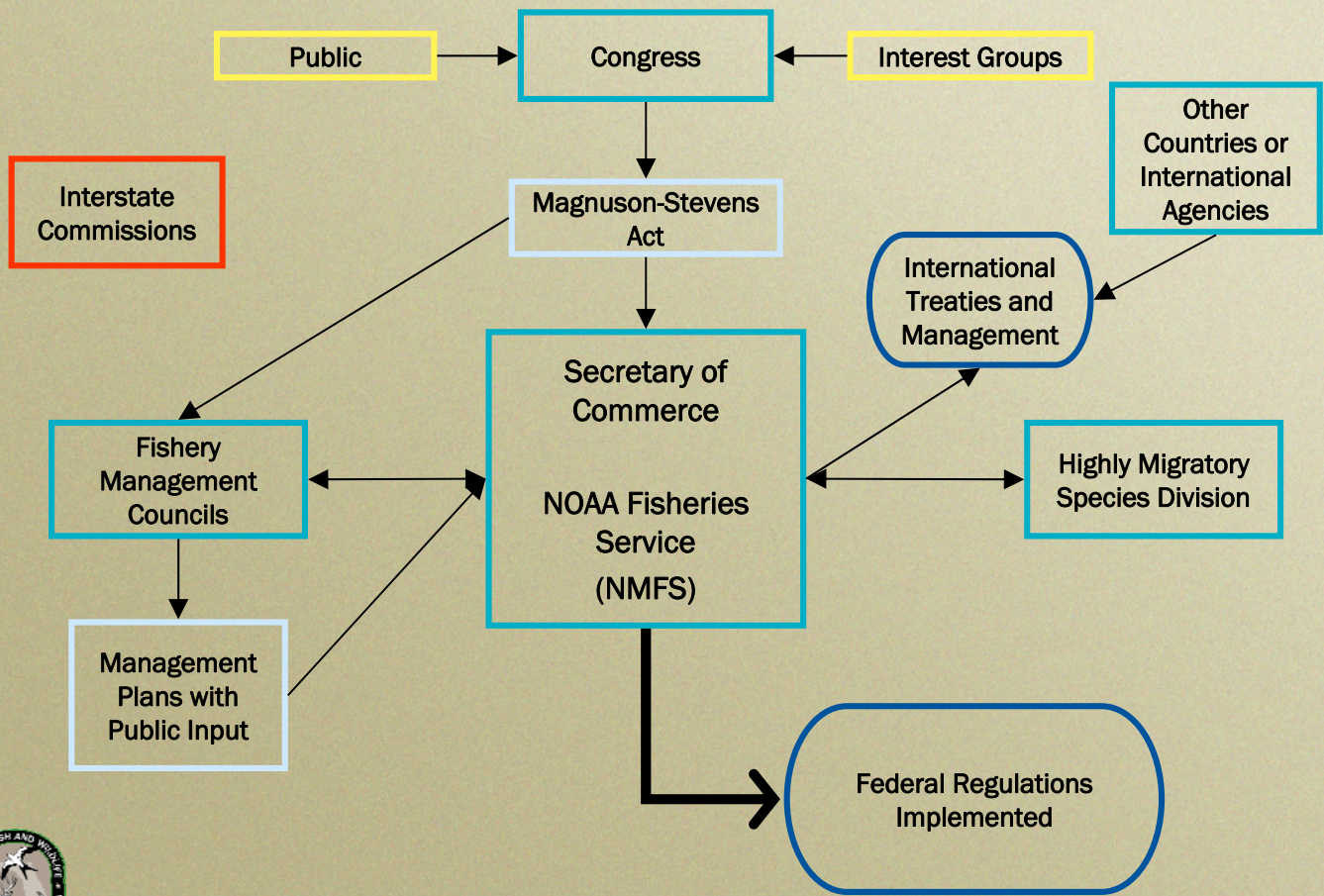


Report date: May 22, 2009

**Florida Fish and Wildlife Conservation Commission**  
Division of Marine Fisheries Management

The purpose of our workshop today is to provide you with an opportunity to learn about and discuss some of the driving forces that are controlling federal fisheries management in waters surrounding Florida, and how the State of Florida interacts with those federal fishery management programs. We will start with a brief overview of the federal law that controls federal fisheries management and the ways that recent changes to this law are affecting much of what is happening in marine fisheries management.

# Overview of the Federal System



Federal fishery management begins with Congress. The Magnuson-Stevens Fishery Conservation and Management Act (Act) gives direction to the Secretary of Commerce who oversees the NOAA Fisheries Service (NMFS). NMFS is the federal agency responsible for passing fishery regulations.

In Florida, two regional fishery management Councils (South Atlantic and Gulf of Mexico) are the primary planning entities that make management recommendations to the Secretary of Commerce. A special division within NMFS is responsible for dealing with highly migratory species that range across international waters.

There are two interstate commissions for coordinating state coastal waters fisheries (Atlantic States and Gulf States). Although they affect Florida fisheries management programs, they are separate from the federal/regional council process and will not be covered today in any detail.

## Magnuson-Stevens Fishery Conservation and Management Act

- Directs conservation and management
- Congressional Mandate—Reauthorization
  - End overfishing
  - Rebuild fisheries
  - Minimize bycatch
  - Improve data collection
  - Sets more specific harvest limits
- National Marine Fisheries Service implements the act



Warren Magnuson



Ted Stevens



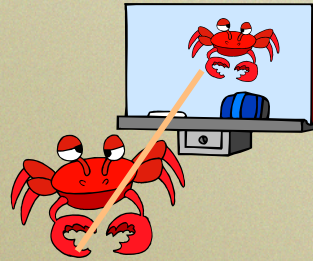
The Magnuson-Stevens Fishery Conservation and Management Act (Act) was passed in 1976. It is the principal law governing marine fisheries in the United States and directs the conservation and management of federal fisheries that we see today. The Act created a 200 nautical mile limit (Exclusive Economic Zone) of U.S. control over waters that were once heavily fished by foreign vessels.

Congress directs U.S. fisheries management and policy by amendments to the Act. The first amendment (reauthorization) occurred in 1996 when Congress incorporated provisions to stop overfishing, rebuild overfished stocks and minimize bycatch. The most recent reauthorization in 2006 included a number of new deadlines and mandates to end overfishing, improve data collection and establish specific harvest limits for all federally managed species.

Ultimately the U.S. Secretary of Commerce, through NMFS, must implement regulations and the supporting programs needed to carry out congressional directives as provided in the Act.

## Magnuson-Stevens Fishery Conservation and Management Act

- What's Driving Recent Activity?
  - Strong political support
  - Time limit to end “overfishing” and rebuild stocks
  - Annual catch limits/accountability measures
    - 2010 for “overfishing” species
    - 2011 for all others
  - Emergency/Interim measures
  - Recreational Harvest Data



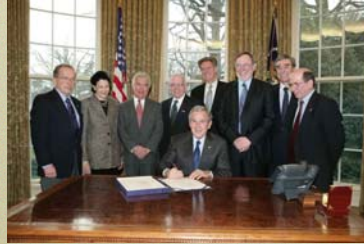
A key to some of the recent activity in federal fisheries management has been the strong political support to accelerate recovery and protection of fish populations that are believed to be in poor condition. The recent reauthorization of the Act includes many provisions to enforce this political will. Notably, strict time limits to end overfishing were upheld along with a short deadline to rebuild “overfished” populations.

A significant new feature of the Act is the requirement to set annual catch limits. They are set as pounds or number of fish and each fishing sector, such as commercial and recreational sectors, is required to stay within their catch limit. This new requirement gives federal managers only until 2010 to set annual catch limits for species undergoing overfishing, and those limits must be set low enough to end overfishing. **All** federally managed species will be required to have catch limits by 2011. Accountability measures are also required by the Act. We have recently seen the impact of accountability requirements on the recreational red snapper fishery in the Gulf of Mexico, where the 2009 federal season is being shortened to compensate for harvest over-runs in 2008.

The Act authorizes the Secretary of Commerce to implement emergency regulations or interim measures to immediately address overfishing in certain situations. Finally, the recently reauthorized act stipulated improvements to the current system for gathering recreational fishing statistics, including a new “federal registration” to facilitate nationwide monitoring of recreational harvest.

## Magnuson-Stevens Fishery Conservation and Management Act

- Other important features
  - Limits foreign fishing
  - Ten National Standards
  - Regional Councils
  - Fishery Management Plans
  - Limited Access Privilege Programs (IFQ)



Several important features of federal fishery management are defined and directed in the Act. Some of the original impetus for federal law was to limit and control foreign fishing in U.S. waters and also to direct U.S. participation in international fishery management programs. For national fisheries, the Act sets forth ten National Standards that guide all management plans and regulations.

The Act set up the system of regional fishery management Councils and directs how they operate. A primary function of the Councils is to incorporate broad public input in the development of fishery management plans and recommendations for regulatory controls. These plans and recommendations are forwarded to the Secretary of Commerce for approval and actual rulemaking.

The Act also establishes the framework for federal limited access privilege programs. We know these more commonly as Individual Fishing Quotas (IFQs).

## How does Florida engage the Federal Management process?

- Regional Councils
  - South Atlantic
  - Gulf of Mexico
  
- National Marine Fisheries Service
  - Southeast Region Office
  - Highly Migratory Species Division



The main point of entry for Florida in the federal fishery management process is through the two regional fishery management Councils. These Councils are made up of representatives from all the member-states. The membership and makeup of the Councils is specified in the Act. In addition to Governor-nominated Council members, the FWC is represented by a permanent voting member on each Council.

We also interact with the National Marine Fisheries Service. The regional administrator of NMFS, Dr. Roy Crabtree, is a voting member of both regional Councils so we interact there and also directly through agency-to-agency communications.

Certain species called “highly migratory” are managed outside of the normal Council-NMFS process. Housed within NMFS, the Highly Migratory Species Division prepares management plans and regulations for species such as sharks, tunas and billfish. In some instances the State of Florida may interact directly with this division of NMFS.

# Questions or Discussion?

UP NEXT: The Regional Councils



Our next presentation will deal more specifically with how the regional fishery management Councils support federal fishery management.

The following slides are considered back up material and are not anticipated to be part of the actual presentation to the Commission



## 10 National Standards of the Magnuson-Stevens Act

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### Conservation and Management measures shall:

- 1) Prevent overfishing while achieving optimum yield
- 2) Be based upon the best scientific information available
- 3) Manage individual stocks as a unit throughout its range, to the extent practicable; interrelated stocks shall be managed as a unit or in close coordination
- 4) Not discriminate between residents of different states; any allocation of privileges must be fair and equitable
- 5) Where practicable, promote efficiency, except that no such measure shall have economic allocation as its sole purpose



MSA sets out 10 national standards to which fishery management plans (FMPs) and fishery regulations must conform. They require consideration of social, economic, biological and environmental factors associated with fisheries. Any fishery management plan prepared, and any regulation promulgated to implement a plan, must be consistent with these national standards. Under current federal laws, they would also apply to any management plan for federal waters that was implemented by a state. The standards are:

*(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.*

*(2) Conservation and management measures shall be based upon the best scientific information available.*

*(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.*

*(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*

*(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.*

## 10 National Standards (cont.)

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### Conservation and Management measures shall:

- 6) Take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches
- 7) Minimize costs and avoid duplications, where practicable
- 8) Take into account the importance of fishery resources to fishing communities to provide for the sustained participation of, and minimize adverse impacts to, such communities
- 9) Minimize bycatch or mortality from bycatch
- 10) Promote safety at sea



*(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.*

*(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.*

*(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.*

*(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.*

*(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.*