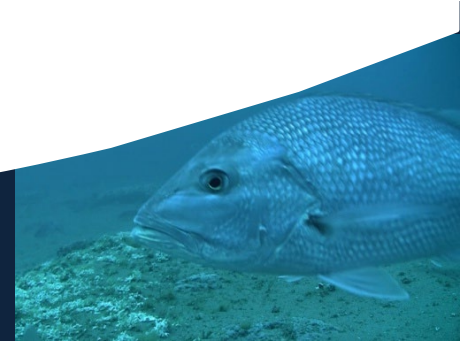




# **The Federal Management Process and its Role in Gulf Council Management**

**Andy Strelcheck, SERO Regional Administrator  
Russ Dunn, Natl Policy Advisor for Rec Fisheries**

**Recreational Initiative Workgroup Meeting 2  
New Orleans, LA  
January 8-9, 2025**



# Presentation Outline

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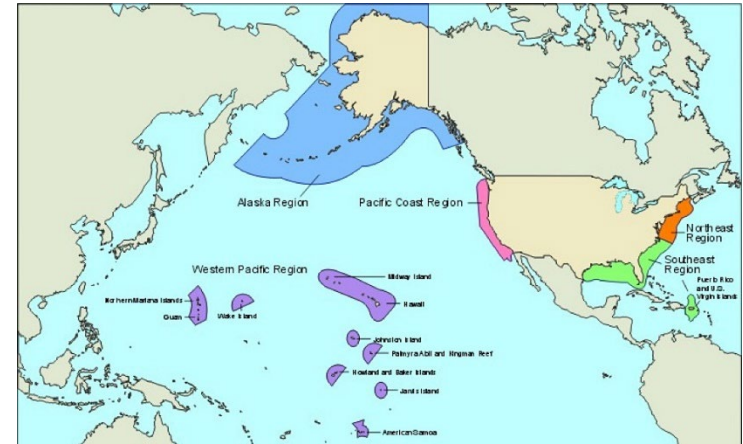
- Magnuson Stevens Act history
  - 1976 authorization
  - 1996 Sustainable Fisheries Act
  - 2006 reauthorization
  - Modern Fish Act
- Role of fishery management councils
- Role of Southeast Regional Office
  - Rulemaking
  - Secretarial approval



# Magnuson Stevens Act History

## 1976 Authorization

- Created the “Fishery Conservation Zone” providing U.S. exclusive authority over fish in this zone
- Banned foreign fishing
- Established National Standards
- Created fishery management councils
- Established procedures for how Councils create fishery management plans
- Created a process for how the Sec. of Commerce approves and implements Council approved plans



# Magnuson Stevens Act History

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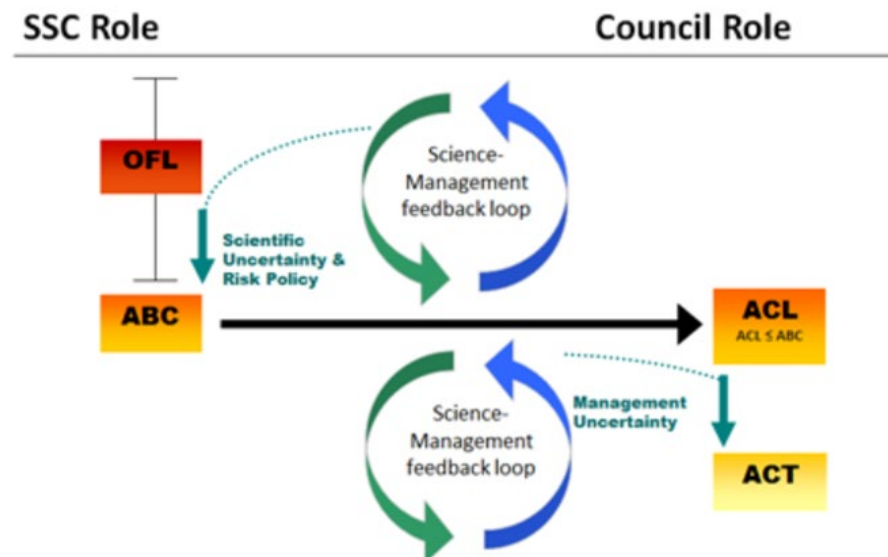
## **1996 Sustainable Fisheries Act**

- Added definitions for 'overfishing' and 'overfished'
- Requires FMPs specify criteria for determining when a fishery is overfished
- Requires annual status of stocks report
- Requirement for Councils to act to stop overfishing and rebuild overfished stocks
- Requirement for Secretarial action if Council fails to act
- Added National Standard for bycatch reduction
- Added requirements for Essential Fish Habitat
- Defined Individual Fishing Quota, including moratorium and fee authorization
- Council reforms (e.g., conflict of interest, recusal, roll call vote authority)

# Magnuson Stevens Act History

## 2006 Reauthorization

- Prohibited Councils from setting harvest levels above the level recommended by their SSC
- Required annual catch limits at a level to ensure overfishing is not occurring
- Required accountability measures
- Added guidelines for establishment of Limited Access Privilege programs



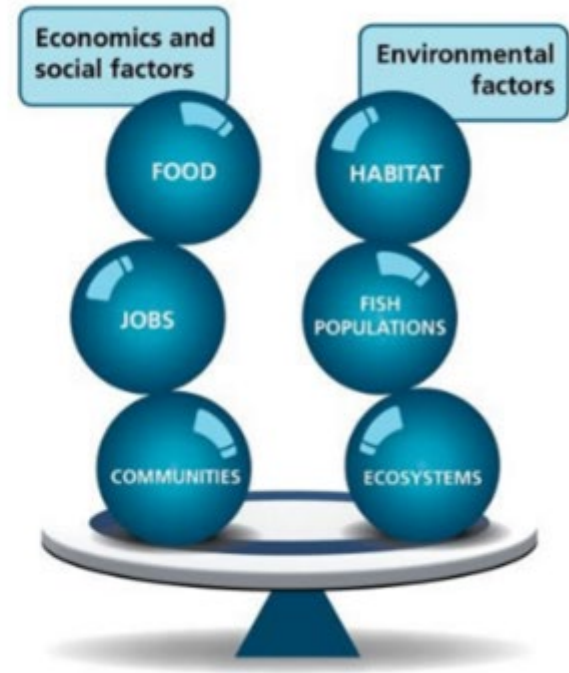
# 2018 Modern Fish Act

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- Required studies of 'mixed-use' fisheries including recommendations for allocating/reallocating fishing privileges and use of LAPPS in 'mixed-use' fisheries
- In addition to existing MSA authorities, provided additional authority to use the following management measures in a recreational fishery:
  - Extraction rates
  - Fishing mortality targets
  - Harvest control rules
  - Traditional/cultural practices of native communities.
- Recreational data collection - increased incorporation/use of state data

# Role of Gulf Council Members

To protect the public interest by balancing competing interests in the fisheries, and to make decisions for the greatest overall benefit to the nation



17 voting members on Gulf Council

- 5 state agency representatives,
- 11 obligatory/at-large seats,
- NOAA Fisheries Regional Administrator

# Role of Gulf Council

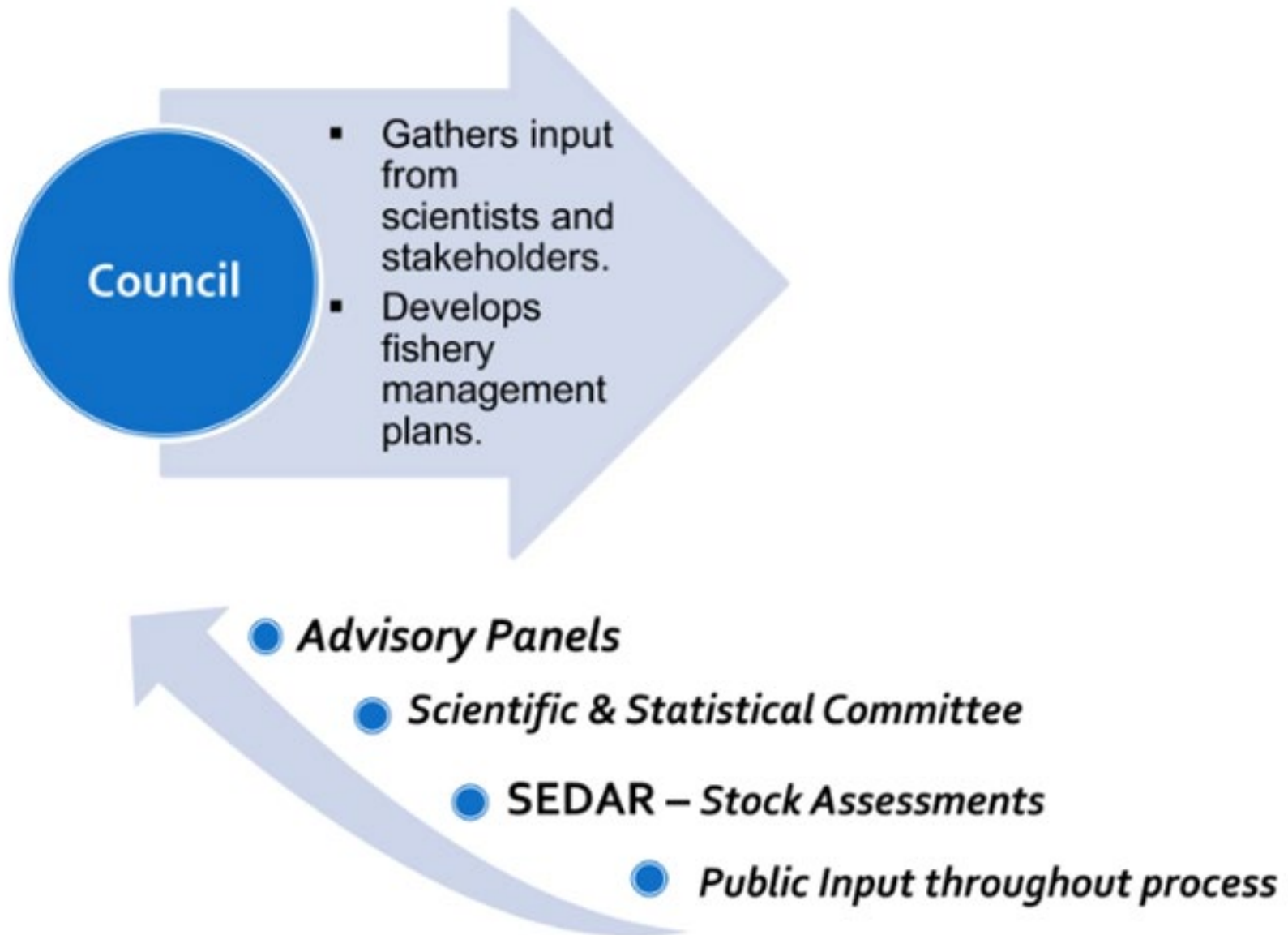
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Serve as an advisory body to NOAA Fisheries

- Propose new or modified regulations through an open, transparent management process
- Develop fishery management plans and amendments
- Maintain the administrative record for the process

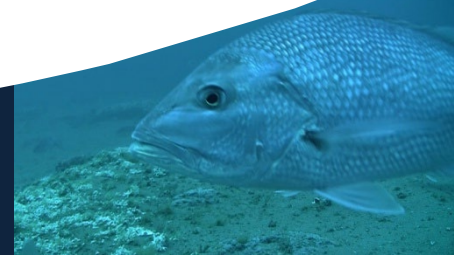


# Initiation of a Regulatory Action





SERO works with the Councils to develop and implement regulations.





SERO is one of 5 Regional Offices; Sustainable Fisheries is a division within SERO.



Department of Commerce



National Oceanic Atmospheric Administration



**NOAA FISHERIES**  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Science Centers

Regional Offices

Protected  
Resources

**Sustainable  
Fisheries**

Habitat  
Conservation



We collaborate through the IPT process to develop fishery mgmt. plan amendments

**I**nterdisciplinary **P**lan **T**eam **E**conomist  
s

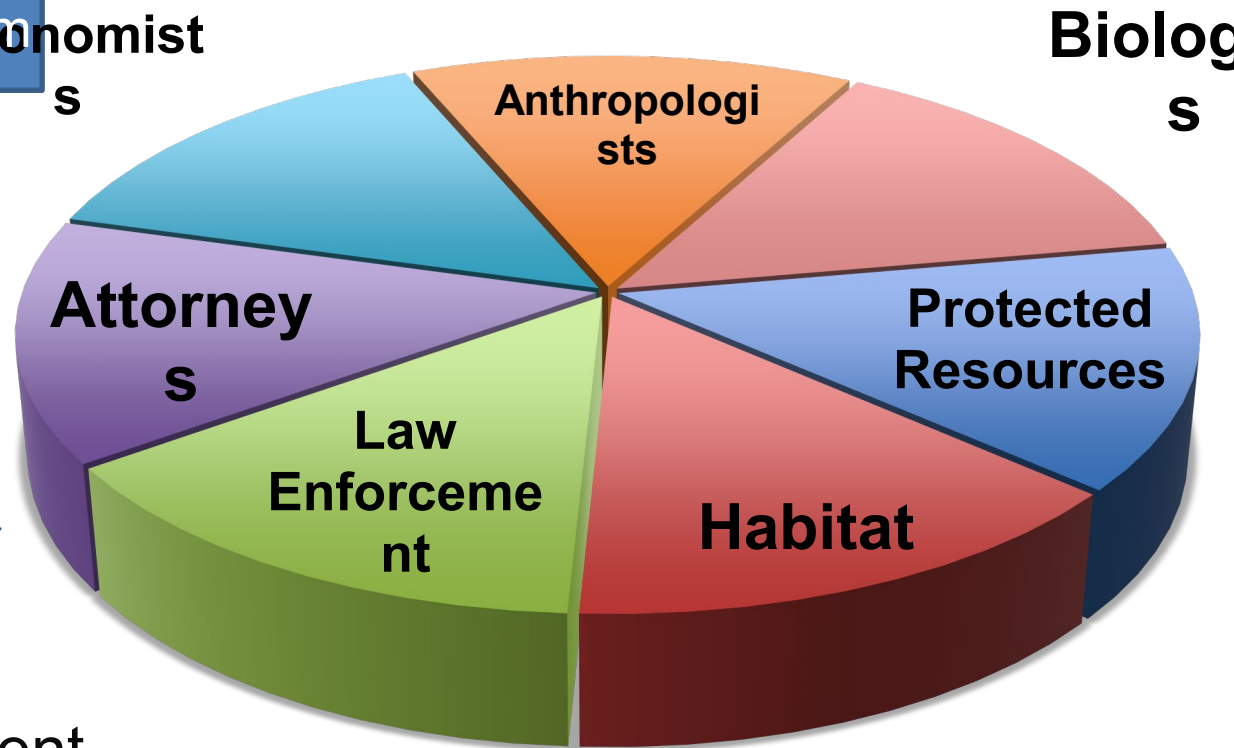
Council staff

NOAA Fisheries  
SERO

Science Center

NOAA Law Enforcement

NOAA General Counsel





# Amendments have 4 main sections

## Chapters

①

Who, What, Why,  
Where?

②

What? Alternatives?

③

Who will be affected?

④

Effects?

Not a  
novel!





# FMP/amendment approval



## Final Action

- Council approves FMP or amendment
- Deems regulations necessary and appropriate
- Submits to Secretary of Commerce for review and approval

## NMFS/Dept. of Commerce

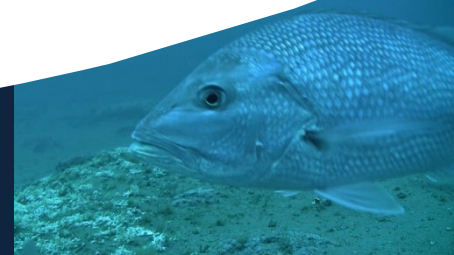
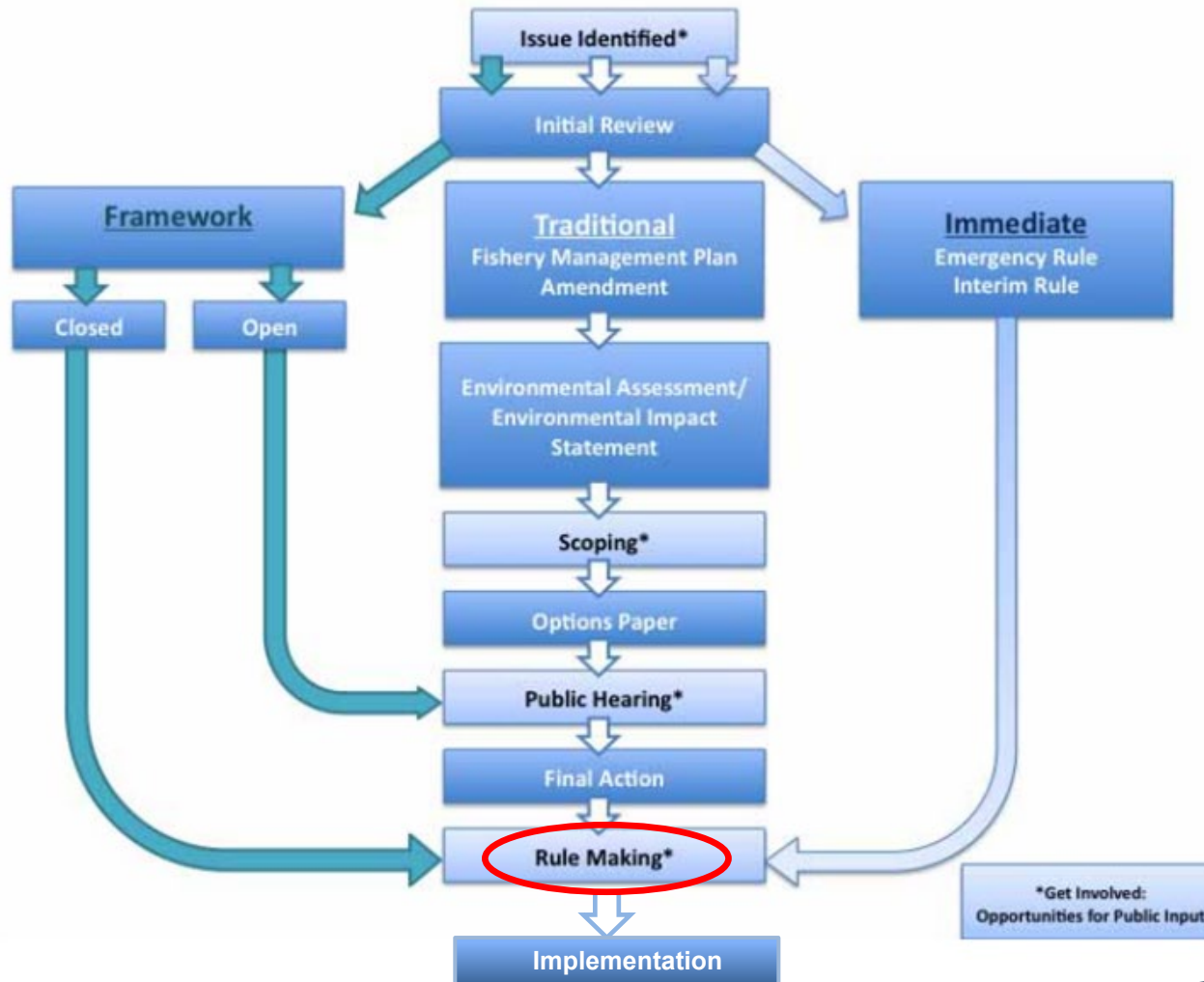
- Reviews plan for consistency with Natl Standards, MSA, and other Federal laws
- Approves, partially approves or disapproves plan or amendment
- Prepares proposed and final rules







Rulemaking is the process step after Council final action and before implementation.





# Rulemaking refers to the process that agencies use to create regulations.

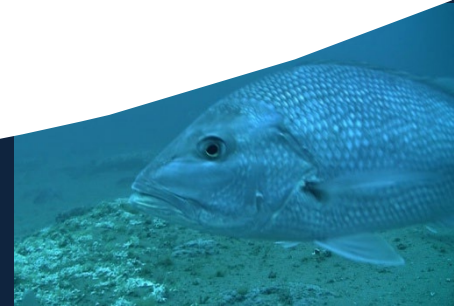
Also, interim  
and emergency  
rules

Propose  
d Rule

Public  
commen  
t

Final  
Rule

*Cooling off*







Rulemaking refers to the process that agencies must use to create regulations.

## Secretary of Commerce Review



Approves, disapproves, or partially approves amendment

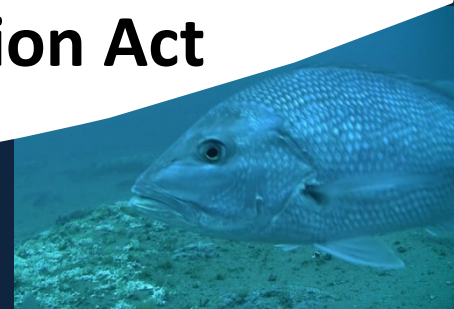
Determine whether plan & regulations consistent with fishery management plan, MSA, and other applicable law





# NOAA Fisheries must comply with over 100 laws and Executive Orders.

Coastal Wetlands Planning,  
Protections, and Restoration Acts  
Information Quality Act  
Clean Water Act  
NOAA Fisheries Program  
Authorization Act  
Regulatory Flexibility Act  
**Magnuson-Stevens  
Fishery Conservation  
and Management Act**  
Marine Protection, Research, and  
Sanctuaries Act  
Tuna Convention Act  
Executive Order 13132  
Federal Powers Act  
Anadromous Fish Conservation Act  
Interjurisdictional  
Fisheries Act  
**Marine Mammal  
Protection Act**  
Coastal Zone  
Management Act  
High Seas Driftnet Fisheries Enforcement Act  
Oil Pollution Act  
**Endangered  
Species Act**  
Fishermen's Protective Act  
Whaling Convention Act  
Fish and Wildlife Coordination Act  
**Executive Order 12866**  
**Paperwork Reduction Act**  
The Lacey Act



Questions?