

MSRA Implementation: by Status Update (49 items) - As of October 4, 2012

Issue	MSRA Citation	Output	Status	Additional Information
Access to Certain Information (1 item)				
Revises provisions specifying access to confidential information.	203	Other	2-In Progress	<p>The National Marine Fisheries Service (NMFS) proposes revisions to existing regulations governing the confidentiality of information submitted in compliance with any requirement or regulation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The purposes of these revisions are to make both substantive and non-substantive changes necessary to comply with the MSA as amended by the 2006 Magnuson-Stevens Fishery Conservation and Management Reauthorization Act and the 1996 Sustainable Fisheries Act. In addition, revisions are necessary to address some significant issues that concern NMFS' application of the MSA confidentiality provision to requests for information. Written comments on the MSA Confidentiality of Information proposed rule must be received on or before August 21, 2012.</p> <p>Propose rule can be found here: http://www.nmfs.noaa.gov/msa2007/2012_FR12513_ConfidentialityRule.pdf</p> <p>Comment period extended through October 21, 2012: See: http://www.gpo.gov/fdsys/pkg/FR-2012-07-26/pdf/2012-18295.pdf</p>
CDQ Bycatch limitations (1 item)				
Revises bycatch limitations	116(a)	Regulatory Change	6-Completed	<p>Final rules implementing Amendments 80 (72 FR 52668) and 85 (72 FR 50788) to the FMP for BSAI Groundfish issued to increase CDQ allocations for species supporting directed fisheries. The CDQ Panel made its allocation decision for 2008 fisheries in early October and provided it to NMFS.</p> <p>CDQ allocations represent ongoing activities for the agency. Each year, the CDQ Panel will make its allocation decision under this section of the MSRA and provide it to NMFS. However, no further action relative to this task is required at this time. Should the CDQ Panel not reach consensus, NMFS would issue rules defining the process by which it would make the allocations as provided for in the revised Magnuson-Stevens Act.</p>
Community-Based Habitat Restoration Program (1 item)				
Requires Sec. of Commerce to establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.	117	Program	6-Completed	<p>On September 26, 2008, NMFS published updated guidelines for the Community-Based Restoration Program (73 FR 55816). These guidelines can be found at: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html</p> <p>A description of NOAA's Community-Based Restoration Program can be found at: http://www.nmfs.noaa.gov/habitat/restoration/projects_programs/crp/index.html</p> <p>NOAA published an Omnibus Federal Register Notice on July 2, 2007 to announce the availability of FY2008 competitive federal grant funds (http://www.nmfs.noaa.gov/habitat/restoration/funding_opportunities/funding_nation</p>

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wide.htm) . Through NOAA's Community-based Restoration Program, funds are provided to implement individual, grass-roots restoration projects to restore fish habitat. Deadline for applications closed September 27, 2007.				
Cooperative Research and Management Program (1 item)				
Requires Sec., in consultation with the Councils, to establish a regional cooperative research and management program. Funds would be provided on a competitive basis and based on regional fishery management needs. Under cooperative research and management program, priority is given to projects that: - collect data to improve, supplement, or enhance stock assessments; - assess the amount and type of bycatch or post-release mortality; - use conservation engineering designed to reduce bycatch; - identify HAPCs and habitat conservation methods; and collect and compile economic and social data.	204	Program	6-Completed	
Council Coordination Committee (1 item)				
Authorizes the Councils to establish a Council coordination committee consisting of chairs, vice chairs, and executive directors to discuss issues of relevance to all Councils.	103(g)	Other	6-Completed	The Councils have established the CCC via motions passed at recent meetings. Information on these motions is available from the Councils.
Council SOPPs Revisions (1 item)				
1. Requires that conflict of interest disclosures be made available on the internet, as well as at the Council offices	103(a),(b),(e),(f),(i),(j)	Revise Council SOPPs	6-Completed	On March 27, 2009, NMFS issued a proposed rule addressing the operations and administration of regional fishery management councils (74 FR 13386). Comments on the rule were accepted through November 2, 2009.
2. Authorizes the tribal representative on the Pacific Council to designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the				On December 7, 2009, NMFS proposed changes to the regulations that address the operations and administration of Regional Fishery Management Councils (74 FR 64042). The regulatory changes would clarify which Council documents should be available to the public, Council member nomination procedures, and financial disclosure requirements for Council members, and revise the security assurance procedures for nominees to and members of the Councils. Written comments will be accepted through 5 p.m. e.d.t. on January 6, 2010.

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geographical area concerned.				On September 27, 2010, 75 FR 59143, NMFS issued a final rule on this action.
<p>3. Within the list of Gulf Council nominees that is submitted to the Sec. [through FY 2012], requires Governors to include at least one nominee each from the commercial, recreational, and charter fishing sectors, and one other nominee who is knowledgeable on fisheries conservation and management. If Governor's list does not meet requirements, requires the Sec. to publish a notice in the Federal Register asking State residents to submit names and biographical information of nominees that meet unmet requirement. Further stipulates that an individual who owns or operates a fish farm outside of the United States from may not be a representative of the commercial or recreational fishing sector.</p>				<p>The proposed rule, the extension of the proposed rule's comment period, the supplemental proposed rule, and the final rule can all be viewed here: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html</p>
<p>4. Modify notice requirements for regular and emergency Council meeting, and for closed Council meetings.</p>				
<p>5. Require that each council establish, maintain, and appoint the members of a SSC to assist in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to [an FMP]. Requires each SSC provide ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch and MSY; and</p>				

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<p>reports on stock status and health, bycatch, habitat status, socioeconomic impacts of management measures, and sustainability of fishing practices. Requires SSC members be Federal employees, State employees, academicians, or independent experts with strong scientific or technical credentials and experience.</p> <p>6. SSCs are required to hold meetings in conjunction with Council meetings, to the extent practicable.</p>				
Data Collection (1 item)				
<p>Authorizes collection of proprietary and economic info, i.e., strikes restriction on info that would disclose proprietary or confidential commercial or financial info. Authorizes Secretary to implement an information collection or observer program to obtain additional info for fisheries management.</p>	202	Other	7-No action needed	<p>If the Secretary determines that information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.</p>
Deep Sea Coral Research/Management (1 item)				
<p>1. Requires the Sec., in consultation with appropriate Councils and in coordination with other Federal agencies and educational institutions, to establish a Deep Sea Coral Research and Technology Program and submit information to the appropriate Councils</p> <p>2. Authorizes designation of zones in areas where deep sea corals are identified under section 408 (i.e., the new Deep Sea Coral Research and Technology Program), to protect deep sea corals from physical</p>	105 and 211	Program	6-Completed	<p>The President's Ocean Action Plan has identified a priority for efforts to survey, research, and protect deep sea coral communities. NOAA is committed to working with partners to improve the conservation of these important ecosystems. On December 10, 2007, NOAA published "The State of Deep Coral Ecosystems of the United States", called for in the President's Ocean Action Plan. This peer-reviewed report, prepared by NOAA's Coral Reef Conservation Program, provides the first comprehensive national assessment of these unique and vulnerable ecosystems and provides a baseline for future research and management efforts under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. The report can be found at: http://www.nmfs.noaa.gov/habitat/dce.html.</p> <p>In February 2010, NOAA released the second report to Congress on the Implementation of the Deep Sea Coral Research and Technology Program, called for in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA). Prepared under the auspices of NOAA's Coral Reef</p>

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<p>damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals. FMPs may take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures. FMPs may include measures to conserve target and non-target species and habitats, considering the ecological factors affecting fishery populations.</p>				<p>Conservation Program and in consultation with the Nation's eight Regional Fishery Management Councils, the report provides information on steps taken by NOAA and its partners to identify, monitor, and protect deep sea coral areas. Sections provide a brief discussion of current knowledge and knowledge gaps about deep sea corals, NOAA's expertise and authorities to conserve deep sea coral communities, and summaries of management actions taken by NOAA, the Fishery Management Councils, other federal agencies, and international organizations in 2008-2009. The report highlights accomplishments with the program's first year of dedicated funding including initiation of a 3-year mapping and research effort in the Southeast United States, initial development of a national capability to manage data and information, and support for several smaller scale projects to analyze existing information that can inform management of U.S. deep-sea coral ecosystems. Copies of the report can be downloaded at the NOAA Fisheries website: http://www.nmfs.noaa.gov/msa2007/deepseacorals.html</p>
Economic impacts (1 item)				
<p>Requires that any rebuilding plans that reduce the overall harvest take into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector.</p>	104(a)	Undetermined	6-Completed	<p>Implementation of the economic impact requirements, as a task, will be tracked under activities conducted under the Fishery Impact Statement/Required Provisions task.</p>
<p>Revises National Standard 8 by inserting "by utilizing economic and social data that meets the requirements of paragraph (2)" after "fishing communities".</p>				
Emergency regulations (1 item)				
<p>Extends the second emergency period from 180 days to 186 days.</p>	108	Other	6-Completed	<p>Agency guidance has been updated to reflect this change.</p>
Findings with IUU Fishing (1 item)				
<p>Adds a finding that international cooperation is necessary to address illegal, unreported, and unregulated (IUU) fishing.</p>	402	Other	7-No action needed	<p>This language is self-implementing. No further action is required to comply with this provision of the MSRA.</p>
Fisheries Conservation and Management Fund (1 item)				
<p>Require Sec. to establish and maintain a Fishery Conservation and Management Fund. Monies in the Fund must be used for: - improving harvest data collection; - cooperative fishery research &</p>	208	Other	6-Completed	<p>Special fund was created 2/20/09. Treasury symbol is 13X5550, Fisheries Conservation and Management Fund</p>

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<p>analysis; - development of technologies to improve seafood quality; - analysis of the benefits & risks of seafood consumption; - marketing of sustainable U.S. fishery products; - improving data collection under the MRFSS; & - providing financial assistance to fishermen for the modification of fishing practices and gear to meet MSA requirements. Authorizes deposits generated through quota set-asides, appropriations, and funds from States, private/public entities, or non-profit organizations. Requires the Sec. to apportion monies in the Fund every 2 years (without appropriation or fiscal year limitation) among the 8 Council regions, based on regional priorities identified through the Council process, except no region can receive less than 5 percent of the Fund in each allocation period. Monies from the fund may not be used to defray the costs of complying with MSA requirements.</p>				
Fisheries Hurricane Assistance Program (1 item)				
<p>Requires Sec. to establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry. Appropriated funds must be allocated among the Gulf states in proportion to the percentage of the fishery landed by each state. (Funds allocated to Florida must be based exclusively on the proportion of catch landed by the Florida Gulf Coast fishery.) Of the funds made available to each state, 2% must be distributed to fishermen with a demonstrated</p>	115	Other	6-Completed	Appropriations sent to Gulf States in September 2007.

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<p>record of compliance with turtle excluder and bycatch reduction regulations. The rest of the funds must provide for personal and small business assistance, domestic product marketing and seafood promotion, state seafood testing programs, development of limited entry programs, assistance or incentives for use of turtle excluder and bycatch reduction devices, and voluntary capacity reduction programs for shrimp fisheries under limited access programs.</p>				
Fishery Impact Statement/Required Provisions (1 item)				
<p>Encompasses a variety of revisions to MSA with respect to economic and social impacts, particularly as the address the requirements of each FMP and what it must include in its fishery impact statement. Includes discussion of likely effects of management on safety of human life at sea.</p>	<p>101(a), 101(b), 104(a),</p>	<p>Other</p>	<p>7-No action needed</p>	<p>The economic, social, cumulative impact analysis and safety-at-sea provisions have been combined into a single task because of the similarity of data and analysis required under the MSRA.</p> <p>NMFS reviewed the provisions against existing guidance and determined that no substantive changes were needed to comply with this provision.</p>
Fishing Capacity Reduction (1 item)				
<p>Authorizes Sec. to pay the owner of a fishing vessel under a fishing capacity reduction program if such vessel is scrapped or subject to title restrictions, all permits are surrendered, and all claims associated with present and future limited access system permits are relinquished.</p> <p>Prohibits Sec. from making a payment under a fishing capacity reduction program, with respect to a vessel that will not be scrapped, unless the Sec. certifies that the vessel will not be used for any fishing, including fishing in the waters of a foreign nation and</p>	<p>112(a)</p>	<p>Guidelines</p>	<p>6-Completed</p>	<p>On June 14, 2020, NMFS proposed amendments to the framework regulations specifying procedures for implementing fishing capacity reduction programs (75 FR 33570). Comments were accepted through July 29, 2010.</p> <p>See the rule here: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html</p>

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<p>fishing on the high seas. Strikes subsection (e) under 312 and inserts new implementation plan, including framework regulations, program regulations, harvester proponent's implementation plan, participation contracts, reduction auctions, and bid invitations.</p>				
Guidance to U.S. Commissioners to International Fishery Management Efforts (1 item)				
<p>1. Amends HSDMPA to: Requires the Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, to take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. Actions include—(a) urging specified action by international fishery management organizations to which the United States is a member—(b) urging action by international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market related measures to combat illegal, unreported, or unregulated fishing —(c) urging action by other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources</p>	<p>4(2), 401,402,403 ,407</p>	<p>Policy statement</p>	<p>6-Completed</p>	<p>The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, P.L. 109-479 (MSRA) contains a number calls for action relevant to U.S. delegations to international fisheries meetings. Many of the actions called for are initiatives that the United States is already undertaking. A policy document has been prepared compiling these calls for action for the information and use of heads of U.S. delegations to relevant international fisheries meetings.</p>

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<p>harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.</p> <p>2. Requires that (a) in managing any fisheries under an international fisheries agreement to which the US is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the US on fishing vessels of the US; (b) MSA provisions be communicated and promoted when the United States participates in an RFMO that does not have a process for developing formal plans to rebuild.</p> <p>3. When establishing catch allocations under international fisheries agreements, the Sec., in consultation with the head of the Coast Guard and the Sec. of State, is required to ensure that all catch history (associated with a U.S. vessel) remains with the United States in that fishery, and is not transferred or credited to any other nation or vessel of such nation.</p> <p>4. Authorizes the Sec. to undertake specified activities to promote improved monitoring and compliance for high seas fisheries or fisheries governed by international fishery management agreements.</p> <p>5. Reiterates Finding with IUU Fishing (MSA Section 2(12)) that</p>				

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international cooperation is necessary to address illegal unreported, and unregulated fishing.				
Habitat Restoration due to Hurricane Effects on Shrimp and Oyster Fisheries and Habitats (1 item)				
The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.	213	Other	6-Completed	Congress provided \$128 million in federal funds to be distributed to the 5 Gulf of Mexico states affected by the 2005 hurricane season. The funds were provided to the Gulf States Marine Fishery Commission in August 2006 via a one-time NOAA grant to be distributed to the states. The states received varying amounts of funding based on the severity of the impacts to their shrimp and oyster habitats. Some of the funds (\$1.2M) will be used to administer and coordinate the funds, and monitor the activities in each state.
Herring Study (1 item)				
Authorizes Sec. to conduct a cooperative research program to study distribution, abundance, and the role of herring as forage fish in the Northwest Atlantic. Sec. would be required to engage multiple fisheries sectors and stakeholder groups in planning, designing, and implementation of program. Final results must be presented within 3 months of study's completion and an interim report must be provided at the end of FY 2008. Authorizes \$2,000,000 for study during FY 2007-FY 2009.	205	Study	4-Funding Currently Unavailable	Funding is currently unavailable for this study.
Hurricane Grants (1 item)				
Subject to the availability of appropriations, requires Sec. to provide assistance and loan forgiveness to eligible holders of fishery finance program loans for expenditures within the declared fisheries disaster area as a result of Hurricane Katrina or Hurricane Rita. For FY 2006-FY 2012, \$15,000,000 is authorized to be appropriated to the Sec. for each eligible holder.	114	Guidelines	4-Funding Currently Unavailable	
Impact of Turtle Excluder Devices on Shrimping (1 item)				
Requires the Undersecretary of Commerce to execute an agreement	212	Study	4-Funding Currently	Currently funding is not available for this study. However, NMFS is conducting background assessments of the available information and research to determine to

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<p>with the National Academy of Sciences to jointly conduct a multi-year, comprehensive study to measure utilization of turtle excluder devices (TEDs), analyze the impacts on sea turtle mortality, and evaluate innovative technologies to increase shrimp retention in TEDs while ensuring sea turtle protection. When conducting this study, the Undersecretary must ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary. Requires the National Academy of Sciences to submit biannual reports to Congress with a summary of preliminary findings and conclusions until a final report is submitted to Congress.</p>			Unavailable	what extent study-related issues may already have been addressed.
Implementation of Western and Central Pacific Fisheries Convention (1 item)				
<p>Implements the Convention on the Conservation and Management of the Highly Migratory Stocks in the Western and Central Pacific Ocean.</p>	501	Other	6-Completed	<p>- On May 22, 2009, at 74 FR 23965, NMFS proposed regulations to implement, in part, the Western and Central Pacific Fisheries Convention Implementation Act (Act), which authorizes the Secretary of Commerce to promulgate regulations needed to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), including implementing the decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC). Comments were accepted through June 22, 2009.</p> <p>- On January 21, 2010 (75 FR 3335), NMFS issued regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act, which authorizes the Secretary of Commerce to promulgate regulations needed to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), including implementing the decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The regulations include requirements related to permitting, vessel monitoring systems, vessel observers, vessel markings, reporting and recordkeeping, at-sea transshipment, and boarding and inspection on the high seas, among others. NMFS has determined that this action is necessary for the United</p>

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				<p>States to satisfy its international obligations under the Convention, to which it is a Contracting Party. It will have the effect of requiring that all relevant U.S. fishing vessels are operated in conformance with the provisions of the Convention.</p> <p>- A Memorandum of Understanding (MOU) was signed by all parties by February 2010. This MOU clarifies the roles of the Western Pacific, Pacific, and North Pacific Councils (collectively, the Councils) with regard to international efforts by the United States to manage highly migratory species (HMS) in the Pacific Ocean.</p> <p>- The MOU and both the proposed and final rules are available here: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html</p>
International Overfishing and Domestic Equity (1 item)				
Requires the Sec., in cooperation with the State Department, to immediately take appropriate action at the international level to end overfishing if the Sec. of Commerce determines a fishery is overfished, or approaching a condition of being overfished due to excessive international pressure, and there are no management measures to end overfishing under an international agreement.	406	Other	7-No action needed	No additional action is needed to implement this requirement of the MSRA. NMFS annually publishes the "Report to Congress on the Status of US Fisheries" that reports the status of each stock relative to overfished and overfishing status. NMFS will use this information to work to end overfishing in the international arena.
Investment in Seafood Processing (1 item)				
Requires the Sec. to work with the Small Business Administration (SBA) and other Federal agencies to develop financial and other mechanisms to encourage U.S. investment in seafood processing facilities in the United States for fisheries that lack processing capacity.	106(c)	Report	6-Completed	The following is the page that has the link to the report: http://www.nmfs.noaa.gov/mb/financial_services/
Joint Enforcement Agreements (1 item)				
Requires Sec. of Commerce to promptly enter into a confidentiality agreement with a State if a written opinion or certification is provided allowing State to maintain confidentiality of information, or reasonable assurance is provided	111(a)	Agreement/MOU	6-Completed	Language in joint enforcement agreements between NMFS and the States has been revised to reflect the new Magnuson-Stevens requirements for data confidentiality.

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that the State will protect confidential information.				
LAPPs (1 item)				
Authorizes submission and approval of Limited Access Privilege programs (LAPPs) that meet certain requirements, detailed in Sec. 106.	106(a)	Policy statement	6-Completed	<p>The Office of Sustainable Fisheries sought public comment on guidance for the LAPP provisions found in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. The comment period closed on September 30, 2007 and all comments received through October 31, 2007 were accepted.</p> <p>http://www.nmfs.noaa.gov/sfa/PartnershipsCommunications/lapp/LAPPguidance.htm</p> <p>On November 4, 2010, NOAA released a national policy encouraging the consideration and use of catch shares, a fishery management tool that has shown it can help rebuild fisheries and sustain fishermen, communities, vibrant working waterfronts and culturally important fishing traditions. For more information, go to the NOAA Fisheries Catch Shares webpage: http://www.nmfs.noaa.gov/sfa/domes_fish/catchshare/index.htm</p>
Multi-Year Research Priorities (1 item)				
Requires Councils develop, in conjunction with the SSC, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, for 5-year periods. Requires research priorities be updated as necessary and submitted to the Sec. and National Marine Fisheries Service (NMFS) regional science centers for consideration in developing research priorities and budgets for the region of the Council.	103(d)(2)	Other	6-Completed	<p>The Councils have developed, in conjunction with the SSCs, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, for 5-year periods. These research priorities are to be updated as necessary and submitted to the Secretary and NMFS regional science centers for consideration in developing research priorities and budgets for the region of the Council.</p> <p>Research plans can be found here: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html</p>
North Pacific Fisheries Conservation (1 item)				
Authorizes the North Pacific Council to establish a system, or systems, of fees, which may vary by fishery, management area, and observer coverage level, to pay for the cost of implementing a fisheries research plan.	214	FMP Amendme nt	3- Waiting/Delaye d	
Northern Pacific Halibut Act (1 item)				

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Amends the Northern Pacific Halibut Act to increase penalties. Amends the Northern Pacific Halibut Act to add section on revocation or suspension of permits.	301-302	Other	7-No action needed	This language is self-implementing. No further action is required to implement with this provision of the MSRA.
Observers (1 item)				
Revises observer requirements for foreign fisheries in the Pacific Insular Area. The Sec. of Commerce, in consultation with the WPFMC, determines adequate monitoring methods for harvest, bycatch, and compliance with U.S. law by foreign vessels that fish under a Pacific Insular Area fishing agreement.	404	Other	6-Completed	<p>No action is currently necessary for this task. The new MSRA provision takes effect only when there is a PIAFA in place (and corresponding conservation plan). Under the MSA, Marine Conservation Plans must be in place before a Pacific Insular Area Fishing Agreement (PIAFA) can be implemented. There are four MCPs currently in place or under review. There has been no PIAFA implemented to date.</p> <p>Monitoring programs would be part of the PIAFA negotiations held with the foreign applicant. The specifics of the proposed monitoring would probably not be included in the PIAFA itself, but would be described in detail in associated documents. The Secretary would review the proposed monitoring plan to ensure that it met the requirements of the MSRA and any other applicable law. At that time, the Secretary would determine the appropriate regulatory action, including any necessary rule-making. Previous similar programs have been implemented via public notice of availability and comment, and proposed and final rules.</p>
Oregon and California Salmon Fishery (1 item)				
Makes Federally recognized Indian tribes and small businesses adversely affected by Federal closures and fishing restrictions in the Oregon and California 2006 fall Chinook salmon fishery eligible to receive direct assistance under section 312(a) of the Act and section 308(d) of the Interjurisdictional Fisheries Act. In providing assistance, the Sec. is prohibited from using more than 4% of any monetary assistance for administrative costs.	113(c)	Other	6-Completed	Congress provided \$60.4 million in federal funds to be distributed to fishermen, tribes, and businesses affected by the 2006 Klamath commercial fishery disaster. The Pacific States Marine Fisheries Commission will distribute funds via a \$60 million NOAA grant that was approved this August. The Commission worked with California and Oregon and the Hoopa and Yurok Tribes to develop the grant application. In designing the program, the PSMFC also consulted with State Governors and West Coast Congressional Delegations. A portion of the fund (\$1.3 million) will be used to coordinate, plan, administer and monitor disaster funding activities, including public outreach.
Pacific Whiting (1 item)				
Implements the Agreement Between the Government of the United States and the Government of Canada on Pacific Hake/Whiting signed in Nov. 2003. (Section 601-611)	601	Program	6-Completed	NMFS issued a final rule for the 2012 Pacific whiting fishery under the authority of the Pacific Whiting Act of 2006, the Pacific Coast Groundfish Fishery Management Plan, and the Magnuson-Stevens Fishery Conservation and Management Act. The final rule established: The tribal allocation of 48,556 metric tons of Pacific whiting for 2012; provisions associated with the reapportionment of unused tribal whiting to the non-tribal fishery in 2012; and final allocations of Pacific whiting to the non-

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<p>tribal sector for 2012. This rule, which was effective May 11, 2012, incorporates the Total Allowable Catch (TAC) recommendation from the Joint Management Committee for the Treaty with Canada.</p>				
<p>Program details may be found at: http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Trawl-Program/index.cfm</p>				
<p>Peer Review (1 item)</p>				
<p>Authorizes that the Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106-554—Appendix C; 114 Stat. 2763A-153).</p>	<p>103(b)</p>	<p>Undetermined</p>	<p>2-In Progress</p>	<p>NMFS published an advanced notice of proposed rulemaking on revisions to National Standard 2 (NS2) guidelines on September 18, 2008 (73 FR 54132). Written comments were accepted through December 17, 2008. The notice is available at: http://www.nmfs.noaa.gov/msa2007/docs/NS2_ANPR.pdf</p> <p>NMFS published On December 11, 2009, NMFS proposed revisions to the guidelines for NS2 of the Magnuson-Stevens Fishery Conservation and Management Act regarding scientific information. This action is necessary to provide guidance on the use of best scientific information available for the effective conservation and management of the nation's marine living resources. Comments were accepted through March 11, 2010. The proposed rule is available here: http://www.nmfs.noaa.gov/msa2007/docs/ns2_proposed.pdf</p> <p>The RIR/RFAA can be seen here: http://www.nmfs.noaa.gov/msa2007/docs/ns2_rir_nov052009.pdf</p>
<p>Prohibited Acts (1 item)</p>				
<p>Prohibits the import, export, transport, sale, receipt, acquisition or purchase of fish taken, possessed, transported, or sold in violation of foreign law or regulation. Prohibits the use of any fishing vessel after the Sec. of Commerce has paid the vessel owner under a fishing capacity reduction program. Prohibits the use of any fishing vessel in Federal or state waters, on the high seas, or in the waters of another country, after the Sec. has made a payment to the owner of the fishing vessel under a fishing capacity reduction program.</p>	<p>118</p>	<p>Other</p>	<p>7-No action needed</p>	<p>This language is self-implementing. No further action is required to comply with this provision of the MSRA.</p>
<p>Puget Sound Regional Shellfish Settlement (1 item)</p>				
<p>Implements the Puget Sound</p>	<p>702</p>	<p>Other</p>	<p>7-No action</p>	<p>Requirements apply to the Secretary of Interior rather than Secretary of Commerce.</p>

Issue	MSRA Citation	Output	Status	Additional Information
Regional Shellfish Settlement			needed	Therefore, NOAA Fisheries Service will not be tracking this task. Doug Tedrick, Special Assistant to the Director, Bureau of Indian Affairs in the Department of the Interior, is the contact for this issue.
Reauthorization of other acts (1 item)				
Reauthorizes the following legislation: - Atlantic Striped Bass Conservation Act (increases authorization to Sec. of Commerce to \$1 mill annually for FY 2006-2011); and - Yukon River Salmon Act of 2000 (authorizes \$4 mill annually for FY 2006-2011). - Shark Finning Prohibition Act (reauthorizes Act through FY 2011 at current funding level); - Pacific Salmon Treaty Act (reauthorizes Act through FY 2009 and transfers language establishing a Northern Boundary and Southern Boundary Restoration and Enhancement Fund – under the 1999 Pacific Salmon Treaty Agreement between the U.S. and Canada – from an omnibus appropriations bill in 2001, to the Pacific Salmon Treaty Act); and - Extends state authority for managing the Dungeness Crab fishery (under P.L. 105-384) through 2016. - Interjurisdictional Fisheries Act (General appropriations of \$5 mill FY 07-12). - Anadromous Fish Conservation Act (authorizes \$4.5 mill FY07-12).	302	Other	7-No action needed	This language is self-implementing. No further action is required to implement this provision of the MSRA.
Regional Disaster Relief and Evaluation (1 item)				
1) Authorizes Sec., upon request and in consultation with the Governors of affected States, to establish a regional economic transition program to provide disaster relief assistance to fishermen, charter fishing operations, processors, and	113	Policy statement	6-Completed	On June 16, 2011, the Department of Commerce released a policy to provide guidance on how NOAA’s National Marine Fisheries Service (NMFS) will evaluate requests for fishery disaster declarations. See: http://www.nmfs.noaa.gov/sfa/sf3/disaster.htm

Issue	MSRA Citation	Output	Status	Additional Information
<p>owners of related fishery infrastructure affected by a catastrophic regional fishery disaster, as defined in the bill.</p> <p>1a) Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities or governmental entities for disbursement to affected entities for meeting immediate regional shoreside infrastructure needs, financial assistance and job training, fishing capacity reduction, and other activities authorized under section 312(a) of the Act or section 308(d) of the Interjurisdictional Fish. Act.</p> <p>1b) Authorizes that any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.</p> <p>2) Within 2 months after a catastrophic regional fishery disaster, the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries.</p>				
Regional Ecosystem-based Management & Research (1 item)				
<p>Authorizes Sec. to provide technical and grant assistance to the Councils for development of regional pilot programs that build upon recommendations of the advisory panel and the study.</p>	210	Other	7-No action needed	The MSRA authorizes the Secretary to provide technical advice and assistance to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and the study both established under Section 406 of the Magnuson-Stevens Act to advance ecosystem considerations in regional fishery management. No further action or guidance is needed to implement this authorization.
Restoration Study (1 item)				
<p>Authorizes Sec. to conduct a study to update scientific information and protocols needed to improve restoration techniques for coastal</p>	206	Study	4-Funding Currently Unavailable	Funding is currently unavailable for this study.

Issue	MSRA Citation	Output	Status	Additional Information
habitat. Authorizes \$500K for FY 2007				
Rockfish Demonstration Program (1 item)				
Amends program from 2 years to 5 years.	218	Regulatory Change	6-Completed	This task was included in the omnibus final rule prepared to make non-discretionary, technical changes to the regulations, consistent with statute mandates. The rule published on Monday, November 17, 2008 (73 FR 67809), and is available here: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html
SEAK Capacity Redux - Appropriations (1 item)				
For SE Alaska Fisheries Communities Capacity Reduction Amends Section 209 of the DOC and related Agencies Appropriations Act, 2005, by inserting new amounts	121	Other	7-No action needed	This language is self-implementing. No further action is required to implement this provision of the MSRA.
Shark Feeding (1 item)				
Prohibits feeding of sharks to attract sharks for purposes other than harvest in the EEZ off Hawaii	119	Other	7-No action needed	This language is self-implementing. No further action is required to implement this provision of the MSRA.
Stipends (1 item)				
Subject to the availability of appropriations, the Secretary shall pay a stipend to SSC members that are not employed by the Federal government or a State government agency.	103(b)	Revise Council SOPPs	3- Waiting/Delayed	
Study on the Acidification of the Oceans (1 item)				
Requires the Sec. to request the National Research Council conduct a study on the acidification of the oceans and how this process affects U.S. fisheries.	701	Study	6-Completed	The MSRA requires the Secretary of Commerce to request the National Research Council (NRC) conduct a study on the acidification of the oceans and how this process affects U.S. fisheries. The NRC has completed this study and it is available here: http://www.nap.edu/catalog.php?record_id=12904 A 2-page summary of the key findings of the report, and a 20-page summary of the full report are available at: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html
Summer Flounder Rebuilding (1 item)				
Allows Secretary to extend the time for rebuilding of summer flounder under certain conditions	120(a)	Other	6-Completed	NMFS determined that the 2007 fishing specifications for summer flounder would meet the requirements of the MSRA. NMFS issued an emergency rule implementing the 2007 specifications (72 FR 2458) and an extension of the emergency rule (72 FR 32813) to extend the specifications to the end of 2007.
Technical Revisions to 50 CFR 600 (1 item)				
1. Specifies that TALFF is discretionary except that TAL shall be zero for fisheries determined by	Sections 3 and 5(3), 102	Regulatory Change	6-Completed	NMFS issued minor amendments to update regulations pertaining to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The updated regulations reflect amendments to the Magnuson-Stevens Act by the

Issue	MSRA Citation	Output	Status	Additional Information
<p>the Secretary to have adequate or excess domestic harvesting capacity.</p> <p>2. Defines new terms and revises existing terms under MSA.</p> <p>3. Amends jurisdiction of the Caribbean. Inclusion in the technical revisions to the 600 regs is per agreement with the SERO (H. Blough).</p>				<p>Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) so that regulations are consistent with the revised statutory text. The effect of this action is to update Magnuson-Stevens Act regulations where only minor changes to revise language or insert new provisions of the amended Magnuson-Stevens Act are needed. Additional actions interpreting and implementing the requirements of the MSRA are being addressed as separate rulemakings.</p> <p>The final rule to implement these changes was published in the Federal Register on November 17, 2008 (73 FR 67809) and is available here: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html</p>
Use of Fisheries Finance Program for Sustainable Purposes (1 item)				
<p>Amends section 53706(a)(7) of title 46, United States Code, to read as follows:</p> <p>“(7) Financing or refinancing—</p> <p>“(A) the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (including the reimbursement of obligors for expenditures previously made for such a purchase);</p> <p>“(B) activities that assist in the transition to reduced fishing capacity; or</p> <p>“(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.”.</p>	209	Regulatory Change	6-Completed	<p>On May 5, 2010, NMFS published a proposed rule to amend regulations for the Fishery Finance Program to reflect statutory changes to the Program and to provide regulations for two additional lending products. NMFS accepted comments for this rule through June 4, 2010.</p> <p>On December 16, 2010, NMFS issued final regulations pursuant to its authority under Chapter 537 of the Shipping Act, (formerly known as Title XI of the Merchant Marine Act of 1936, as amended and codified), as well as the Magnuson-Stevens Act, which revise the operating rules of the Fisheries Finance Program (FFP or Program) and set forth procedures, eligibility criteria, loan terms, and other requirements related to FFP lending to the commercial fishing and aquaculture industries. This rule is effective January 18, 2011.</p> <p>The proposed and final rules may be found here: http://www.nmfs.noaa.gov/msa2007/otherprovisions.html</p>
Western Pacific Fishery Demonstration Projects (1 item)				
<p>Eliminates requirement that Sec. of Interior provide funding for Western Pacific fishery demonstration projects and clarifies which fishery communities are eligible to receive grants for these projects.</p>	207	Other	7-No action needed	<p>No further action is required to implement this provision of the MSRA. The Department of Commerce has been the lead in providing grants for demonstration projects. The language clarifies the term community which had been defined earlier statute.</p>
Western Pacific Sustainable Fisheries Fund (1 item)				

Issue	MSRA Citation	Output	Status	Additional Information
Requires that fines and penalties, imposed on foreign vessels for violations occurring within the EEZ off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, be deposited into the Western Pacific Sustainable Fisheries Fund (established under section (7) of this section).	Section 6	Other	6-Completed	The Western Pacific Sustainable Fisheries Fund was established previously under the Magnuson-Stevens Act. A process to administer the fund is place and is functioning as described under the MSRA. Any payments received by the Secretary under a Pacific Insular Area fishery agreement for any Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands are deposited in the fund. The funds are primarily spent to further conservation and management objectives, including implementation of a marine conservation plans. Fines for several recent penalties have been deposited.
WP and NP Community Development (1 item)				
Establishes regionally-based pilot program for marine education and training in the Western Pacific and North Pacific to foster understanding, practical use of knowledge, and technical expertise relevant to stewardship of living marine resource. Specifies program components.	109	Program	6-Completed	<p>For the Western Pacific: A sustainable set of projects has been established that incorporates all of the required program components, including marine resource conservation and management, marine science, marine technology, and maritime operations, fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, outreach programs, and programs to incorporate local and traditional knowledge to enhance science-based management of fishery resources of the region.</p> <p>For the North Pacific: The Region set up a pilot program and does not anticipate running this program in 2012.</p>