

THE
PEW
CHARITABLE TRUSTS

U.S. Model Regional Ocean Fisheries Management

September 29, 2009



Fishery Conservation and Management Act of 1976

- Originally Designed to “Americanize” U.S. Ocean Fisheries
 - Declared an Exclusive Fishery Management Zone
Generally 3 – 200 miles offshore
 - Gave Fishermen Unique Role in New System
 - Established Programs to Promote the U.S. Fishing Industry
- Created 8 Regional Fisheries Management Councils

Overarching Legal Framework

- Ten National Standards
 - No Overfishing, Management Based on Best Science Available
 - Promote Safety, Minimize Costs, Consider Economic Impacts
- Fifteen Required Provisions of Fishery Management Plans
 - Management Measures Necessary to Prevent Overfishing and Rebuild Depleted Fish Populations
 - Describe and Protect, to the Extent Practicable, Essential Fish Habitat
 - Include a Statement Evaluating the Economic Impacts, Including Cumulative Impacts, of Management Measures

The Eight Regional Fishery Management Councils





Regional Council Membership

- Legal Requirements for Council Operations
 - States Represented on Each Council by Fish & Wildlife Agencies
 - Balanced Representation Between Recreational and Commercial Fishermen
 - Weak Restrictions on Participation by Individuals with Financial Interests
 - Only One Federal Agency can Vote Others are Advisors



Limited Federal Government Role In Decision-Making

- Federal Government (National Marine Fisheries Service)
 - One Vote on a Council Decision
 - Can Approve, Partially Approve, or Disapprove Council Plans or Amendments
 - Under Limited Circumstances Can Write a Plan or Amendment
- Councils are “Advisory” but Decisions Rarely Overruled
- Council Members Have Political Power
- Congressional Intervention Common



National Marine Fisheries Service:

- Conducts Fish Population Surveys
- Measures Catch and Bycatch
- Conducts Stock Assessments to Determine Population Status
- Analyzes Economic Impacts of Management
- Determines Compliance with Federal Laws
- Approves, Partially Approves, or Disapproves Management Plans and Amendments to Plans
- Promulgates Regulations to Implement Management Plans and Amendments to Plans



Fishery Management Councils:

- Determine Which Fish Require Conservation and Management
- Prepare Fishery Management Plans and Amendments
- Establish Committees to Provide Advice from Scientists, Fishing Industry and Other Stakeholders
- Solicit Public Comment on Management Measures before the Council



How Did The System Work?

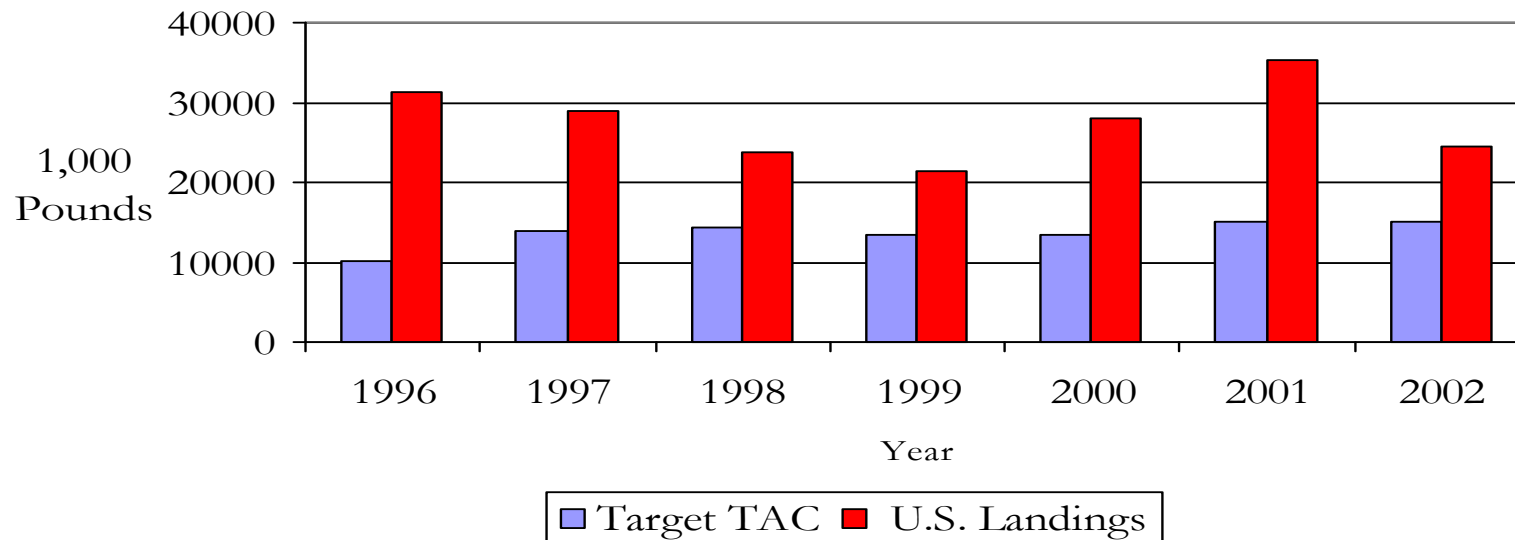
- Too well
 - By Late 1980s no Foreign Fishing in U.S. EEZ
 - U.S. Capacity to Catch Fish Far Exceeded Fish Population Sizes in Many Areas
- We had Replaced Foreign Overfishing with U.S. Overfishing

First Attempt to Reform the System

- Sustainable Fisheries Act of 1996 Attempted to Change the Focus of the Law from Promoting Fishing to Conserving Fish
 - Catch Levels Can't be Set Above Sustainable Levels for Economic Reasons
 - Depleted Fish Populations must be Rebuilt
 - Bycatch Must be Minimized, to the Extent Practicable
 - Essential Fish Habitat Must be Identified and Protected, to the Extent Practicable

Overfishing Continues

Target Catch vs. Landings Gulf of Maine and Georges Bank Cod 1996-2002

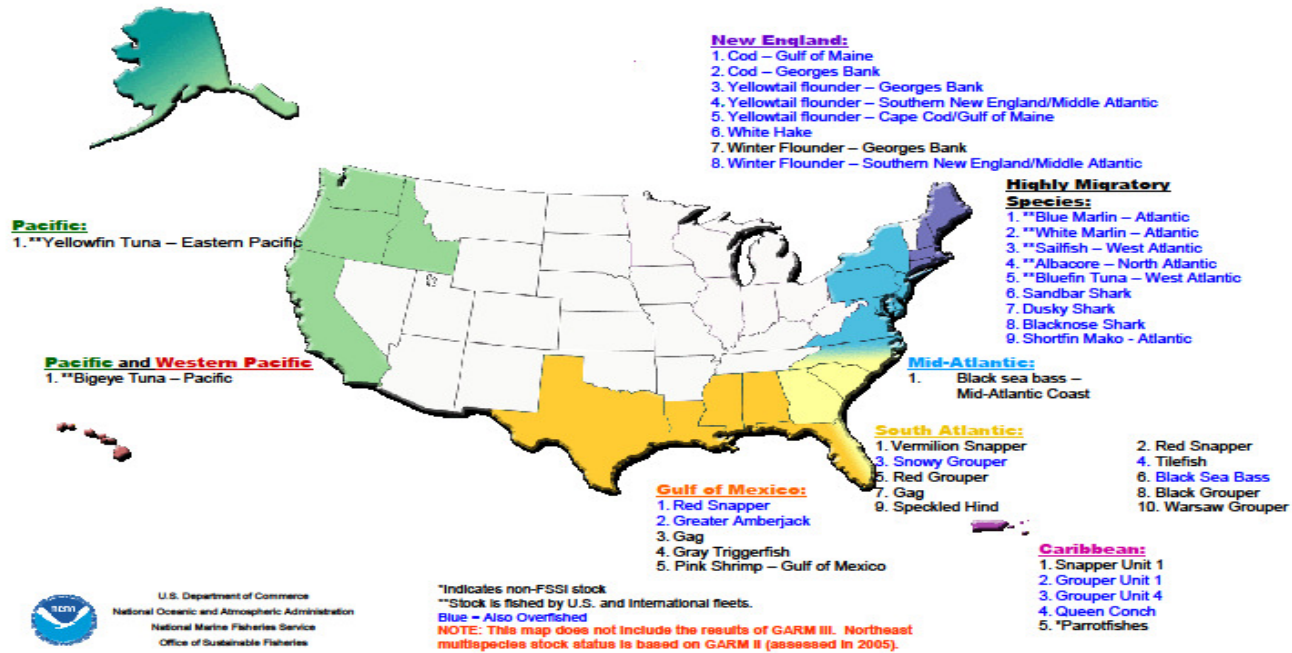


Second Attempt to Reform the System

- Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2007
 - Councils Required to Set Annual Catch Limits at Levels That:
 - Do not Allow Overfishing
 - Allow Depleted Fish Populations to be Rebuilt
 - Do Not Exceed the Recommendations of the Council's Scientific Advisors
 - Councils must Establish Accountability Measures if Catch Limits Are Exceeded
 - Mandatory Scientific and Legal Training for Council Members

The Challenge Ahead

Stocks "Subject to Overfishing" (40) – as of CY 2nd quarter 2009



What Works?

- Decision-making is Democratic and Transparent
- Debate and Decisions are Informed by Local Fishing Expertise
- Members of the Public can Participate if they Dedicate the Time
- Regional Framework Allows System to Better Adapt to Local Conditions



How Could the System be Improved?

- Create a Clear Conservation Mandate
- Establish Distinct Responsibilities Between Councils and NMFS
- Authorize NMFS to Rewrite Deficient Plans or Amendments
- Science Must Drive Management
- More Timely Data to Allow In-season Management
- Legally Establish Seats for the Public on the Councils