

# Management Tools to Support Fisheries Engagement in Integrated Ocean Governance

*Meghan Jeans*

*Fisheries Leadership & Sustainability Forum*

*Stanford University*

*September 22, 2011*



**“The Role of the Regional Fishery  
Management Councils in  
Multi-Sector Spatial Planning:  
Exploring existing tools and future  
opportunities”**







**GROUP HUG!!!**



# OUTLINE

- Direct Authority
- Indirect Authority
- Processes
- Agreements
- Looking Back
- Looking Ahead



# DIRECT AUTHORITY: MAGNUSON-STEVENSONS FISHERY CONSERVATION & MANAGEMENT ACT

- Essential Fish Habitat/Habitat Areas of Particular Concern Consultation
- Optimum Yield & Annual Catch Limits
- Fishery Ecosystem Plans
- Aquaculture Management Plans



# EFH/HAPC CONSULTATION

- Councils may provide conservation recommendations to federal and state agencies for actions that may affect habitat of a fishery resource, including EFH.
- Councils must provide conservation recommendations to federal and state agencies for actions that are likely to substantially affect the habitat, including EFH, of anadromous fish.



# OPTIMUM YIELD (OY) & ANNUAL CATCH LIMITS (ACL)

- OY authorizes consideration and accommodation of non-fishing interests and activities.
  - The level of fishing that will prevent overfishing, rebuild overfished stocks and “provide the *greatest overall benefit to the Nation*, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems.” 16 U.S.C. § 1802(33)
  - The “*greatest overall benefit to the Nation*” includes “food production; national, regional and local economics; nutritional needs; recreational opportunities; the viability of, forage for, and evolutionary and ecological processes of species and ecosystems; and *accommodating human use.*” 50 C.F.R. § 600.310(e)(3)(iii).



# OPTIMUM YIELD (OY) & ANNUAL CATCH LIMITS (ACL)

- ACLs must account for scientific and management uncertainty.
- Incentive to enhance awareness and understanding of the impact of non-fishing activities, particularly those that might compromise fisheries conservation and management efforts.



# FISHERY ECOSYSTEM PLANS

- Discretionary
- Integrates ecosystem principles and goals by specifying the physical, biological, and human-related data needs for fisheries management.
- Provides method for integrating the different FMPs within each region. Cross-FMP mapping may help to articulate priority areas for protection.
- Enables consideration of non-fishing impacts on the marine ecosystem when developing fishery management measures.
- Provides foundational information for the development of CMSP.



# AQUACULTURE FISHERY MANAGEMENT PLANS

- Uncharted territory - NOAA's regulatory authority uncertain
- May provide Councils with a stronger basis for influencing aquaculture-siting decisions and mitigating potential impacts of fish farming operations on wild harvest fisheries and the marine ecosystem.



# INDIRECT AUTHORITIES

- National Environmental Policy Act
- Clean Water Act
- Coastal Zone Management Act
- Others...



# NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

- All federal agencies must consider the environmental effects of their proposed activities, evaluate potential alternatives, and communicate the results of those reviews to the public.
- Similar to the policy goals of CMSP, the spirit and intent of NEPA is to facilitate greater coordination and environmental protection via a transparent and participatory process of environmental review.
- Provides Councils with an opportunity to inform the process and development of management alternatives with data and analyses provided by the fisheries sector.



# CLEAN WATER ACT

- Regulates discharges of pollutants into the waters of the U.S. and regulates surface water quality standards.
- Limited consultation requirements.
- Actions that discharge into coastal zone or OCS that may adversely affect fish habitat may trigger EFH consultation between the action agency, EPA and NOAA Fisheries.
- Council may comment indirectly through NOAA Fisheries or directly under EFH consultation and/or NEPA commenting authority.



# COASTAL ZONE MANAGEMENT ACT (CZMA)

- Encourages coastal states to create comprehensive programs to facilitate coordinated management and manage impacts to coastal resources.
- Federal consistency review authority extends state authority beyond state waters and landward boundaries of coastal zone.
- No direct role for Councils in federal consistency review process.
- Councils may engage indirectly by communicating concerns about proposed activities that might adversely impact fishery conservation and management goals to the relevant state agency representative on their Council.



# PERMITTING & SITING PROCESSES

- Offshore Oil & Gas
- Renewable Energy
- Dredging & Dumping
- Maritime Transportation
- Military & National Security



# NOAA/BOEMRE MOU

- Define specific processes to ensure effective and timely communication of agency priorities and upcoming activities;
- Identify and undertake critical environmental studies & analyses;
- Collaborate on scientific, environmental and technical issues related to the development and deployment of environmentally sound and sustainable offshore renewable energy technologies;
- Increase coordination and collaboration on decisions related to OCS activities, including with respect to research and scientific priorities.



# COUNCIL STRATEGIES

- Document
- Communicate
- Prioritize
- Delegate
- Prepare
- Coordinate
- Follow-up



# LOOKING BACK...

- To what extent has your Council engaged in efforts to coordinate and/or resolve spatial conflicts with other ocean users?
- How has your Council addressed user conflicts in the past?
- What is/has been the role of your Council (relative to NMFS and other agencies) in addressing or influencing these conflicts?
- Has engagement by your Council in these issues been more proactive or reactive?
- Who are the primary players representing the fisheries sector in your region? (Council, NMFS, state agencies, others?)
- Who are the dominant players representing non-fishing interests in your region? (agencies, sectors, industries, etc.)



# LOOKING AHEAD...

- What non-fishing activities are of greatest concern in your region?
- Would you like your Council to be more or less involved in decision-making regarding other ocean uses?
- How might your Council resolve conflicts with other ocean users in the future? What strategies, processes or legal tools might your Council employ?

