

Tab E, No. 4(a)

The Modernizing Recreational Fisheries Act of 2018



**NOAA
FISHERIES**

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Presentation Overview

Bill Overview

Provisions

Summary



Modern Fish Act - Overview

- Became law December 31, 2018
- Purpose: “to expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes”
 - Numerous reports, studies, and guidance
 - Management measures for recreational fisheries, reaffirms Annual Catch Limit requirements
 - Recreational registry and data collection programs

Sec 2 - Findings

Adds Finding to the Magnuson-Stevens Act:

“While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.”

Sec 101 – Mixed-Use Fisheries Allocation Report

- Government Accountability Office (GAO) Report to Congress on allocation of fishing privileges in mixed-use fisheries in South Atlantic and Gulf of Mexico Councils. Report to include:
 - recommendations on allocation criteria
 - sources of information to support use of such criteria
 - assessment of budget requirements for allocation reviews
 - recommendations of procedures for allocation reviews and adjustments
- GAO required to consult with stakeholders. NOAA Fisheries to provide information to GAO upon request.
- Report to Congress due December 31, 2019.

Sec 102 – Fishery Management Measures

Councils must comply with existing MSA provisions:

- Annual Catch Limits, National Standards, Accountability Measures, Rebuilding Requirements, etc.

Councils have the authority to:

Use fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) ...such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities in such fishery or fishery component.

Sec 103 – Limited Access Privilege Programs (LAPPs)

- National Academy of Sciences study on LAPPs in mixed-use fisheries (except PFMC and NPFMC) to include:
 - Assessment of progress meeting program goals
 - Assessment of economic, social, and ecological effects and impacts on stakeholders
 - Recommendations of policies to address these stakeholder impacts and factors to consider when designing and maintaining LAPPs to mitigate impacts
 - Review of best practices and challenges in design and implementation of LAPPs (in all 8 Councils)
- Study due December 31, 2020
- NOAA must submit a Report to Congress on study.

Sec 201 – Cooperative Data Collection

- **Report to Congress:** Facilitating greater incorporation of data from State agencies and non-governmental sources into fishery management decisions. In consultation with Council SSCs and Commissions.
 - Due December 31, 2019
- **Biennial Report to Congress:** On implementation of 2017 NAS Marine Recreational Information Program (MRIP) recommendations, including:
 - Prioritizing evaluation of electronic data collection (smart phone apps, etc.)
 - Evaluating whether MRIP is compatible with in-season ACL management and if not, determining alternative methods
 - First report due December 31, 2020

Sec 202 – Recreational Data Collection

- **State Partnerships/Guidance:** NOAA must establish state partnerships and develop best practices and guidance for implementing state recreational registry and data collection programs.
- **Biennial Report to Congress:** Accuracy of information collected through state registries/data collection, how state registries/data collection are used, and priorities for improving recreational fishing data collection.
- **State Grant Program:** Authorizes, but doesn't require, grants to states to improve state registries and data collection programs.
- **NAS Study & Report to Congress:** NAS study on using MRIP for in-season management and subsequent report to Congress recommending changes to MRIP and management to address the NAS report recommendations.

Sec 301 – Rule of Construction

- Nothing in the Act changes existing MSA requirements related to overfishing, including:
 - 301(a) – National Standards
 - 302(h)(6) – Annual Catch Limits
 - 303(a)(15) – Accountability Measures
 - 304(e) – Rebuilding requirements

Summary - Modern Fish Act

- Numerous reports, studies, and activities in cooperation with the GAO, NAS, Councils, Commissions, and other stakeholders.
 - Allocation in South Atlantic & Gulf of Mexico
 - LAPPs
 - Cooperative data collection – non-governmental data sources
 - State recreational data collection
 - MRIP for in-season management
- Highlights a variety of management measures for recreational fisheries
- Reaffirms existing Magnuson requirements related to overfishing



Thank you!

