



Advisory Group Review of Potential MSA Changes
Report to the 187th Council Meeting

Non-Commercial Fisheries Advisory Committee

- NCFAC members asked about the definition of Subsistence and what that means relative to the Council's definition of Customary Exchange. Members were concerned that "customary and traditional" is undefined and whether that means indigenous only. The NCFAC wanted to ensure that customary and traditional would be to the area rather and that it was important to delineate that it is not limited to indigenous.
- The NCFAC was also concerned with the Huffman bill's provisions on nominating Council members and requiring additional efforts by the Governor in the process. The concern was that the Governor of Hawaii has disappointed the fishing community in the current nomination process and wanted to see if there was any wording that could be added to make sure that fishermen are represented on the Council.

American Samoa Advisory Panel

- The AS AP was concerned with the Sustainable Fisheries Fund (SFF) changes. The fisheries have received a lot of assistance through the SFF and having the Council in charge allowed for the AP to have input and a transparent process for how the projects are implemented. They noted that a change to an advisory group made up of government employees would not allow for transparency or input from the AP and would instead be controlled by political bureaucrats.

Hawaii Advisory Panel

- The Hawaii AP was concerned that there are still prohibitions on exporting billfish from the region to domestic markets when the stocks are considered healthy.
- The Hawaii AP also wanted to see the Council's Customary Exchange definition included in the definition of subsistence fishing under any MSA reauthorization and that any changes to MSA are also reflected on international fishing that is having a larger impact on fisheries in the Pacific than domestic US fisheries.

Guam Advisory Panel

- The Guam AP noted that Guam and the other territories are considered data poor. Previous MSA legislation required Annual Catch Limits which are derived from stock assessments that use incomplete/bad data. The result is that Guam's bottomfish is now considered overfished and ridiculously low ACLs were placed on the fishery because of the MSA mandate that did not take into account Guam's situation. The same thing happened in American Samoa. The territories do not have much say in Congress or in the legislation that comes through. They said that Guam and the territories get the short end of the stick, mandated to do things like ACLs when the fisheries and data collection systems are not set up to properly implement it. The AP agreed that an increase in mandates would have a bigger impact on the data poor territorial fisheries.

CNMI Advisory Panel

- The AP wondered what the advantages and disadvantages might be for the Council staff to become Federal Employees. They agreed that it might change that ability for the Council to work with the community, but it is unclear what federalizing Council staff actually means.
- AP members discussed the Sustainable Fisheries Fund provision and how it would affect the Marine Conservation Plan. They also discussed how changing the oversight of SFF away from the Council and to political appointees that don't have an interest in managing the resources would have an effect in the success of SFF projects. They noted that the current system is working as the AP and the fishing community has an opportunity to provide comments and review what is going on with the SFF. They suggested that the SFF continue under the Council oversight to allow fishing community input as the existing Council process allows for that to occur.

Fishing Industry Advisory Committee

- The costs that will be incurred to implement many of the new sections requiring research, reviews, and outreach that accompany public review will be enormous. In turn, implementation of these regulations by the NMFS and the Council will also have a large cost.
- The FIAC notes opposes removing the Council from the Sustainable Fisheries Fund, converting Council staff status to Federal employees and prohibiting the Council from advising the Administration on what works and what doesn't work in completing the mission of the MSA.