

Wednesday, May 14th

9:00 – 12:00 a.m.	MSA reauthorization <ul style="list-style-type: none">- Legislative updates- Working Group reports- CCC Discussion	Rick Robins Congressional Staff Working Group Chairs
12:00 – 1:30 p.m.	Lunch	
1:30 – 2:30 p.m.	Allocation Working Group Report	John Henderschedt
2:30 – 3:00 p.m.	Bycatch <ul style="list-style-type: none">- Oceana Report- NMFS position- Council and CCC response	Sam Rauch Rick Robins Lee Benaka
3:00 – 3:30 p.m.	IUU Certification Report (2015) <ul style="list-style-type: none">- Use of new 2013 IUU definition	Jean-Pierre Plé
3:30 – 4:30 p.m.	Climate Change and Fisheries <ul style="list-style-type: none">- Science, Management, and Governance	Jon Hare John Henderschedt
4:30 – 5:00 p.m.	NOAA Recreational Summit	Russ Dunn

Thursday, May 15th

9:00 – 10:00 a.m.	NMFS OLE and USCG Fisheries Enforcement Activities <ul style="list-style-type: none">- 2011, 2012, 2013 by region	Bruce Buckson CDR Daniel Schaeffer
10:00 – 10:30 a.m.	Operational Guidelines <ul style="list-style-type: none">- Next steps	Marian MacPherson
10:30 – 11:30 a.m.	Science Issues <ul style="list-style-type: none">- National SSC- Stock Assessment Prioritization	Rich Seagraves Rick Methot
11:30 - 12:00 p.m.	Electronic Technologies Initiative Update	George Lapointe
12:00 - 12:30 p.m.	Future CCC Meetings <ul style="list-style-type: none">- Meeting dates- February 2015 meeting: webinar or in person?	Doug Gregory Tom Nies
12:30 - 1:00 p.m.	New Business, Additional Items, Wrap up	Rick Robins



Mid-Atlantic Council Update

Council Coordination Committee Meeting

May 2014

Recent/Ongoing Activities

Current Activities

- 2014-2018 Strategic Plan
 - 2014 Implementation Plan
- Omnibus Observer Coverage Amendment
- Review and/or set specifications for all species
- Omnibus ABC Framework Amendment
- Scup GRA Framework
- Surfclam and Ocean Quahog Cost Recovery Amendment

Current Activities

- Deep Sea Coral Amendment
- Workshops
 - Offshore Wind Best Management Practices
 - Climate Change and Fisheries Governance
 - Climate Change and Fisheries Science

Future Priorities

Management Priorities

- Summer flounder comprehensive amendment
- River herring and shad management (monitor and modify approach as necessary)
- Ecosystem Approaches to Fisheries Management (EAFM) guidance document
- Habitat Programs

Future Priorities

Other Activities

- Continued engagement on MSA reauthorization
- Communication program planning and stakeholder engagement
- Offshore Wind?

Additional Support/Resources Required

Data Needs

- Timeline for completion of acceptable benchmark assessments for all of the Council's managed fisheries
- Oceanographic data related to climate change and ocean acidification
- Regional evaluation of species interactions within the marine ecosystem
- Climate change risk assessment for the Northeast marine ecosystem

Additional Support/Resources Required

Data Needs (cont.)

- Habitat data—particularly data to link habitat protection with fishery productivity
- Relevant and up-to-date social and economic data about Mid-Atlantic communities
- Real-time commercial fisheries data
- Bioeconomic models

Additional Support/Resources Required

Research Methodology

- Electronic VTRs / log books
- Technology innovation to improve the accuracy and/or efficiency of data collection
- Volunteer angler data uses
- Observer program funding options
- Cooperative and collaborative research

Additional Support/Resources Required

Management Approaches

- Research on (or development of) management strategies that ...
 - Account for recreational catch estimate uncertainty
 - Reduce regulatory discards
 - Minimize adverse ecosystem impacts
 - Ensure fair access to recreational fisheries

**New England Council Overview
For the May 13-15, 2014 CCC Meeting**

Current Activities

- Complete the NEFMC Omnibus EFH amendment, where existing groundfish closed areas, habitat closed areas, and scallop rotational management areas require optimization to minimize adverse effects of fishing to the extent practicable.
- Complete an amendment to consider measures to address accumulation limits and fleet diversity in the Northeast Multispecies Fishery Management Plan.
- Develop management actions to improve catch information for the Atlantic herring fishery, including river herring/shad bycatch, and to revisit measures that were disapproved in a recent amendment to the herring FMP.

Future Priorities

- Pursue other management actions, such as an Ecosystem Based Fishery Management Plan, coordinating with adjacent management bodies to facilitate a consistent approach
- Coordinate response with the MAFMC and ASMFC to address management issues caused by climate change
- Develop a limited entry program for the whiting fishery, and measures to address at-sea monitoring issues.

Additional NOAA Resources/Support Required

- Sufficient FY 2015 – 2020 budget resources that reflect increasing costs and demands of regulatory system
- NOAA/NMFS commitment to adequately fund assessment and at-sea monitoring programs (including electronic monitoring)
- Streamlining of MSA/NEPA process



South Atlantic Fishery Management Council

COUNCIL REPORT

**CCC Meeting
May 13, 2014**



CURRENT MANAGEMENT ACTIVITIES

Snapper Grouper

- Addressing the removal of the prohibitions on the use black seabass pots (Regulatory Amendment 16)
- Considering regulations to help protect speckled hind and warsaw grouper (Regulatory Amendment 17 or new spawning SMZs amendment)
- Modifying snowy grouper management measures based on the recent the stock assessment (Regulatory Amendment 20)
- Creating a recreational tag program for species with exceptionally low recreational ACLs (Amendment 22)



CURRENT MANAGEMENT ACTIVITIES

Snapper Grouper

- Addressing changes to the ABC control rule and “Only Reliable Catch Stocks – ORCS” (Amendment 29)
- Addressing modifications to the blueline tilefish fishery (Amendment 32)
- Developing accountability measures (AMs) for snapper grouper species (Amendment 34)
- Addressing bringing snapper grouper species fillets back from the Bahamas (Amendment 33)



CURRENT MANAGEMENT ACTIVITIES

Dolphin Wahoo

- Addressing bringing dolphin and wahoo fillets back from the Bahamas (Amendment 7)
- Developing accountability measures (AMs) for dolphin and wahoo (Generic Amendment)



CURRENT MANAGEMENT ACTIVITIES

Mackerel

- Addressing joint Gulf and South Atlantic issues related to trip limits in the Gulf, zones/subzones, transit through closed areas and regional allocations in the south Atlantic (Joint Amendment 20B)
- Updating the ACLs for Atlantic group and Gulf group Spanish mackerel (Joint CMP Framework Amendment 1)
- Revising the quota and trip limit system for commercial Atlantic Spanish mackerel in the Florida EEZ (Joint CMP Framework Amendment 2)



CURRENT MANAGEMENT ACTIVITIES

Mackerel

- Addressing in-season “ACL shift” for the Atlantic Spanish mackerel fishery (Joint Amendment 24)
- Modifying/separating Atlantic and Gulf king and Spanish mackerel commercial permits (Joint Amendment 26)

SAFMC Visioning Project

What are the Port Meetings Revealing?



Visioning Project: *Fisherman Input*

Public Involvement - Port Meetings:

- ✓ *Informal, town hall-style meetings in fishing communities throughout the region*
- ✓ *Gather input from all stakeholders with fishery interests (commercial/for-hire/recreational; chefs/restaurants; eNGOs; coastal tourism operators, etc.)*



Port Meeting Goals & Results

- ✓ Develop a list of ideas for future management of the snapper grouper fishery
- ✓ Develop a list of management tools for specific fishery issues (*e.g., reducing discards, spatial management, etc.*)
- ✓ Compile results by state and by sector
- ✓ Present draft results at June 2014 Council meeting
- ✓ Further develop into specific goals, objectives, and strategic plan in 2014



Port Meeting Schedule

(Total = 27 Meetings)

South Carolina:	North Carolina:	Florida:	Georgia:
Feb 11 – Murrells Inlet (2 meetings)	March 17 – Southport	March 25 – St. Augustine (2 meetings)	April 14 – Savannah
Feb 12 – Charleston	March 17 – Shallotte	March 26 – Titusville (2 meetings)	April 15 – St. Simons Island
Feb 17 – Charleston	March 18 – Sneads Ferry	March 27 – Port Salerno	April 15 – Brunswick
Feb 18 – Bluffton	March 19 – Morehead City	March 27 – Lake Park	April 16 – Shellman Bluff
Feb 20 – Columbia	March 19 – Raleigh	March 31 – Key West	
April 22 - Charleston	March 20 – Wanchese	April 1 – Marathon	
	March 20 - Hatteras	April 2 – Key Largo	

Participation = 360 stakeholders



Issues/Problems Identified Through the Visioning Project

- **Reporting – *Lacking in recreational sector and redundancy in commercial; not using new technology***
- **Science/Stock Assessments – *Lack of Trust, Accuracy, Timeliness, not matching what fishermen are seeing on the water***
- **Data Collection – *MRIP problems***
- **Research – *Need for more cooperative***
- **S-G Permits – *Commercial 2 for 1; For-hire limited entry?; lacking in recreational sector***



Issues/Problems Identified Through the Visioning Project

- **Flexibility in Management Strategies – *Annual Catch Limits, Seasons, Timeliness***
- **Too Many Discards – *too many fish floating off***
- **One Size Fits All Management vs. Regional Management – *area of Council's jurisdiction very different; geographical differences in fishery***
- **Time/Area Management – *Seasonal Closures, frustration with existing MPAs***
- **Allocation**



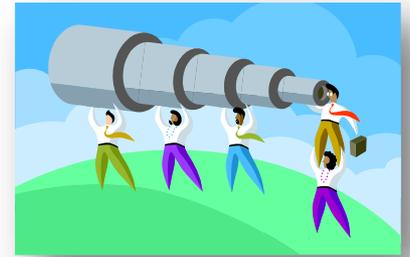
Issues/Problems Identified Through the Visioning Project

- **Species Specific Issues – *Black Sea Bass, Red Snapper, Shallow-water Grouper, Jacks Complex***
- **Endorsement Program Issues – *Black sea bass and Golden Tilefish***
- **Fear of Catch Shares (*a few supporters*)**
- **Goliath Grouper, Lionfish, & Sharks - *Pests***
- **Conflicting Regulations/Permits – *OBX of NC and Florida Keys***
- **Keys fisheries are working just fine – *yellowtail, mutton and gray snapper***



Next Steps:

How to synthesize all the information?



- Information compiled by STATE and by SECTOR
- Present state summaries to Council - June 2014
- Present sector summaries to Council - Sept 2014
- Special Council member Visioning Workshop ---
October 14-16, 2014 in Charleston, SC
- Council begins work to develop strategic plan
- Additional review/input by the public





FUTURE PRIORITIES

- Complete the *Snapper Grouper Visioning Project* and develop a strategic plan for the fishery
- Explore potential applications of the visioning project for our *other fisheries*
- Improve *reporting and data collection* (electronic reporting)
- Encourage NMFS to improve *fisheries dependent data collection*
- Increase the number and frequency of stock assessments and *improve the SEDAR stock assessment process*
- Encourage and support the development of a *cooperative fisheries independent monitoring program*



ADDITIONAL NOAA SUPPORT REQUIRED

- SAFE Reports
- Support for and collaboration on cooperative monitoring
- More \$\$ to support fishery independent surveys and fisheries dependent data collection
- Commitment of personnel and resources to explore better data poor approaches for management
- System for more timely posting and tracking of ACLs
- Improved communication, collaboration and relaxation of formality



South Atlantic Fishery Management Council

QUESTIONS?





Western Pacific Regional Fishery Management Council

Round-up Session:

1. Current Activities
2. Future Priorities
3. Additional NOAA Resources/Support Required



Current Activities

- International Management – Disproportionate Burden
- Management Issues – Fisheries w/o BiOps
- MSA Reauthorization
- 5-Year Program Plan and Multiyear Budget
- Fisheries Development and Capacity Building



International Management

- In the WCPFC, the US (NOAA & DOS) government failed uphold its promise to block consensus with regards to further reductions in the Hawaii longline fishery
- Hosting Workshop on Disproportionate Burden w/International Economists – Sept 2014
- Concept of Disproportionate Conservation Burden being used by Pacific island countries as strategic leverage against USA and other developed countries in regards to bigeye conservation
 - Hawaii longline fishery is the pawn in larger geopolitical game over WCPO purse seine skipjack/yellowfin fishery
 - Hawaii longline fishery is being disproportionately burdened for reductions in bigeye quota

Management Issues



- Delayed Processing of ESA Section 7 Consultations puts the Two Largest Fisheries in the WP Region in Jeopardy of Operating w/o current BiOps
 - Since 2011 NMFS has not reinitiated consultation for American Samoa Longline Fishery
 - Hawaii Deep-set Longline Fishery consultation ongoing since June 2013 due to duplicative requirement to obtain MMPA take authorization

MSA Reauthorization

- Testified in Senate Hearings on Pacific Region MSA Priorities
- Commented on Draft House Bill
- Commented on Draft Senate Bill

5 yr Program Plan and Budget

- Council Approved its Program Plan and Priorities that will direct activities in 2015-2019
- Now finalizing 5 year plan and Multiyear budget for transmittal to NMFS in June
- Major Program Elements:
 - 1) Pelagic Fisheries;
 - 2) Island Fisheries;
 - 3) Ecosystem (Protected Species, Habitat, Human Dimensions, Science, Climate Change);
 - 4) Fishing and Indigenous Communities (Community and Fishery Development, Capacity Building, Indigenous); and
 - 5) Education and Outreach

Communities and Fishery Development

- Fishery infrastructure, training, feasibility assessments;
- Community-Based Management Planning;
- Capacity Building – grade schools, undergraduate/graduate student support, internships, teacher workshops, community monitoring
- Cooperative demonstration/development projects



Future Priorities

- Council Program Plan
 - Conduct reviews of Fishery Ecosystem Plans (FEPs)
 - Integrate ecosystem information into the FEPs
 - Support monitoring, data collection and research
 - Support capacity building and fishery development
 - Support US fisheries on the international level related to highly migratory species (HMS) management, trade and compliance
- Management Plan for Sea Turtles
- Climate Change

Additional NOAA Resources/Support Required

- Funding directed to support the WP Regional Strategic Plan for Fishery Data Collection and Research
- Funding directed to Marine Mammal Stock Assessments
- Funding directed to Electronic Log Reporting Projects
- Change the SK allocation and the way projects are solicited



Regional Fishery Management Councils Coordination Committee



February 25, 2014

Ms. Eileen Sobeck
Assistant Administrator
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910



Re: FY 2014 Funding Allocation to Regional Fishery Management Councils

Dear Ms. Sobeck,



Thank you for the presentation of Mr. Paul Doremus February 19, 2014 on the status of FY 2014 National Marine Fisheries Service (NMFS) budget and current thinking on the allocation to Regional Fishery Management Councils (RFMC) at this time. As we understand the current state of spending plan development at this time, key information is as follows in terms of spendable dollars.



<u>Funding Category</u>	<u>FY 2012</u>	<u>FY 2014</u>
NMFS Total Budget	\$895.0 M	\$992.3 M (\$917.3 absent the \$75 M Disaster Fund)
NMFS ORF Budget	\$804.7 M	\$812.6 M
RFMC Allocation (all PPAs)	\$28.2 M	\$26.5 M



Preparatory to this meeting, the RFMC were under the impression that a reasonable allocation in terms of spendable dollars would be approximately at the FY 2012 level and that agency management and administration user-costs would not be charged to RFMC in FY 2014, contingent to an in-depth discussion of the relevant issues at this meeting that was to be preparatory to FY 2015 decision-making. There are several components and ramifications of the described approach to resolve agency management and administration user-cost charges that remain unclear at this point.

The RFMC view the best barometer of Congressional intent for an RFMC

allocation of traditional line items to be the Regional Councils and Commissions line item, which was \$31.8 M in FY 2012 and \$32.0 M in FY 2014. Given this, the key partnership role the RFMC play in the NMFS core mission, and the status of the NMFS budget, the RFMC request that you reconsider the current state of spending planning to reflect an allocation of \$28.2 M in spendable dollars, reflecting stability with the FY 2012 status of funding.

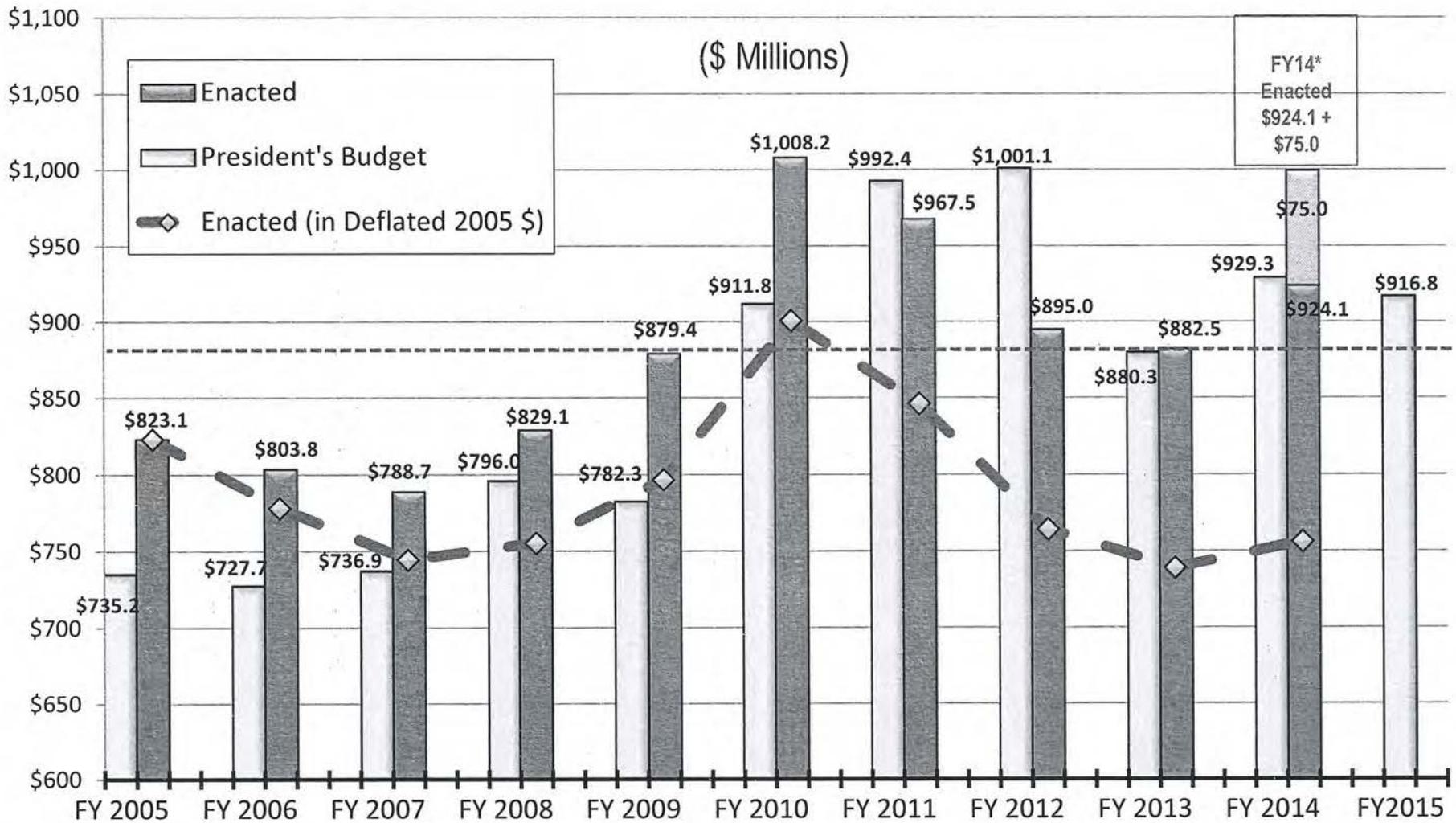
On behalf of the eight RFMC,

A handwritten signature in black ink, appearing to read "R B Robins, Jr.", with a stylized flourish at the end.

Richard B. Robins, Jr.
2014 CCC Chairman

cc: RFMC Chairs, Vice Chairs, and Executive Directors
Paul Doremus
Sam Rauch
Alan Risenhoover
Emily Manashes

NOAA Fisheries Budget Trending in Right Direction



*FY 2014 Omnibus includes \$75M for the Fisheries Disaster Mitigation Fund



NOAA FISHERIES

FY 2014 Council Funding

[Estimate based on current spend plan (03/14) and is subject to change]

NMFS Funding Source	FY2012 Spend Plan	FY2013 Spend Plan	FY2014 Spend Plan Proposed	New England	Mid-Atlantic	South Atlantic	Gulf of Mexico	Caribbean	North Pacific	Pacific	Western Pacific
Regional Council PPA	\$23,317,450	\$20,861,339	\$22,542,450	\$3,302,469	\$2,862,891	\$2,423,313	\$2,919,247	\$1,544,158	\$3,528,410	\$3,307,587	\$2,654,375
National Environmental Policy Act	\$752,304	\$707,049	\$757,333	\$110,949	\$96,181	\$81,413	\$98,075	\$51,877	\$118,523	\$111,139	\$89,176
Fisheries Research and Management Program PPA:											
ACL Implementation	\$1,763,799	\$1,631,905	\$1,680,862	\$246,246	\$213,470	\$180,693	\$217,672	\$115,139	\$263,055	\$246,666	\$197,922
Regulatory Streamlining Program	\$785,371	\$765,545	\$788,511	\$115,517	\$100,141	\$84,765	\$102,112	\$54,013	\$123,402	\$115,714	\$92,847
SSC Stipends	\$497,935	\$460,705	\$474,526	\$69,518	\$60,265	\$51,012	\$61,451	\$32,505	\$74,263	\$69,637	\$55,875
Council Peer Review	\$497,935	\$460,705	\$474,526	\$71,179	\$0	\$118,631	\$0	\$0	\$0	\$142,357	\$142,358
Expand Annual Stock Assessments	\$513,299	\$455,815	\$513,299	\$0	\$0	\$483,299	\$30,000	\$0	\$0	\$0	\$0
National Catch Share Program	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2014 Spend Plan			\$27,231,507	\$3,915,878	\$3,332,948	\$3,423,126	\$3,428,557	\$1,797,691	\$4,107,653	\$3,993,101	\$3,232,554
FY 2013 Spend Plan		\$25,343,063		\$3,647,592	\$3,102,173	\$3,170,579	\$3,189,501	\$1,673,217	\$3,822,754	\$3,722,807	\$3,014,440
FY2012 Spend Plan	\$28,218,073			\$4,137,224	\$3,443,769	\$3,522,866	\$3,541,658	\$1,857,518	\$4,243,816	\$4,128,808	\$3,342,414



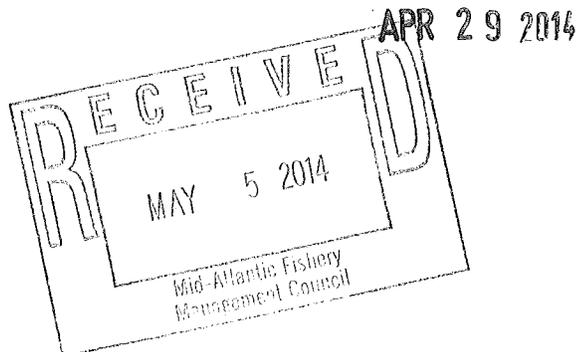
NMFS Budget Lines Relating to Regional Fishery Management Councils

NMFS Funding Line (\$ millions)	FY 2012 Spend Plan	FY 2013 Spend Plan	FY 2014 Spend Plan Proposed	FY 2015 Estimate	Change: FY 2015 Estimate minus FY 2014 Spend Plan
Regional Council PPA	\$23.3	\$20.9	\$22.5	\$24.4	\$1.9
National Environmental Policy Act	\$6.4	\$6.1	\$6.5	\$6.6	\$0.1
Fisheries Research and Management Programs PPA	\$178.4	\$170.5	\$174.6	\$181.8	\$7.2
Expand Annual Stock Assessments	\$63.6	\$64.0	\$68.8	\$72.2	\$3.4

Changes in Regional Council PPA subject to M&A, Hollings, and reprogramming FY15 does not yet include M&A, Hollings and any congressional rescission enacted



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR



Mr. Richard B. Robins, Jr.
Chairman, Regional Fishery Management
Council Coordination Committee
800 North State Street, Suite 201
Dover, DE 19901

Dear Mr. Robins:

Thank you for your letter regarding the issues you would like to see included in the revisions to the Magnuson-Stevens Fishery Conservation and Management Act. NOAA's National Marine Fisheries Service (NMFS) will continue to coordinate with you and the Council Coordination Committee (CCC) as reauthorization of the Act moves forward.

I understand your concerns regarding funding levels for 2014 and beyond. NMFS depends on the work of the Councils to manage our nation's fisheries, and I understand the importance of the work you do. As a federal agency we have some budget accounting requirements we must meet, such as equitable application of management fees across all budget lines. Hopefully the budget discussion with Paul Doremus at the February CCC meeting and teleconference on March 8 clarified our management fees requirement. As we finalize the 2014 budget, we will do what we can to support the Councils and the important work that you do.

If you have any questions, please contact Alan Risenhoover at (301) 427-8504. I look forward to seeing you and the other Council representatives and discussing issues of common interest at the upcoming May CCC meeting.

Sincerely,

Eileen Sobeck



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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

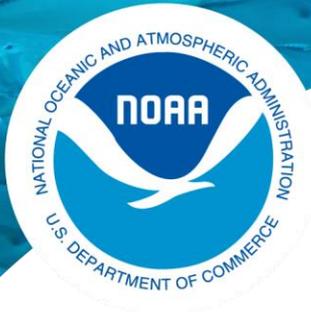


Sharing habitat conservation objectives to guide habitat investments

2014 Council Coordination Committee Meeting

Overview: This is a two-part discussion on increasing NOAA and the Councils' use of habitat conservation as a tool to achieve fishery management goals.

Part 1 – February 2014 CCC meeting Holiday Inn Capitol Hill, Washington, DC February 20, 2014	Part 2 – May 2014 CCC meeting Hilton Ocean Front, Virginia Beach, VA May 13, 2014
<p><u>Purpose:</u> Provide information on current NOAA habitat initiatives to help Councils understand how they can benefit and where they should engage</p> <p><u>Desired outcomes:</u></p> <ul style="list-style-type: none"> • Shared understanding of existing habitat conservation tools being used to achieve fishery management goals. • Council understanding of new developments/initiatives driven by the NOAA Fisheries Office of Habitat Conservation. • Council understanding of how they can influence and benefit from NOAA habitat conservation strategies and other opportunities. 	<p><u>Purpose:</u> Position Councils to articulate habitat goals and objectives to partners for potential support and improve coordination across councils on habitat strategies.</p> <p><u>Desired Outcomes:</u></p> <ul style="list-style-type: none"> • Provide follow-up on specific habitat partnerships that were discussed at the February meeting. • Highlight recent efforts to connect inshore habitats to offshore fishery productivity. • Discuss concepts to help Councils share habitat priorities and objectives with NOAA and external partners: <ul style="list-style-type: none"> ▪ Habitat conservation objectives ▪ Strategic HAPCs ▪ Cross-Council coordination
<p><u>Briefing book materials:</u></p> <ul style="list-style-type: none"> • Matrix of habitat focus areas (under NOAA Habitat Blueprint) and regional fish habitat partnerships (under National Fish Habitat Partnership) within each Council's jurisdiction. 	
<p><u>Part 2 agenda:</u></p> <ul style="list-style-type: none"> • Introduction (10 mins) – Kara Meckley, Acting Chief of Habitat Protection, NOAA Fisheries • Linking habitat to fishery productivity (45 mins) – Dr. Correigh Greene, NOAA's Northwest Fisheries Science Center • Presentation and discussion: Options for Councils (90 mins) – Kara Meckley 	
<p><u>Discussion questions:</u></p> <ul style="list-style-type: none"> • How can Councils better articulate habitat goals and objectives to NMFS and other partners? • How would these concepts work in the Council process? • How can we enhance cross-Council collaboration on habitat issues? • How can NMFS assist the Councils in this work? 	



NOAA
FISHERIES

Linking habitat to fishery productivity

Correigh Greene
NW Fisheries Science Center
Seattle WA



NOAA Fisheries' vision of habitat science: The Habitat Assessment Improvement Plan (HAIP)

- Improve use of habitat information in stock assessments and other management tools
 - habitat-dependent abundance expansions
 - survey gear catchability
 - temporally-dynamic habitat metrics
- Refine EFH to higher levels
 - Level 1 – presence/absence
 - Level 2 – abundance
 - Level 3 – habitat-specific vital rates
 - Level 4 – production

Talk overview

- Habitat in California Current Integrated Ecosystem Assessment (CCIEA)
- National Fish Habitat Partnership's (NFHP) estuary habitat assessments
- Inshore-offshore pilot projects

Habitat in the context of the California Current IEA

Focal Ecosystem
Components



Mediating
Components



Drivers and
Pressures

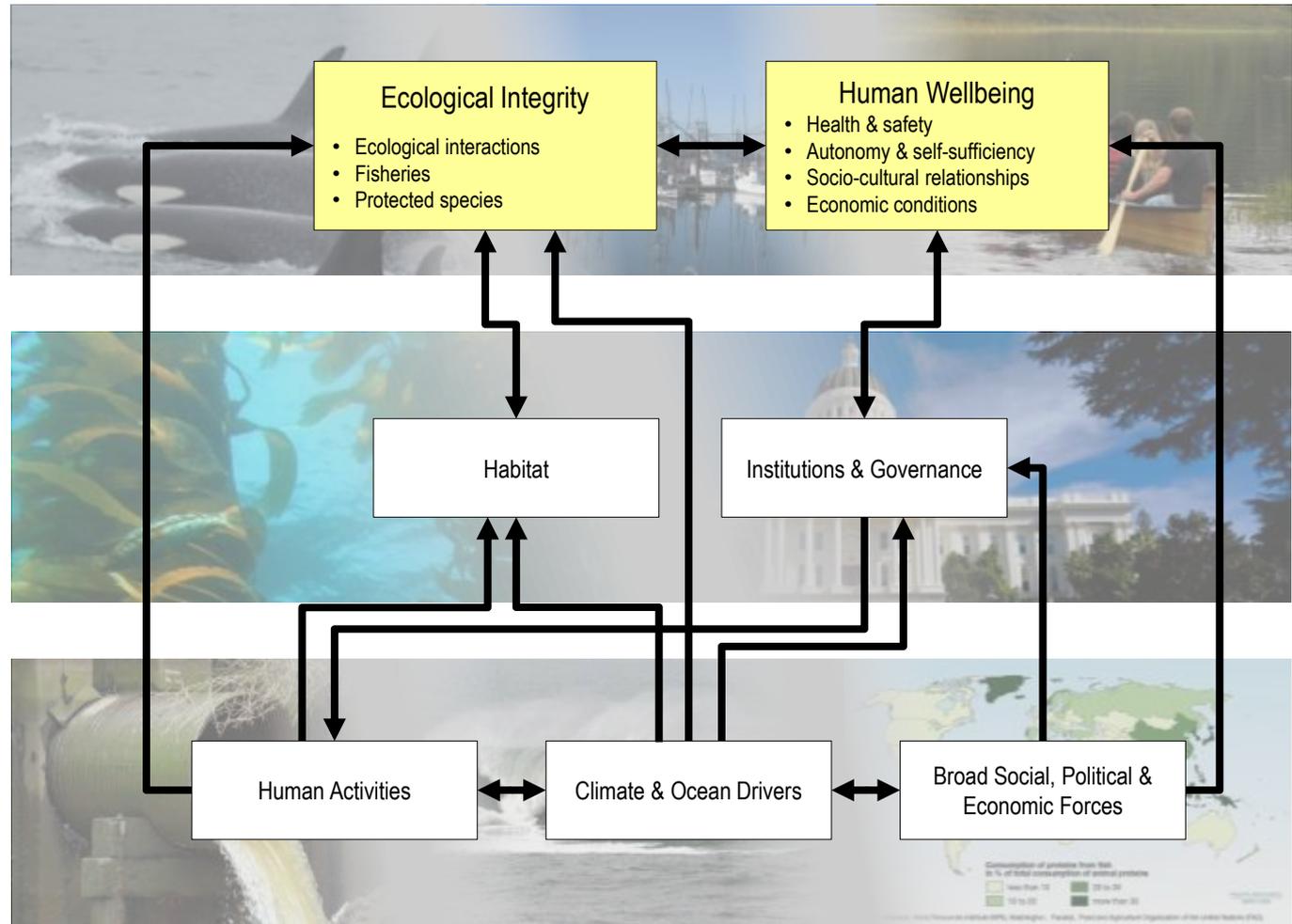


Habitat in the context of the California Current IEA

Focal Ecosystem Components

Mediating Components

Drivers and Pressures



Three core questions of the IEA

Is the ecosystem “healthy”?

ENGAGEMENT

INDICATORS AND
REFERENCE POINTS

How vulnerable is the
ecosystem to human uses and
natural perturbations?

RISK ANALYSIS

- **Assess** the vulnerability of biophysical attributes to current and future impacts
- **Assess** the cumulative effect of overlapping activities and impacts
- **Assess** the likely impacts of climate change

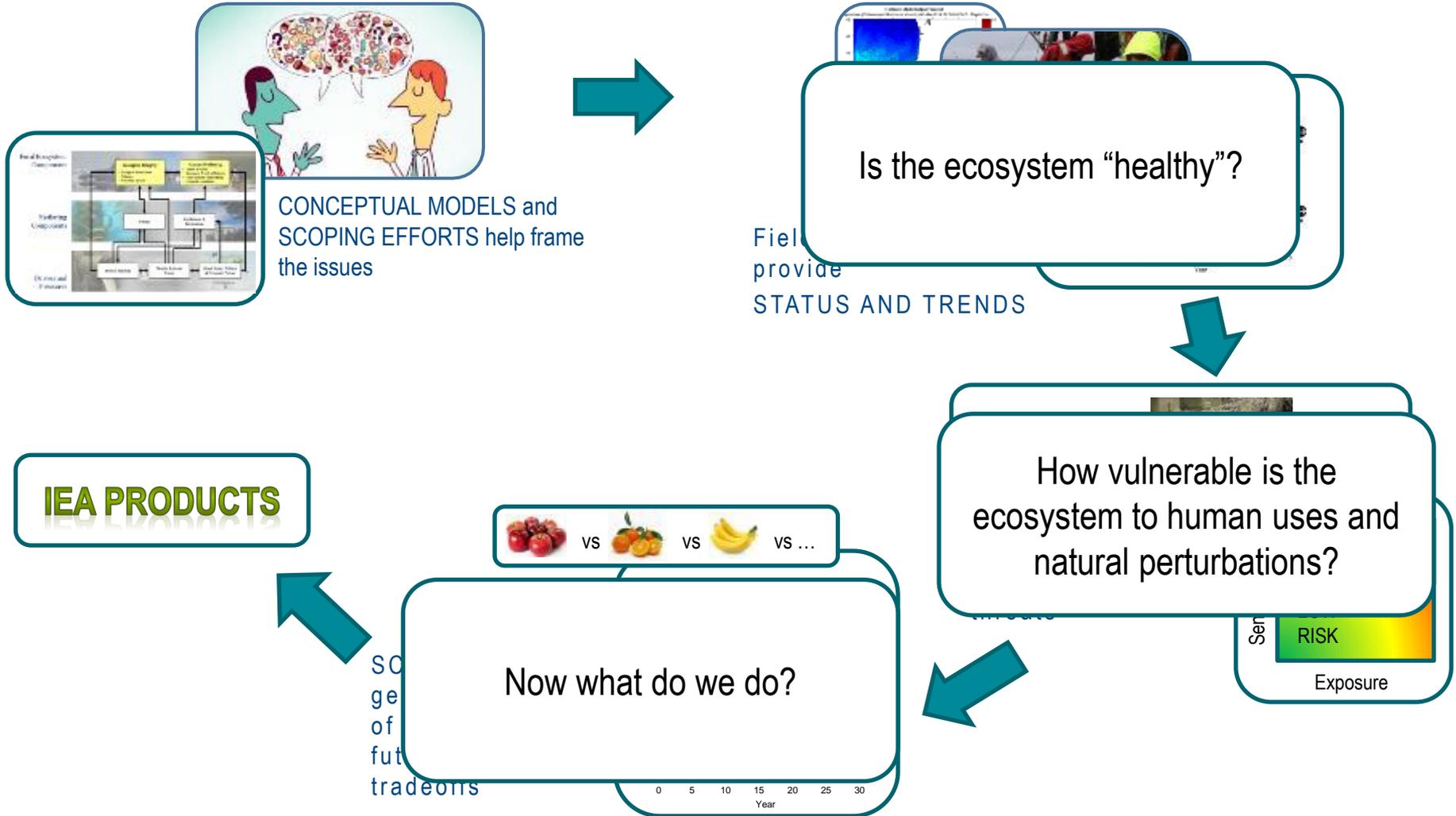
Now what do we do?

SCENARIO ANALYSIS

- **Identify** possible alternative futures
- **Evaluate** the likely tradeoffs associated with management alternatives

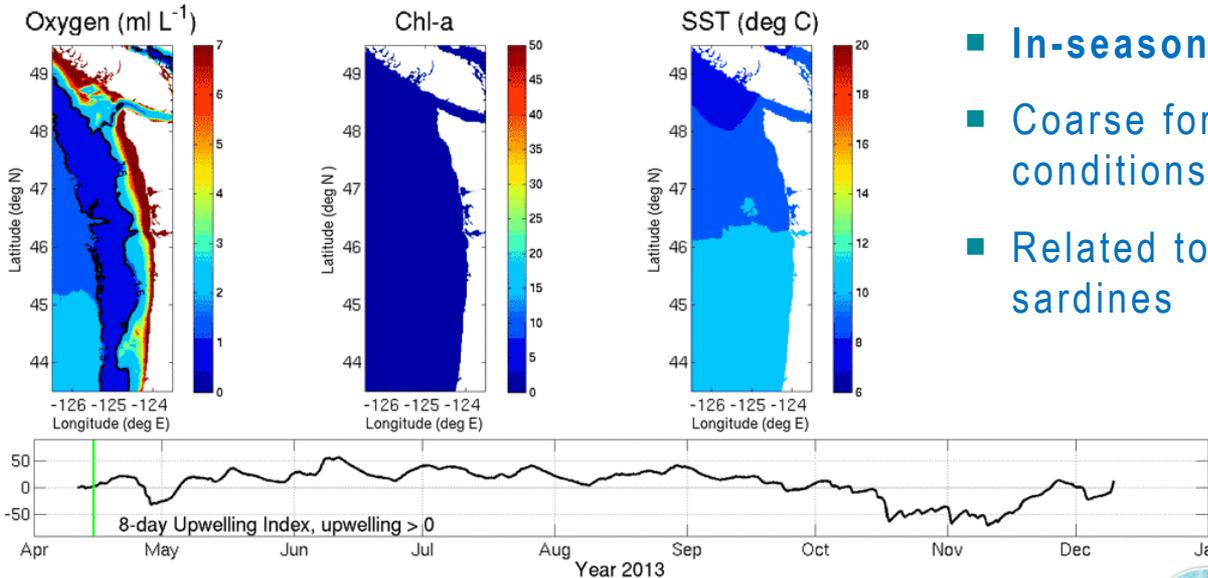


The CCIEA in action



The CCIEA in action

Example: forage fish and climate change



- In-season climate scenarios
- Coarse forecasts of ocean conditions (6-9 months ahead)
- Related to presence/ absence of sardines

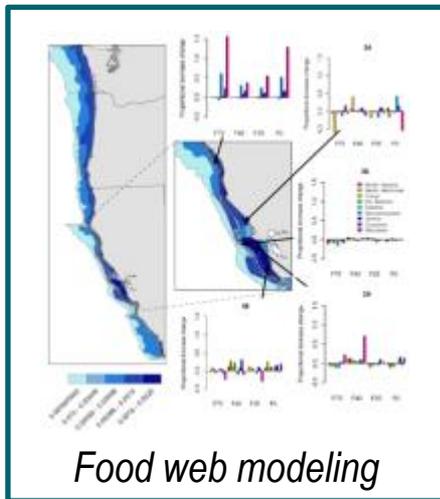
<http://www.nanoos.org/products/j-scope/forecasts.php>

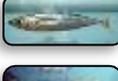
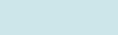


The CCIEA in action

Example: forage fish and climate change

- How are other groups affected by long-term decline in forage fish biomass?



- Increase**
-  Microzooplankton
 -  Krill
 -  Squid
 -  Mesopelagic fish
 -  Mackerel
 -  Salmon
 -  Coastal sharks

- Decrease**
-  Copepods
 -  Crabs
 -  Yelloweye rockfish
 -  Cowcod
 -  Seabirds & pinnipeds?

The CCIEA in development

Other scenarios: Habitat conservation measures

- What are the fisheries economic costs and benefits of revisions to groundfish EFH?
- How are commercial fisheries affected by coastal development activities?
- How will habitat conservation activities improve sustainable fisheries?

Three core questions of the IEA

Is the ecosystem “healthy”?

ENGAGEMENT

INDICATORS AND
REFERENCE POINTS

How vulnerable is the
ecosystem to human uses and
natural perturbations?

RISK ANALYSIS

- **Assess** the vulnerability of biophysical attributes to current and future impacts
- **Assess** the cumulative effect of overlapping activities and impacts
- **Assess** the likely impacts of climate change

Now what do we do?

SCENARIO ANALYSIS

- **Identify** possible alternative futures
- **Evaluate** the likely tradeoffs associated with management alternatives



Elements of spatial framework



Rivers: NHD+ to head of tide

Estuaries: NHD+, DEM, Lidar, bathymetry, head of tide to shoreline (4-10 m depth)
SAV & substrate maps desirable

Nearshore: Littoral drift cells of shoreline, 30-50 m depth contour to seafloor (photic zone),
SAV & substrate maps desirable

Seafloor: Ecoregional breaks, depth zones (shelf, upper slope, lower slope), 30-50 m to EEZ,
Substrate maps available (Groundfish synthesis)

Pelagic zone: Major ecoregional breaks, 30-50 m to EEZ

Talk overview

- Habitat in California Current Integrated Ecosystem Assessment (CCIEA)
- National Fish Habitat Partnership's (NFHP) estuary habitat assessments
- Inshore-offshore pilot projects

National Fish Habitat Partnership's Estuary and Coastal Assessment

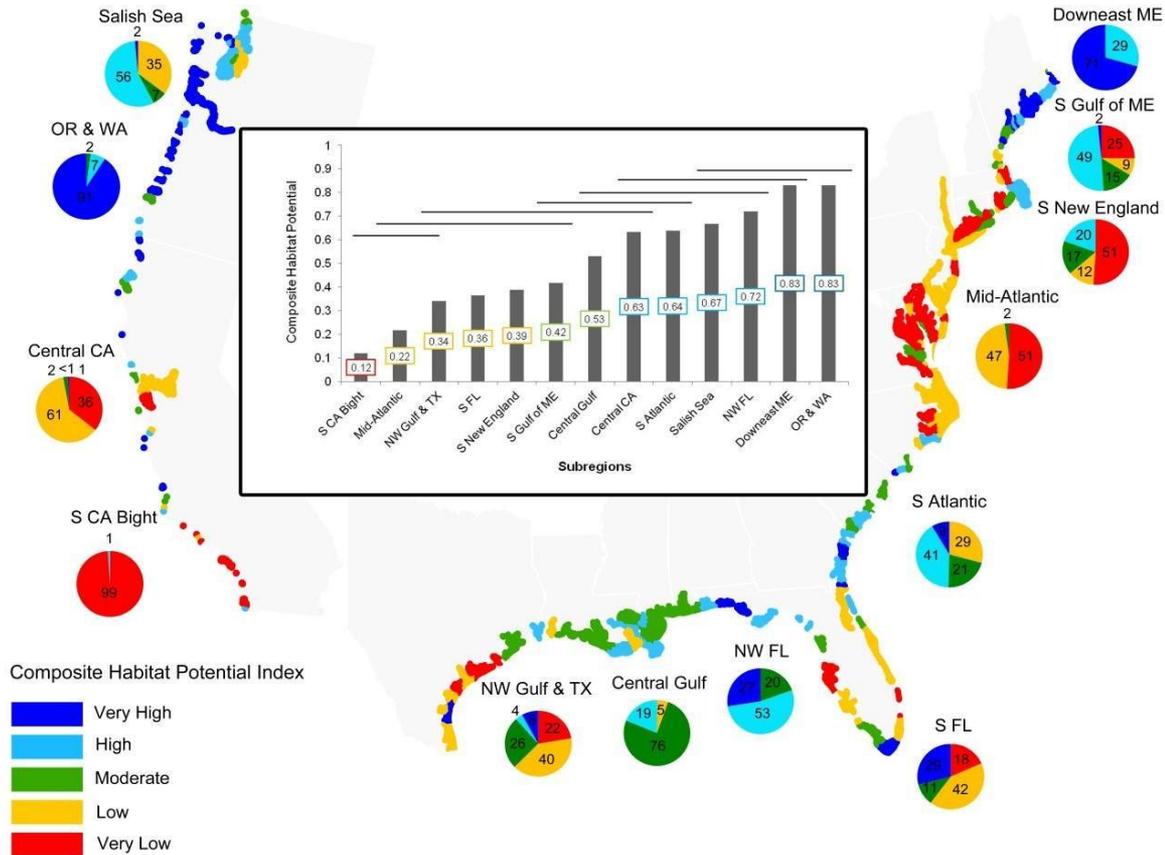
National Fish Habitat Action Plan goals:

- National assessments of aquatic habitats every 5 years
- Establish habitat condition scores for all US aquatic habitats from the mountains to continental shelf



2010 National Estuary Assessment

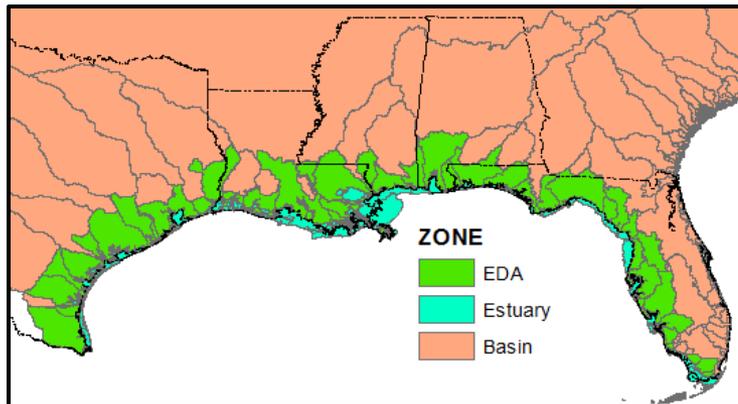
- Established a multi-scale geospatial framework for contiguous U.S.
- Assembled an index of estuary condition based on national data sets of landscape disturbance
- Did not include biological response data (i.e. fish abundance)



<http://ecosystems.usgs.gov/fishhabitat/>

Gulf of Mexico assessment

- 45 estuaries in the northern Gulf of Mexico
- Evaluates effects of anthropogenic activities at landscape scales on fish populations
- Approach can be readily replicated in other regions



Spatial Units

Estuary = shoreline to 4m depth contour

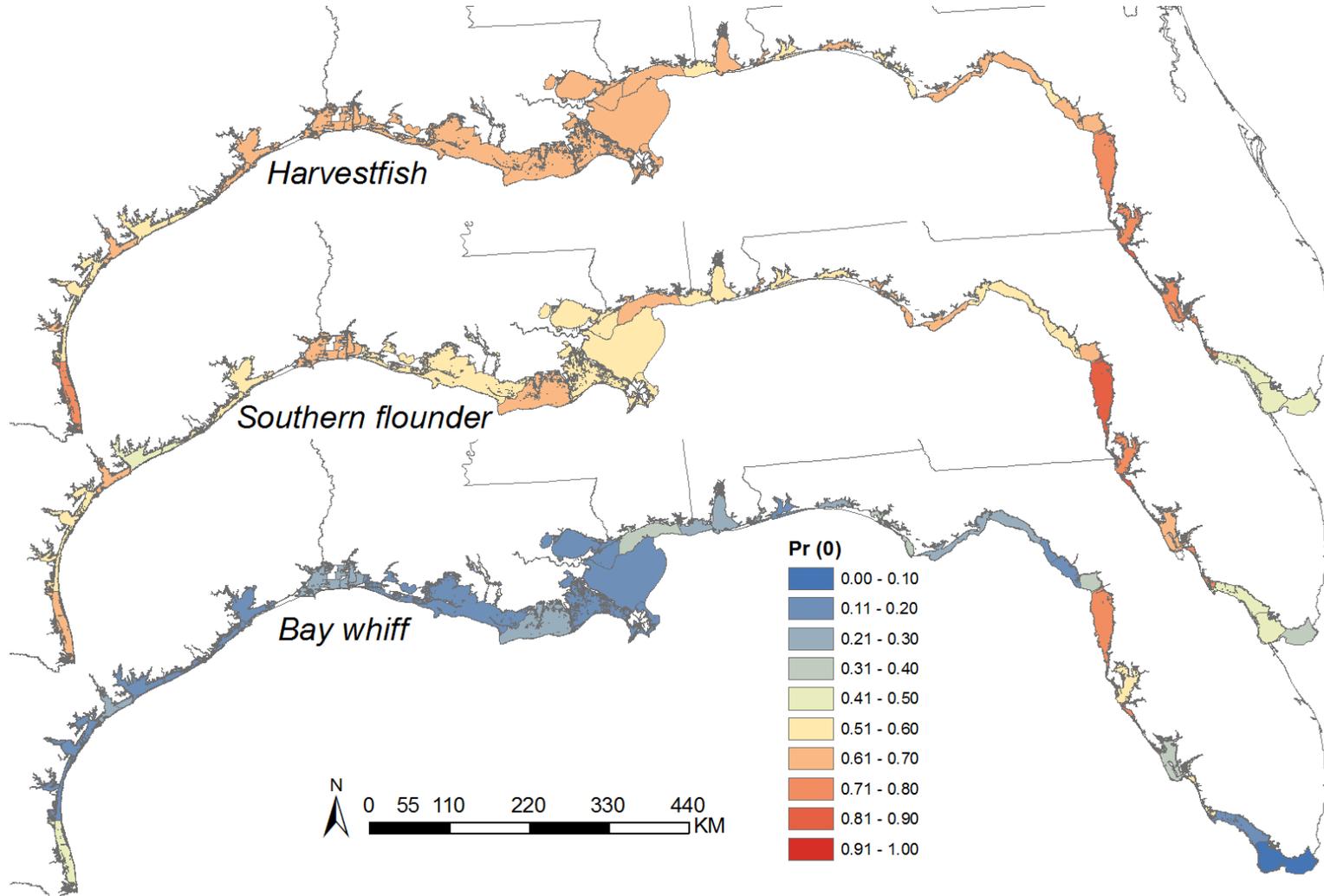
Shoreline = 500m buffer around estuary polygon

EDA = estuarine drainage area based on proximate HUC-8 unit

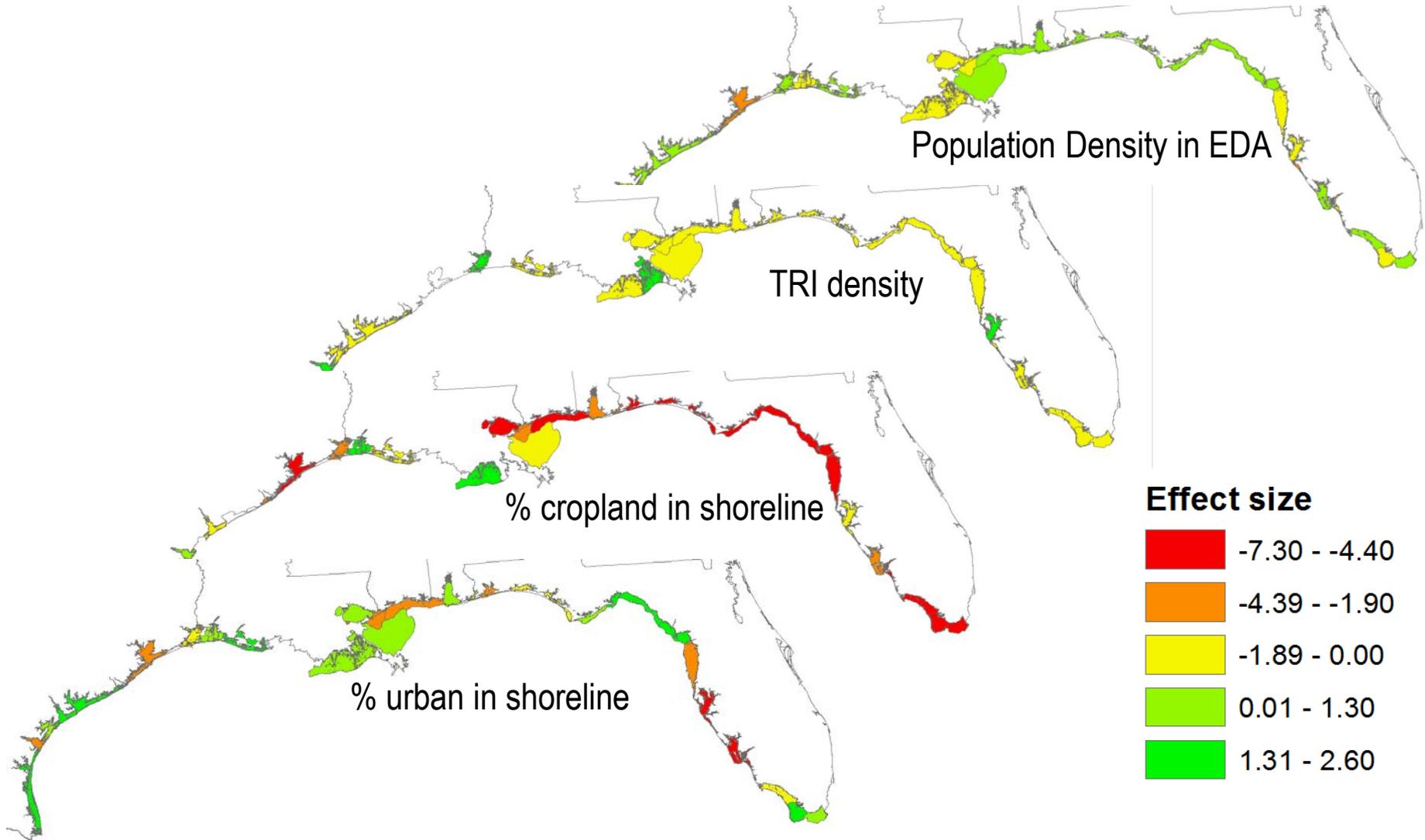
Basin = to the top of the watershed divide



Modeling species occurrence



Modeling effects of potential threats



PMEP nursery assessment

Goal: Assess nursery roles of Pacific coast estuary habitats and their threats.

Assessment steps	
1: Refine existing geospatial framework	In progress
2: Determine list of focal species	√
4: Assemble and evaluate available habitat and fish data	In progress
5: Assemble data on potential threats	In progress
6: Model biological responses to habitat characteristics and potential threats	



Talk overview

- Habitat in California Current Integrated Ecosystem Assessment (CCIEA)
- National Fish Habitat Partnership's (NFHP) estuary habitat assessments
- **Inshore-offshore pilot projects**

Connectivity of fisheries to coastal systems: two pilot projects

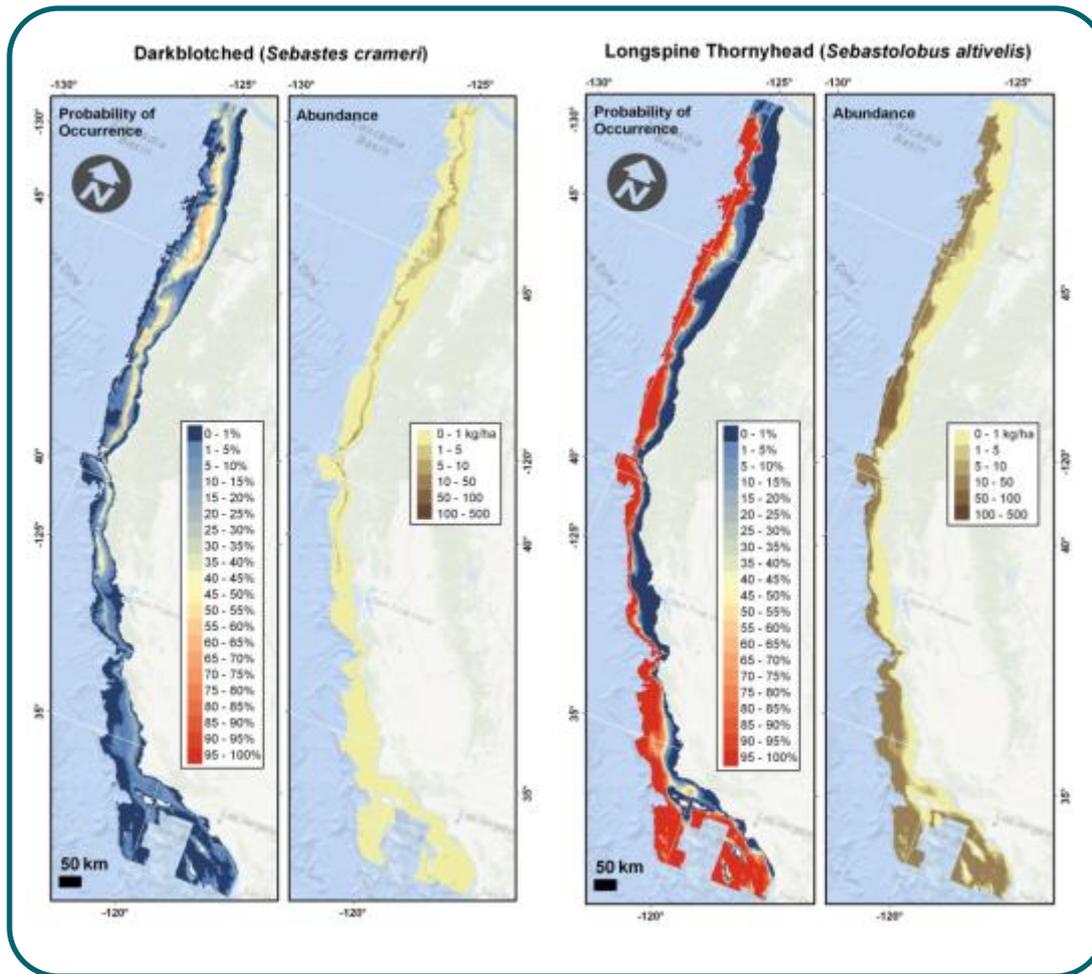
Statistical and ecosystem simulation approaches

Pacific coast: statistical approach using fisheries-independent data

Mid-Atlantic Region: recruitment simulations using Atlantis model

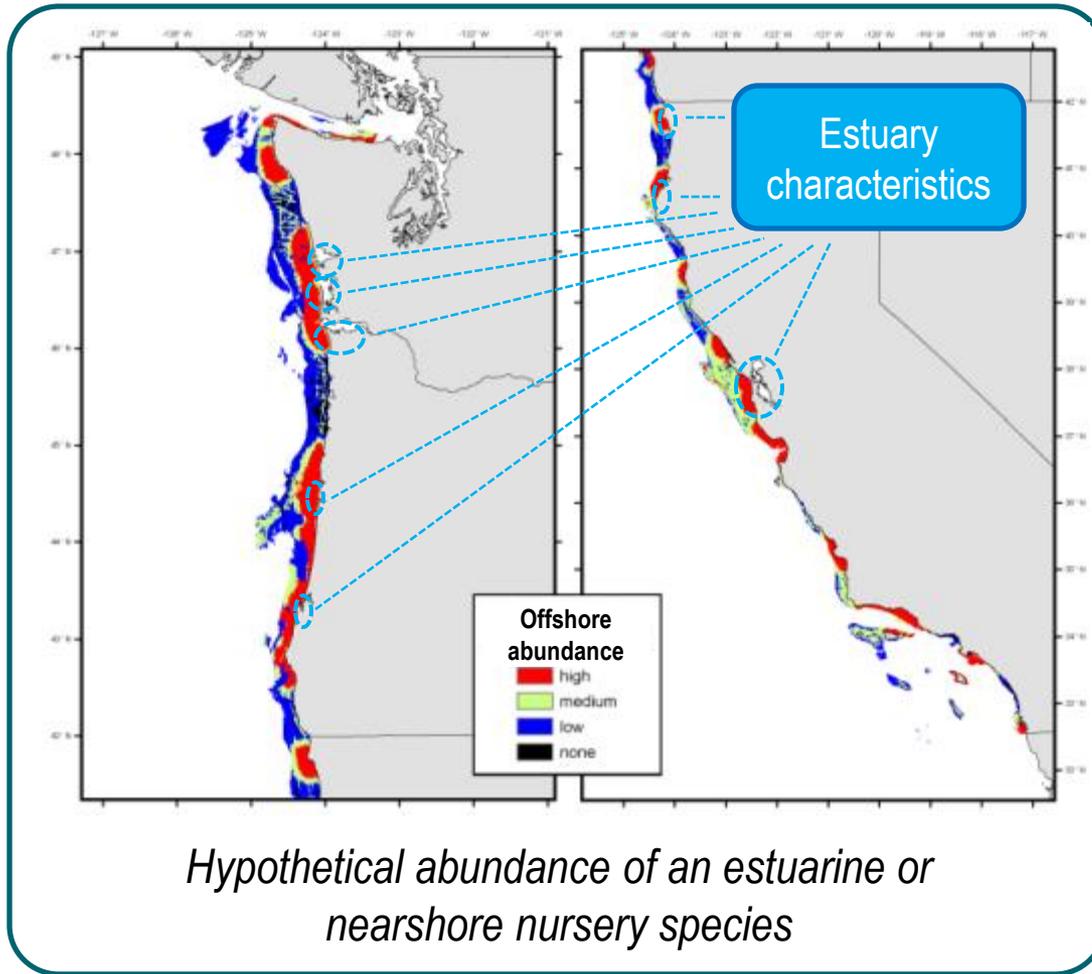


Mapping of Pacific groundfish habitat



- Groundfish EFH
- Habitat-based predictions of distribution and abundance

Adaptation for inshore-offshore work



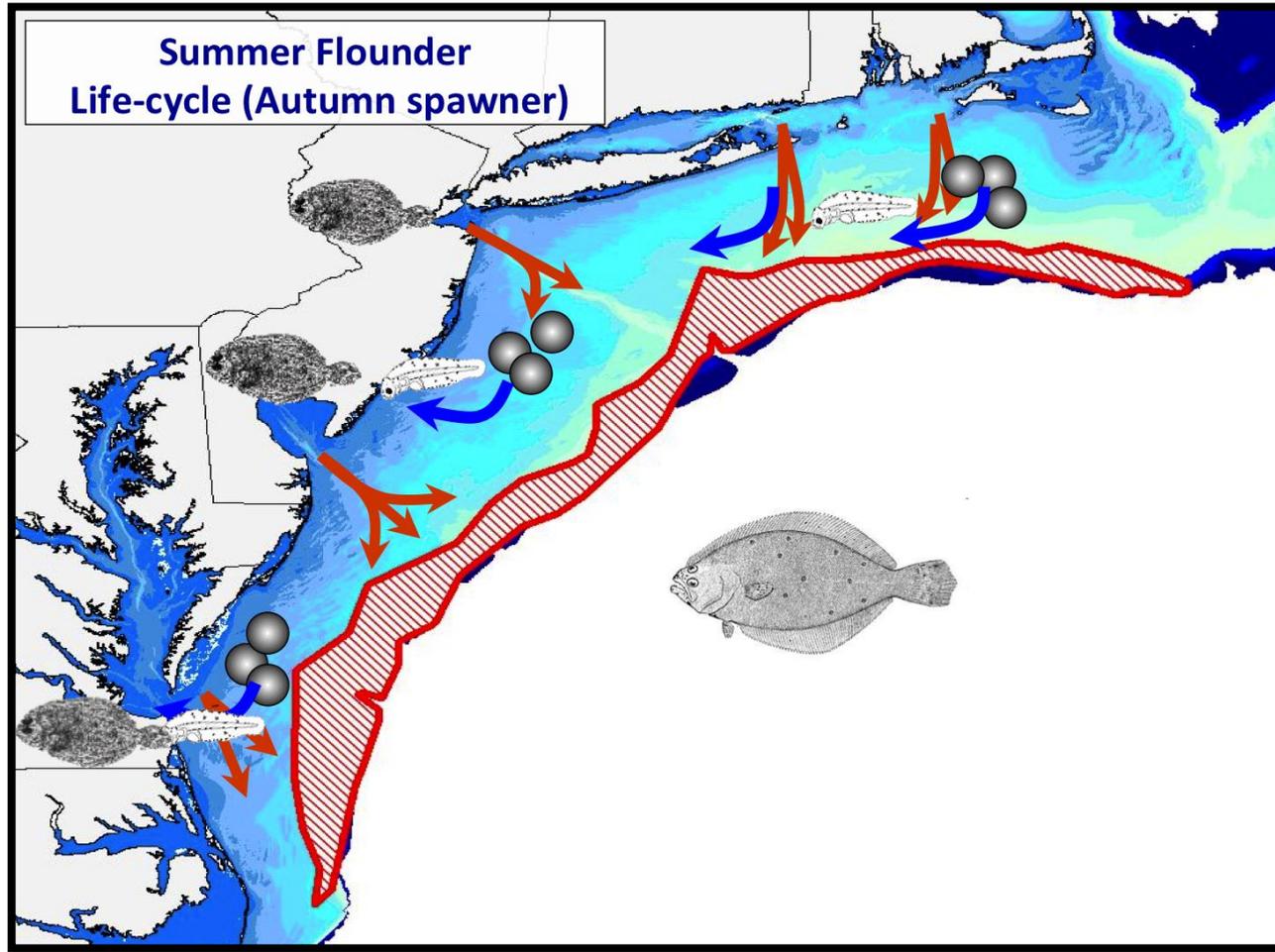
Estuary characteristics

- Amount of habitat
- Temperature
- Dissolved oxygen
- Urbanization

Fish characteristics

- Abundance
- Distance from estuary
- Recruitment size

Mid-Atlantic Project: Summer Flounder Habitat



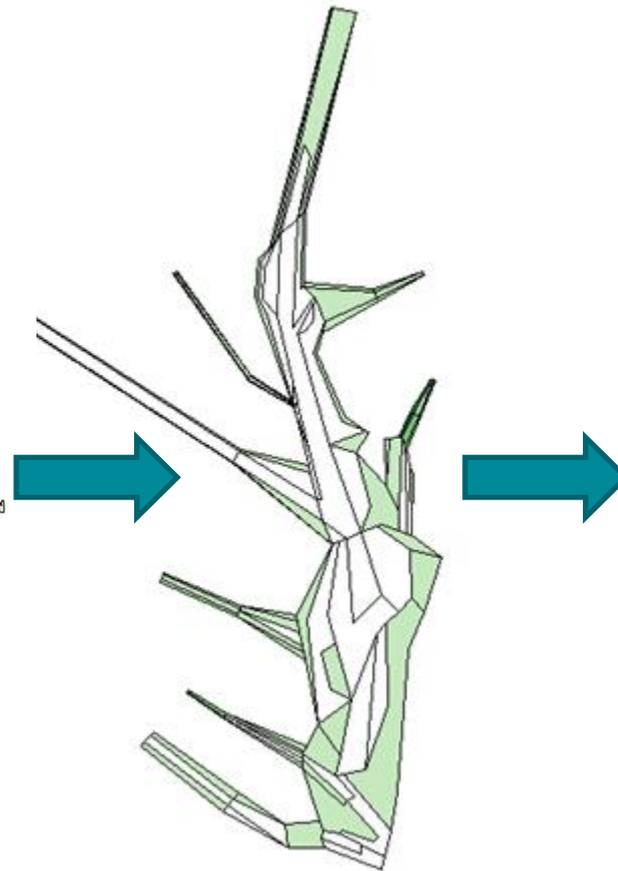
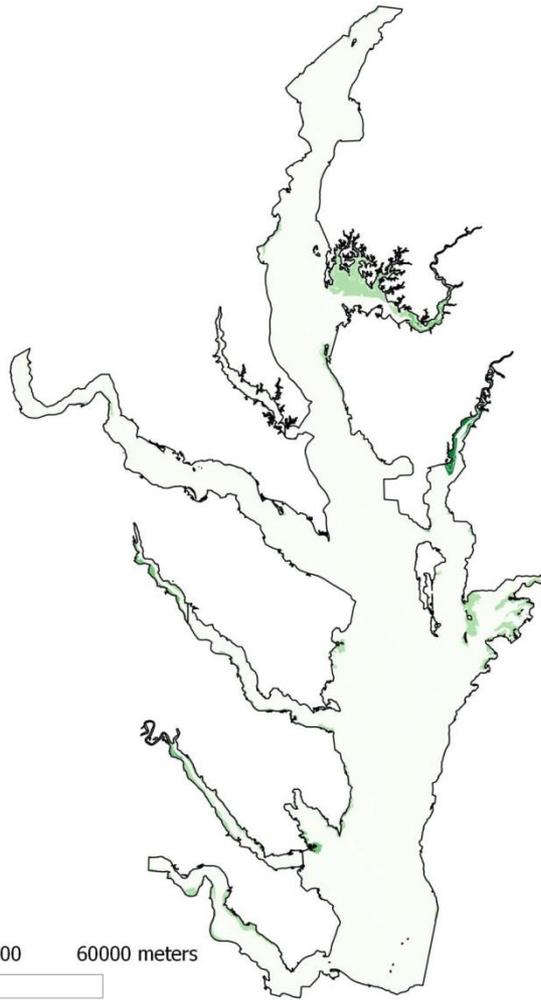
Integrated Database – Connecting Fish Surveys to Habitat Data

EFH Interface File Layout v1.0 (Seine)

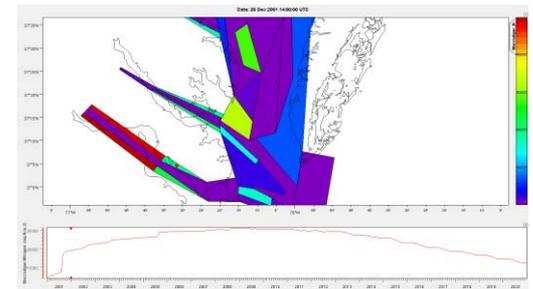
FidName	Desc	Format	Example
Record Identifier	Seine Interface Record Version - fixed	VARCHAR2 (20 BYTE)	EFH-S-1.0
FILE-SOURCE	Organization sending file	VARCHAR2 (30 BYTE)	MA-DMF
FILE-FILEIDENTIFIER	Unique (within File-Source) file id.	VARCHAR2 (30 BYTE)	20110701A
CRUISE_ID	Code uniquely identifying cruise. The first four digits indicate the year and the last two digit uniquely identify the cruise within the year.	VARCHAR2 (6 BYTE)	201105
STATION	Unique sequential order in which stations have been completed. Hangups and short tows each receive a non-repeated consecutive number.	VARCHAR2 (4 BYTE)	1
ITIS	code of each species caught	VARCHAR2(12 BYTE)	
SCINAME	Scientific name of specimen.	VARCHAR2 (45 BYTE)	
COMNAME	Accepted common name of a fish or invertebrate species.	VARCHAR2 (45 BYTE)	
LENGTH	Length (1 cm bins unless otherwise specified)	Number(4)	
DECDEG_BEGLAT	Tow Beginning Decimal Data Lat	NUMBER(10,6)	43.923733
DECDEG_BEGLON	Tow Beginning Decimal Data Long	NUMBER(10,6)	-68.77875
BEGIN_GMT_TOWDATE	Tow Begin Date - GMT	Date	2004-01-31
GMT TIME	Tow start time - GMT	VARCHAR2(8 BYTE)	12:05:10
PURPOSE_CODE	Code referencing purpose of cruise conducted. See SVCROUTE_PURPOSE table.	VARCHAR2(2 BYTE)	10
PURPOSE	Description of purpose_code to identify type of cruise conducted (e.g. Bottom Trawl, Scallop, Clam, etc.)	VARCHAR2(100 BYTE)	NMFS NEFSC BOTTOM TRAWL SURVEY
CATCHSEX	A one digit alphanumeric code used to identify species that are sexed at the catch level. This code is used to represent the entire catch of a particular species and not an individual fish or invertebrate. The available catchsex codes are as follows: 0=Unsexed 1 = Male 2 = Female Lobster codes (svspp=301): 0 = Forgot to look 1 = Male 2 = Female 3 = Female with egg 4 = Female V-notch 5 = Female V-notch with eggs Northern Shrimp codes (306): 1=Male 2=Female Stage I for Northern Shrimp 3=Female Stage II for Northern Shrimp 4=Transitional for Northern Shrimp 5=Ovigerous for Northern Shrimp 6=Non-spawning Female for Northern Shrimp 7=Female for Northern Shrimp not staged (stage I or II not determined)	VARCHAR2(1 BYTE)	1
EXPCATCHNUM	Expanded number of individuals of a species caught at a given station. For Seine and Trawl will be per 1 cm length bin, for Ichthyoplankton will be total number of Eggs / Larvae.	NUMBER(8)	32
CATCH_COMMENT	Comments on a species level.	VARCHAR2(500 BYTE)	
CATCHNUM_BASIS	C=Count, S=Sub Samples, E=Estimate	VARCHAR2(1 BYTE)	
GEAR_CODE	Type of gear code	NUMBER(2)	



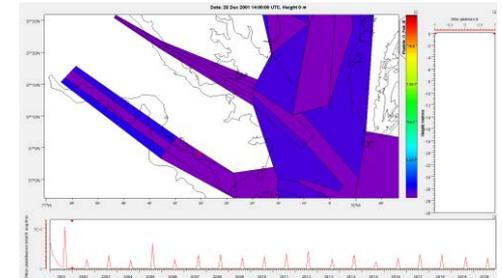
Ecosystem Modeling Approach to Test Summer Flounder Sensitivity to Habitat Change



Macroalgae



Planktivores



Effects of Eutrophication on Chesapeake Fisheries

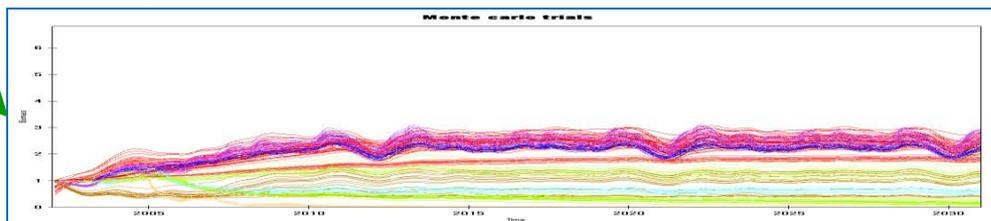
Species Habitat Preferences

Species	Temperature				Salinity				Dissolved oxygen	
	required min	optimal max	required min	optimal max						
Blue crab *	5.2	36.5	15	30	3	56	10	30	0	2.8
Atl. menhaden *	5	33	14	30	0	35	5	10	1.1	3
N. quahog clam *	4	36.5	9	31	10	35	21	30	0.5	2.4
Striped bass *	0	31	14	25	0	35	0	35	2	3
Eastern oyster *	-2	41	20	32	5	44	10	30	0	1
Atl. croaker *	1	36	13	28	0	36	5	20	0.5	1
Summer flounder *	4	28	9	27	10	60	28	60	1	2
Spot *	4	31	17	25	0	60	0	60	2	4
Black sea bass *	6	28	13	21	1	36	14	36	2	4
White perch *	3	34	12	33	0	22	0	16	0.8	2.9
Blue catfish *	0	40	26	29	0	8	0.5	3	2	5
Bluefish *	8	35	14	30	5	36	25	35	5.1	8
Tautog *	6	32	6	32	5	40	5	40	2	3
American shad *	8	26	14	21	0	60	0	60	2	5

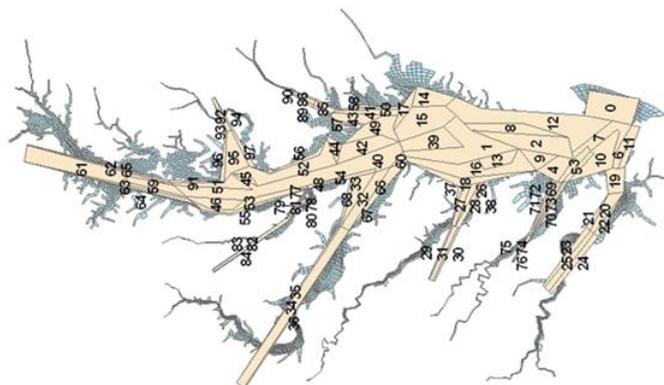
First Order Ecosystem Model

$$\frac{dN_{it}}{dt} = N_{it} \left[a_i + \sum_{j(i=1)}^I (\theta_i b_{ij} - b_{ji}) N_{jt} - |b_{ii} N_{it} - F_i| \right]$$

Chesapeake Bay Fisheries Ecosystem Model



Chesapeake Atlantis Model



Temp, Salinity, DO

N Loads



Chesapeake Eutrophication Model

Utility of both approaches

Statistical approach

- Correlational
- Grounded in reality, fewer assumptions

Ecosystem simulation approach

- Many assumptions in model
- Causal modeled scenarios
- sensitivity analyses are easy to do



Talk overview

- Habitat in California Current Integrated Ecosystem Assessment (CCIEA)
- National Fish Habitat Partnership's (NFHP) estuary habitat assessments
- Inshore-offshore pilot projects

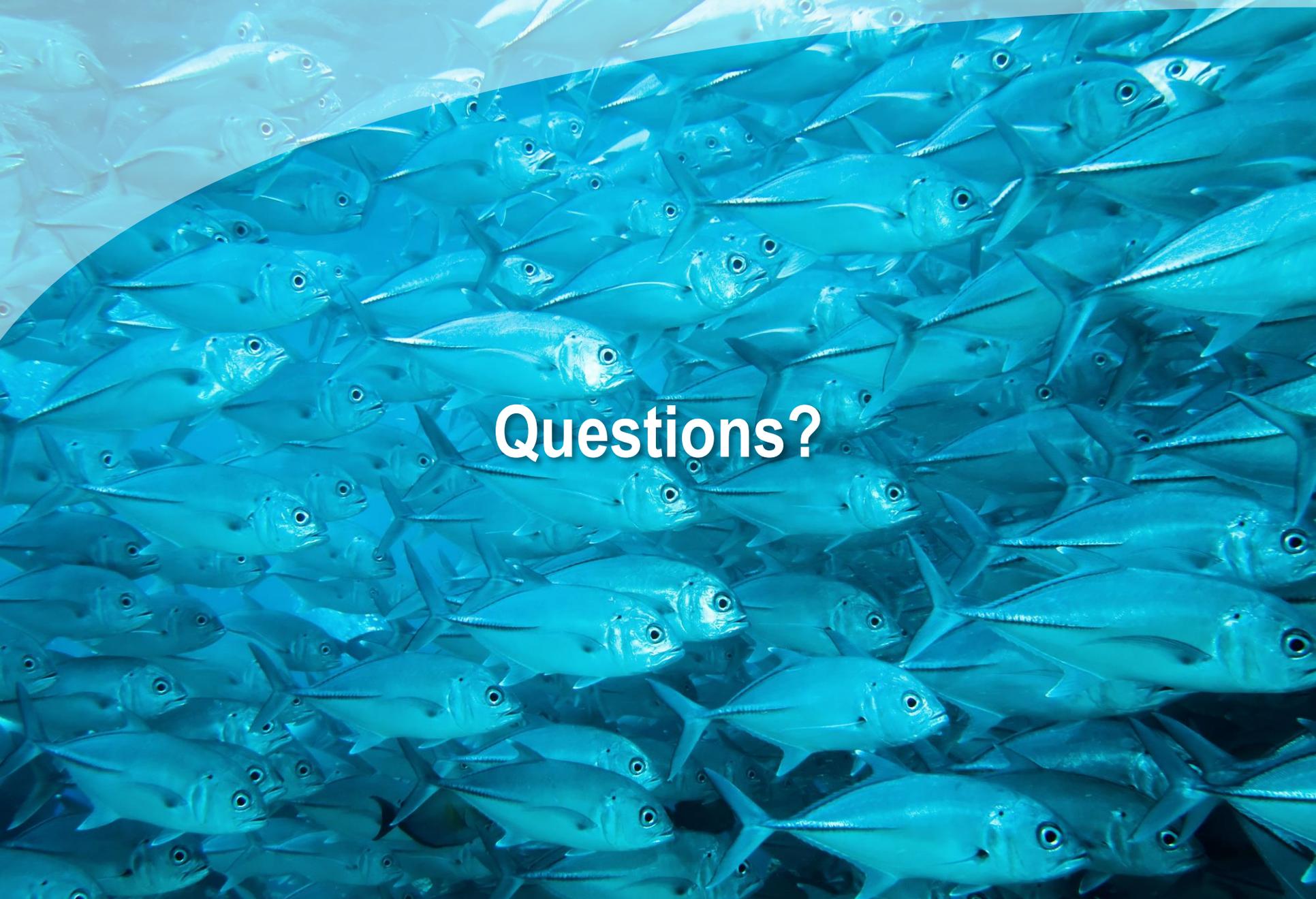
Talk overview

- Habitat in California Current Integrated Ecosystem Assessment (CCIEA)
 - *Improved utility of IEAs for fisheries management*
- National Fish Habitat Partnership's (NFHP) estuary habitat assessments
 - *Improved ability to prioritize habitat restoration benefiting fisheries*
- Inshore-offshore pilot projects
 - *Development of tools to assess coastal habitat conservation on abundance and productivity of offshore stocks*

Final points

- Models useful for management need data
 - Improved fisheries-independent surveys
 - Bigger, better habitat assessments
- Partnerships are vital
 - Across divisions within NMFS
 - Across NOAA
 - Between NMFS and other regional and national partners





Questions?



Session overview

- Linking habitat to fishery productivity.

Correigh Greene, NMFS Northwest Fishery Science Center

- Overview of NMFS and Council opportunities to communicate habitat objectives and guide habitat conservation investments.

Kara Meckley, NMFS Office of Habitat Conservation

- Group discussion on options and next steps.

Discussion questions

- How can Councils better articulate habitat goals and objectives to NMFS and other partners?
- How would these concepts work in the Council process?
- How can we enhance cross-Council collaboration on habitat issues?
- How can NMFS assist the Councils in this work?



NOAA
FISHERIES

Habitat Conservation: Increasing Fishery Productivity

Kara Meckley

Office of Habitat Conservation
NOAA Fisheries

Council Coordination Committee

May 13, 2014

Concepts discussed today:

1. Habitat conservation objectives

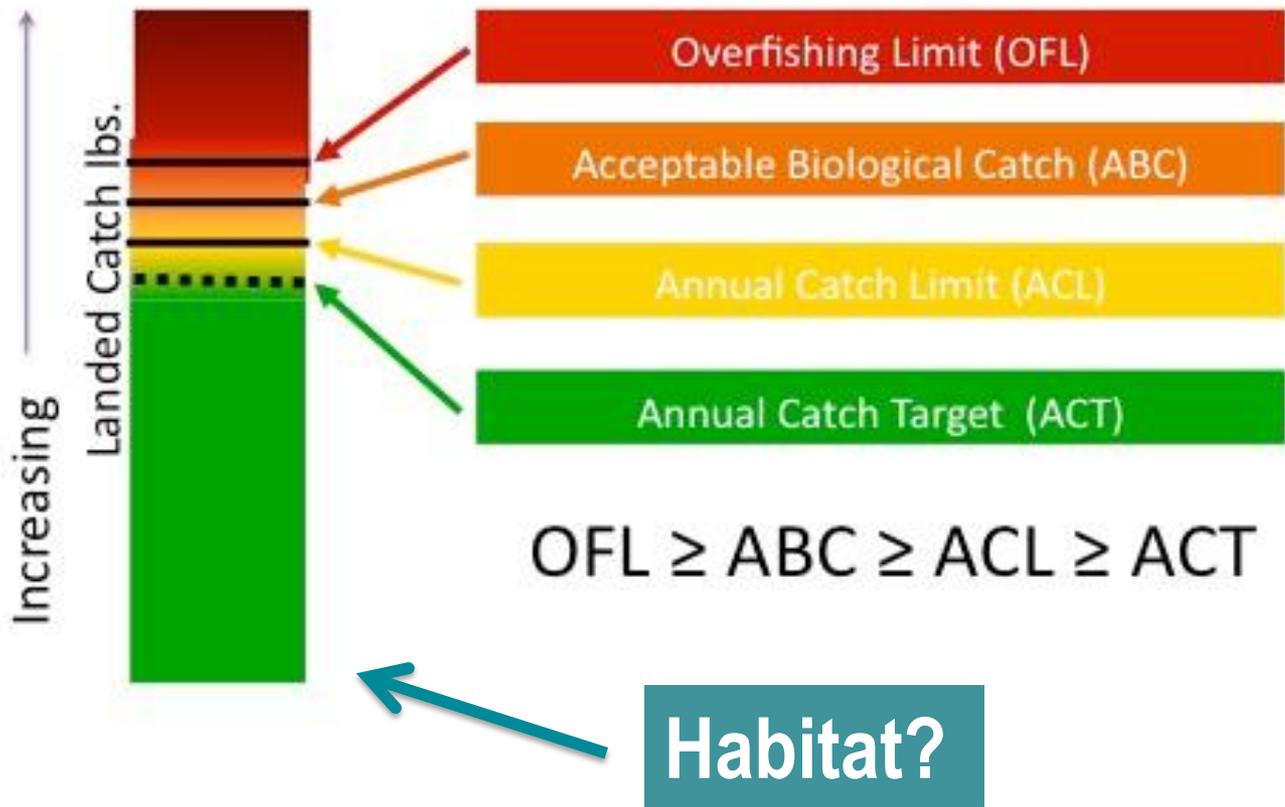
2. Strategic HAPCs

3. Cross-Council coordination

1: Habitat conservation objectives

- Drive habitat science & management decisions
- Guide investment decisions
- Measure progress
- Demonstrate value

Fishing objectives in FMPs



Current **fishing** objective: Winter flounder

Rebuild SNE/MA winter flounder by 2023
with a median probability of success

Further established ACLs

*Stock assessments inform the objective.

*Targets and management decisions driven by objective.



Framework Adjustment 50 to NE Multispecies FMP

Habitat objectives: Winter flounder



Adopt measures consistent with the habitat provisions of MSA, including identification of EFH and minimizing impacts on habitat to the extent practicable.

(Multispecies FMP Amendment 16)

Improved refuge for critical life history stages

(Omnibus Habitat Amendment 2)

Potential habitat objective?

20% increase in winter flounder productivity by protecting shallow water habitats essential to juvenile settlement.

Habitat target?: 10% increase in eelgrass extent in Mid-Atlantic coastal areas by next EFH review.

Interim habitat objective?

Protect shallow water winter flounder spawning habitats during juvenile settlement.

Habitat conservation objectives: Outcomes



- Stronger recommendations during consultations
- Effective Council engagement on non-fishing impacts
- Increased partner investment
- Focused habitat research
- More targeted Habitat Areas of Particular Concern
- Ability to measure progress & demonstrate results

Proposed next steps: West Coast Pilot



- Build on West Coast Habitat Assessments.
- Identify fishery-specific habitat conservation objectives for 2-4 focal species.
- Develop habitat conservation plan.
- Inform future PFMC work.
- Share lessons learned with other Councils.

2. Strategic HAPCs

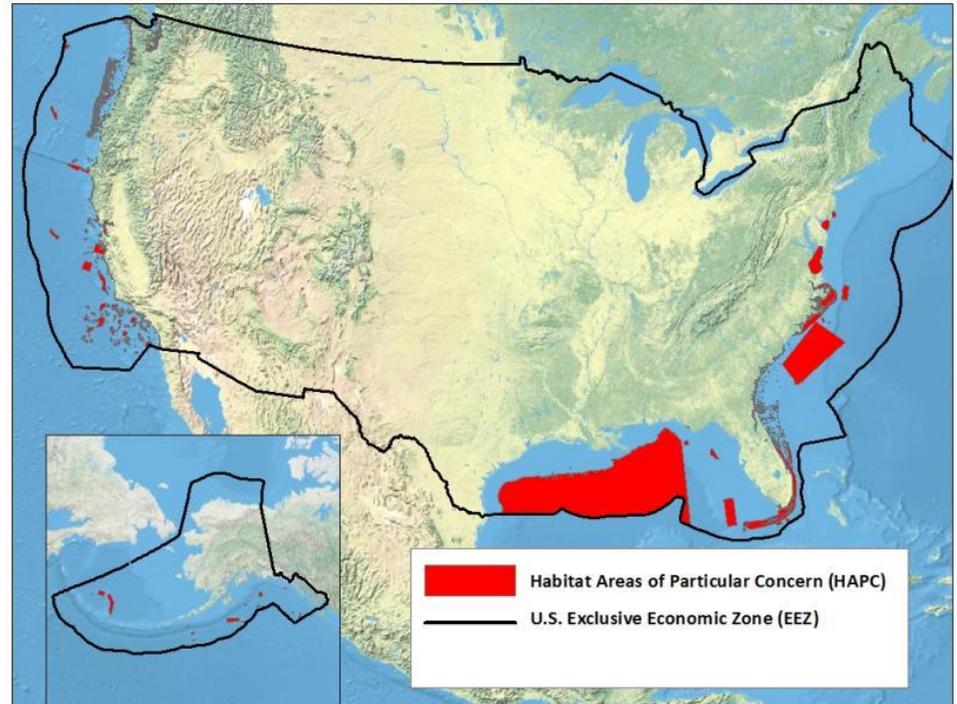
2. Strategic HAPCs

HAPC criteria:

- Ecological function
- Sensitivity to human-induced degradation
- Stress from development
- Rarity

Options for strategic HAPCs:

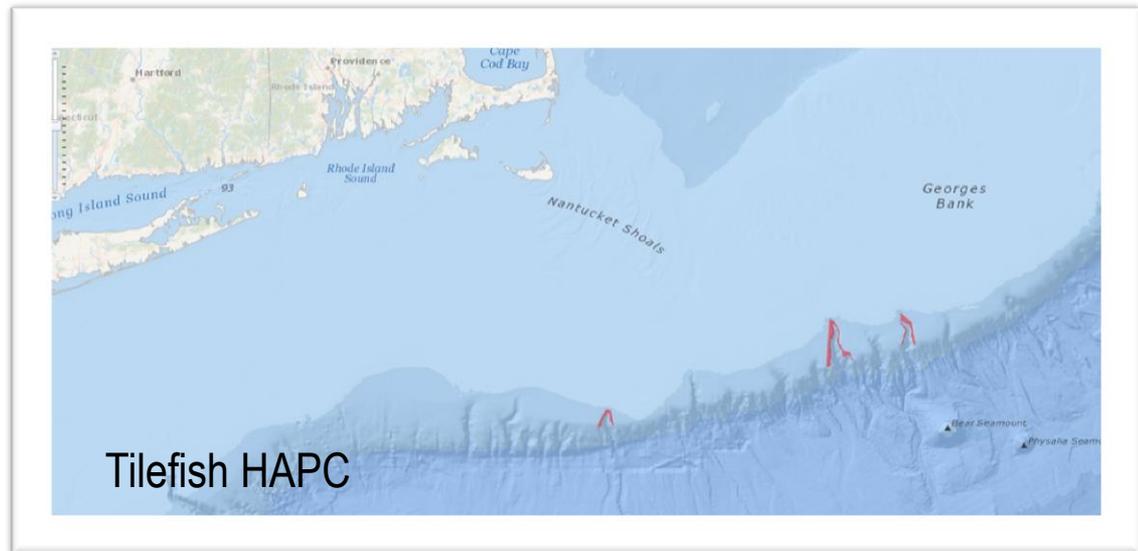
- Multispecies HAPCs
- Identify specific objectives in HAPCs



Proposed next steps: Mid-Atlantic Pilot



MID-ATLANTIC FISHERY
MANAGEMENT
COUNCIL



3. Cross-Council Coordination

3. Sharing habitat strategies across Councils



- Currently few opportunities to coordinate on habitat issues.
- No collective national story on council efforts to conserve habitat.
- Options for continued collaboration?
 - National SSC workshops.
 - Informal working group.
 - Others?

Discussion questions

- How can Councils better articulate habitat goals and objectives to NMFS and other partners?
- How would these concepts work in the Council process?
- How can we enhance cross-Council collaboration on habitat issues?
- How can NMFS assist the Councils in this work?

Opportunities for FMC and Place-Based Habitat Conservation Program Coordination

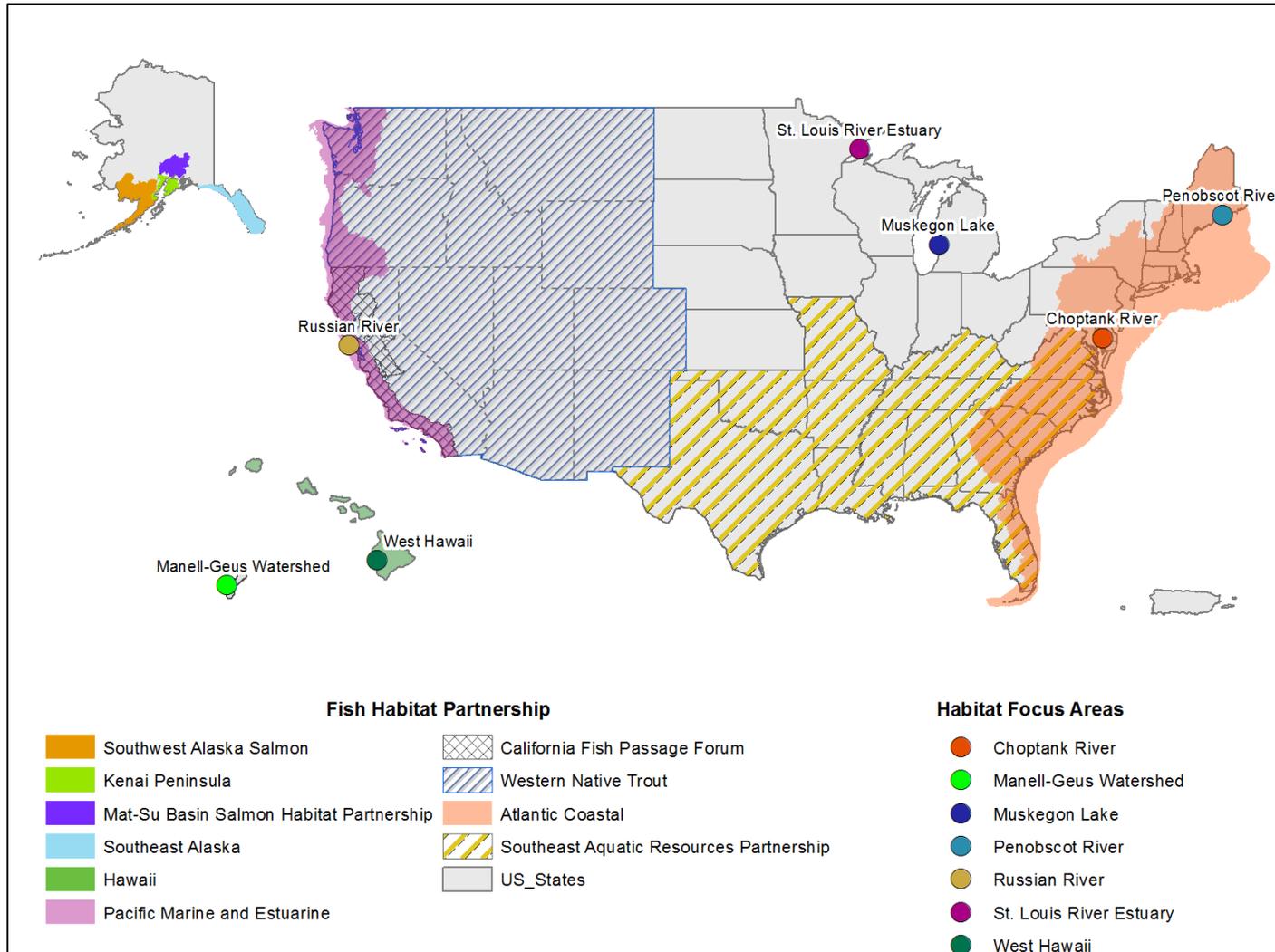
This packet contains information on the Fish Habitat Partnerships and the NOAA Habitat Blueprint Habitat Focus Areas. These programs may be of interest to the Fishery Management Councils because they represent places where there may be future opportunities for collaboration on habitat conservation actions or research. The packet contains:

- A map (Map 1) showing the location of the coastal Fish Habitat Partnerships and the Habitat Focus Areas that have been selected;
- A page or pages for each FMC identifying which Fish Habitat Partnerships and Habitat Focus Areas fall wholly or partially within the jurisdiction of the FMC. Information describing the priorities or objectives of these areas, along with contact information is provided. Decision criteria and additional considerations that regions have used in selecting their Habitat Focus Area(s) are also included.

If you have further questions about any of the information provided in this packet, please contact Emily Greene (emily.greene@noaa.gov) for the Fish Habitat Partnerships, and Dan Farrow (dan.farrow@noaa.gov) for the Habitat Focus Areas.

Opportunities for FMC and Place-Based Habitat Conservation Program Coordination

Map1 - Location of Fish Habitat Partnerships and Habitat Focus Areas



Council	Fish Habitat Partnership	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
New England	Atlantic Coastal Fish Habitat Partnership (ACFHP) www.atlanticfishhabitat.org	vacant - posted	Lou Chiarella, Assistant Regional Administrator for Habitat Conservation, Greater Atlantic Region (lou.chiarella@noaa.gov)	Coastal states from Maine to the Florida Keys (including VT and PA), from the headwaters of coastally draining rivers to the edge of the continental shelf, with a focus in estuarine environments.	<ul style="list-style-type: none"> Accelerates the conservation, protection, and enhancement of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes through partnerships Produced a Species-Habitat Matrix for >100 fish species Funded and endorsed projects in coastal habitats from Maine through Florida 	Federal and state agencies; regional (ie. Gulf of Maine Council) and local (ie. Town of Falmouth) governance entities; state-federal and interstate entities; tribal; local and national conservation organizations; philanthropic; and consultant
	Habitat Focus Area	Status of HFA	Contact	Decision Criteria	Focus Area Objectives	Key Projects
	Penobscot River (North Atlantic) NOAA Habitat Blueprint Web Site	This Focus Area was selected in February 2014 and implementation planning has begun	Lou Chiarella, Assistant Regional Administrator for Habitat Conservation (lou.chiarella@noaa.gov) Lead for Penobscot River HFA - John Catena, NE and GL Regional Supervisor, NOAA Restoration Center (john.catena@noaa.gov)	<ul style="list-style-type: none"> Criterion 1: Potential to Demonstrate Long-Term Impact Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years Criterion 3: Cross-NOAA Collaboration Criterion 4: External Partnerships and Potential to Provide Resources Criterion 5: Improves Our Scientific Understanding of Habitat Function <p>Additional Considerations:</p> <ul style="list-style-type: none"> Consideration 1: Transferability Consideration 2: Benefit to Local Communities and Economy Consideration 3: Improves Climate Resiliency 	<ul style="list-style-type: none"> Restore multiple diadromous species including river herring (species of concern), and ESA listed species: Atlantic salmon and Atlantic and shortnose Sturgeon Improved prey base for multiple offshore species including Gulf of Maine groundfish Improvement in water quality Improvement in river-based recreational opportunities 	Under Development

Council	Fish Habitat Partnership	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
Mid-Atlantic	Atlantic Coastal Fish Habitat Partnership (ACFHP) www.atlanticfishhabitat.org	vacant - posted	Lou Chiarella, Assistant Regional Administrator for Habitat Conservation, Greater Atlantic Region (lou.chiarella@noaa.gov)	Coastal states from Maine to the Florida Keys (including VT and PA), from the headwaters of coastally draining rivers to the edge of the continental shelf, with a focus in estuarine environments	<ul style="list-style-type: none"> Accelerates the conservation, protection, and enhancement of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes through partnerships Produced a Species-Habitat Matrix for >100 fish species Funded and endorsed projects in coastal habitats from Maine through Florida 	Federal and state agencies; local governance entities (ie. Town of East Hampton; Suffolk County); state-federal and interstate entities; local and national conservation organizations; philanthropic; and academic.
	Southeast Aquatic Resources Partnership (SARP) http://southeastaquatics.net/	(interim) Scott Robinson (scottr@southeastaquatics.net)	Rusty Swafford, Supervisor, Gulf of Mexico Branch Southeast Region (Rusty.Swafford@noaa.gov)	Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Missouri, Arkansas, Tennessee, and Kentucky.	<ul style="list-style-type: none"> Strengthens the management and conservation of aquatic resources in estuarine and coastal habitats (2,900 miles of coast) in the SE U.S. Implements and monitors restoration projects benefitting marine and anadromous fish habitat in nine SE states Provides cutting edge instream flow information through the Southern Instream Flow Network (SIFN) Addresses threats to coastal fish, shellfish and habitats 	Federal and state agencies; interstate agency; local and national conservation organizations; and academic
	Habitat Focus Area	Status of HFA	Contact	Decision Criteria	Focus Area Objectives	Key Projects
	Delmarva - Choptank Complex (North Atlantic) NOAA Habitat Blueprint Web Site	This Focus Area was selected in February 2014 and implementation planning has begun	Lou Chiarella, Assistant Regional Administrator for Habitat Conservation (lou.chiarella@noaa.gov) Lead for Delmarva-Choptank Complex HFA - Peyton Robertson, Director, NOAA's Chesapeake Bay Office (peyton.robertson@noaa.gov)	<ul style="list-style-type: none"> Criterion 1: Potential to Demonstrate Long-Term Impact Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years Criterion 3: Cross-NOAA Collaboration Criterion 4: External Partnerships and Potential to Provide Resources Criterion 5: Improves Our Scientific Understanding of Habitat Function <p>Additional Considerations:</p> <ul style="list-style-type: none"> Consideration 1: Transferability Consideration 2: Benefit to Local Communities and Economy 	<ul style="list-style-type: none"> Restore degraded oyster reef habitat and significantly increase native oyster populations Rebuild and sustain important fish populations (including striped bass, shad, herring, American eel and other species) Document and quantify the benefits oyster reefs and associated habitats provide Improve the decision-making and resilience of coastal communities by improving the delivery of NOAA's habitat and climate science 	Under Development

Council	Fish Habitat Partnership	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
South Atlantic	Atlantic Coastal Fish Habitat Partnership www.atlanticfishhabitat.org	vacant - posted	Lou Chiarella, Assistant Regional Administrator for Habitat Conservation, Greater Atlantic Region (lou.chiarella@noaa.gov)	Coastal states from Maine to the Florida Keys (including VT and PA), from the headwaters of coastally draining rivers to the edge of the continental shelf, with a focus in estuarine environments	<ul style="list-style-type: none"> Accelerates the conservation, protection, and enhancement of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes through partnerships Produced a Species-Habitat Matrix for >100 fish species Funded and endorsed projects in coastal habitats from Maine through Florida 	Federal and state agencies; state-federal and interstate entities; national conservation organizations; philanthropic; and academic.
	Southeast Aquatic Resources Partnership http://southeastaquatics.net/	(interim) Scott Robinson (scottr@southeastaquatics.net)	Rusty Swafford, Supervisor, Gulf of Mexico Branch Southeast Region (Rusty.Swafford@noaa.gov)	Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Missouri, Arkansas, Tennessee, and Kentucky.	<ul style="list-style-type: none"> Strengthens the management and conservation of aquatic resources in estuarine and coastal habitats (2,900 miles of coast) in the SE U.S. Implements and monitors restoration projects benefitting marine and anadromous fish habitat in nine SE states Provides cutting edge instream flow information through the Southern Instream Flow Network (SIFN) Addresses threats to coastal fish, shellfish and habitats 	Federal and state agencies; state-federal and interstate entities; regional governance entity (ie. South Atlantic Council); local and national conservation organizations; academic
	Habitat Focus Area	Status of HFA	Contact	Decision Criteria	Focus Area Objectives	Key Projects
	NOAA Habitat Blueprint Web Site	This region is currently undertaking the HFA selection process. One or more HFAs are scheduled to be selected in July.	Howard Schnabolk, Co-Chair of the Focus Area Selection Team (FAST) (howard.schnabolk@noaa.gov)	<ul style="list-style-type: none"> Criterion 1: Potential to Demonstrate Long-Term Impact Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years Criterion 3: Cross-NOAA Collaboration Criterion 4: External Partnerships and Potential to Provide Resources Criterion 5: Improves Our Scientific Understanding of Habitat Function Criterion 6: Leveraging Resources and Investments Criterion 7. Consistent with Regional Initiatives Additional Considerations: <ul style="list-style-type: none"> Consideration 1: Transferability Consideration 2: Benefit to Local Communities and Economy 	Not yet determined	Not yet determined

Council	Fish Habitat Partnership	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
Gulf of Mexico	Southeast Aquatic Resources Partnership http://southeastaquatics.net/	(interim) Scott Robinson (scottr@southeastaquatics.net)	Rusty Swafford, Supervisor, Gulf of Mexico Branch Southeast Region (Rusty.Swafford@noaa.gov)	Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Missouri, Arkansas, Tennessee, and Kentucky.	<ul style="list-style-type: none"> Strengthens the management and conservation of aquatic resources in estuarine and coastal habitats (2,900 miles of coast) in the SE U.S. Implements and monitors restoration projects benefitting marine and anadromous fish habitat in nine SE states Provides cutting edge instream flow information through the Southern Instream Flow Network (SIFN) Addresses threats to coastal fish, shellfish and habitats 	Federal and State agencies; interstate entity; regional (eg. Gulf of Mexico Fishery Management Council) and local (ie. City of Moss Point) governance entities; national conservation organizations; academic
	Habitat Focus Area	Status of HFA	Contact	Decision Criteria	Focus Area Objectives	Key Projects
	NOAA Habitat Blueprint Web Site	The decision on whether to undertake the selection process in this region is pending.	Virginia Fay, Assistant Regional Administrator for Habitat, SE Region (virginia.fay@noaa.gov)	<ul style="list-style-type: none"> Criterion 1: Potential to Demonstrate Long-Term Impact Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years Criterion 3: Cross-NOAA Collaboration Criterion 4: External Partnerships and Potential to Provide Resources Criterion 5: Improves Our Scientific Understanding of Habitat Function Additional Considerations: <ul style="list-style-type: none"> Consideration 1: Transferability Consideration 2: Benefit to Local Communities and Economy 	Not yet determined	Not yet determined

Council	Fish Habitat Partnership	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
Pacific	Pacific Marine and Estuarine FHP www.pacificfishhabitat.org	Lisa DeBruyckere (lisad@pacificfishhabitat.org)	Korie Schaeffer, Marine Habitat Resource Specialist, West Coast Region (korie.schaeffer@noaa.gov)	The PMEP estuarine and marine nearshore complex includes all marine and estuarine tidal and subtidal waters of the states of California, Oregon, and Washington, from the three-nautical mile boundary of the territorial sea landward to the high tide line, including the upstream extent of saltwater intrusion into coastal river systems. It also includes those adjacent shorelands and marine riparian areas that provide inputs to these waters.	<ul style="list-style-type: none"> Protects, restores, and enhances juvenile fish habitat and connectivity among habitats in the nearshore Pacific Ocean and California, Oregon, and Washington estuaries. Supports and promotes the protection, restoration, and enhancement of water quality and quantity to improve the function of estuarine and nearshore marine environments 	Federal and state agencies; interstate entity; regional (ie. Pacific Fishery Management Council) and local (ie. Grays Harbor Co. Commissioners) governance entities; Tribal entities; local and national conservation organizations; academic; industry; private landowners; consulting; and philanthropic
	California Fish Passage Forum www.cafishpassageforum.org	Lisa DeBruyckere (lisad@pacificfishhabitat.org)	Bob Pagliuco, NMFS (bob.pagliuco@noaa.gov)	Anadromous waters of the state of California	<ul style="list-style-type: none"> Remediates barriers to effective fish migration Facilitates coordination and communication among entities working on fish passage Identifies, assesses, and prioritizes the removal of fish passage barriers Disseminates guidelines and design criteria for replacement of barriers 	Federal and State agencies; local and national conservation organizations; interstate entity; philanthropic; academic; landowners
	Western Native Trout Initiative www.westernnative trout.org	Robin Knox (rknox@westernnative trout.org)	NA	Alaska, Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico.	<ul style="list-style-type: none"> Along the Pacific Northwest coast, WNTI supports coastal cutthroat trout data collection, conservation planning and habitat enhancement projects In Alaska, WNTI supports native trout and char data collection, conservation planning, and habitat enhancement projects, including protection and enhancement of water quality and quantity of coastal freshwater systems 	State and Federal agencies; Tribal entities; national conservation organizations; local governance entity (ie. Chelan County). Many partners but in coastal areas working primarily through the Pacific Marine and Estuarine FHP and the Pacific States Marine Fisheries Commission.

	Habitat Focus Area and Region	Status of HFA	Contact	Decision Criteria	Focus Area Objectives	Key Projects
Pacific (cont.)	Russian River Watershed HFA (West Coast) NOAA Habitat Blueprint Web Site	The Focus Area was selected in November 2012 and implementation planning is well underway.	Lead for the Russian River Watershed HFA - Pat Rutten, California Regional Supervisor, NOAA Restoration Center (pat.rutten@noaa.gov) Natalie Cosentino - Manning, HFA Implementation Coordinator (natalie.cosentino@noaa.gov)	<ul style="list-style-type: none"> • Criterion 1: Potential to Demonstrate Long-Term Impact • Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years • Criterion 3: Cross-NOAA Collaboration • Criterion 4: External Partnerships and Potential to Provide Resources • Criterion 5: Improves Our Scientific Understanding of Habitat Function • Criterion 6: Builds social and cultural attributes into ecosystem or watershed management <p>Additional Considerations:</p> <ul style="list-style-type: none"> • Consideration 1: Transferability • Consideration 2: Benefit to Local Communities and Economy 	<ul style="list-style-type: none"> • Rebuild endangered coho and threatened Chinook and steelhead stocks to sustainable levels through habitat protection and restoration. • Improve frost, rainfall, and river forecasts in the Russian River watershed through improved data collection and modeling. • Increase community and ecosystem resiliency to flooding and drought through improved planning and water management strategies. 	<ul style="list-style-type: none"> • Improve frost prediction and protection methods as a way to conserve summer flows in tributaries for juvenile salmon • Develop a hydrology model for key Russian River tributaries to predict low flow conditions and prioritize the best tributaries for restoration actions • Implement a Coastal Monitoring Plan for the Russian River to better determine coho salmon status in the watershed • Increase the PIT-tagging program for the Russian River Captive Broodstock Program to better track releases of juvenile salmon

Council	Fish Habitat Partnership	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
North Pacific	Kenai Peninsula FHP www.kenaifishpartnership.org	Robert Ruffner (coordinator @kenaifishpartnership.org)	Doug Limpinsel, Marine Fisheries Biologist - Habitat Specialist, Alaska Region (doug.limpinsel@noaa.gov)	The Kenai Peninsula Borough; bounded on the east by the Gulf of Alaska and Prince William Sound and on the north by Turnagain Arm, Upper Cook Inlet and the divide of the Susitna watershed; on the west side it generally follows the major divide of the Alaska Range and the Aleutian Range and thus is bordered by the Bristol Bay watershed to the west. On the south it follows the Naknek River drainage and then out to Point Douglas and across the north end of Shelikof Straits to a point north of the Barren Islands.	Alaska Fish Habitat Partnerships: <ul style="list-style-type: none"> Focus on abundant salmon resources and the shared recognition that coastal estuarine waters are vital for salmon and other anadromous species 	Federal and state agencies; local governance entities (ie. City of Seward; City of Kenai); Tribal entities; local and national conservation organizations; industry
	Mat-Su Basin Salmon Habitat Partnership www.matsusalmon.org	Jessica Speed, The Nature Conservancy (jspeed@tnc.org)	Erika Ammann, Fish Biologist Management, Alaska Region (erika.ammann@noaa.gov)	The Matanuska and Susitna watersheds and Upper Cook Inlet. The combined Mat-Su Basin extends from near the highest point in North America (Mount McKinley at 20,237 feet) to sea level at Cook Inlet. Three mountain ranges – the Alaska, Chugach, and Talkeetna – ring the Mat-Su Basin. Upper Cook Inlet, approximately 3,700 square miles north from Anchor Point on the Kenai Peninsula.	<ul style="list-style-type: none"> Prevent the loss of vital coastal and estuarine waters, recognizing the role these habitats play in maintaining thriving fish, healthy habitats and vibrant communities Share a "ridges to reefs" approach, recognizing the intrinsic connections between freshwater and coastal habitats 	Federal and state agencies; local governance entities (ie. City of Palmer; Matanuska-Susitna Borough); Tribal entity; industry; local and national conservation organizations
	Southeast Alaska FHP www.seakfhp.org	Deborah Hart (coordinator @sealaskafishhabitat.org)	Cindy Hartmann Moore, Fishery Biologist, Alaska Region (cindy.hartmann@noaa.gov)	Extends from Dixon Entrance at the South, to Cape Suckling in the North, eastward to the U.S. border, and includes all associated lands, freshwater and marine waters in between.	<ul style="list-style-type: none"> Help foster uncommon alliances of diverse stakeholders through efforts to better steward fish habitat 	Federal and state agencies; Tribal entities; local governance entity (ie. City and Borough of Yakutat); local and national conservation organizations; academic
	Southwest Alaska Salmon Habitat Partnership www.southwestsalmon.org	Tim Troll (bbheritagelt@nushtel.com)	Erika Ammann, Fish Biologist Management, Alaska Region (erika.ammann@noaa.gov)	Includes the Alaska Peninsula, all Bristol Bay watersheds and the watersheds flowing into the Kuskokwim River from the south and east up to and including the Aniak River.		Federal and state agencies; local and national conservation organizations; Tribal entities; academic

Council	Fish Habitat Partnership	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
North Pacific (cont.)	Western Native Trout Initiative www.westernnative trout.org	Robin Knox (rknox@westernnative trout.org)	NA	Alaska, Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico.	<ul style="list-style-type: none"> Along the Pacific Northwest coast, WNTI supports coastal cutthroat trout data collection, conservation planning and habitat enhancement projects In Alaska, WNTI supports native trout and char data collection, conservation planning and habitat enhancement projects, including protection and enhancement of water quality and quantity of coastal freshwater systems 	Federal and state agencies; national conservation organizations. Many partners but in coastal areas working primarily through the Pacific Marine and Estuarine FHP and the Pacific States Marine Fisheries Commission
	Habitat Focus Area	Status of HFA	Contact	Decision Criteria	Focus Area Objectives	Key Projects
	NOAA Habitat Blueprint Web Site	This region is currently undertaking the HFA selection process. One or more HFAs are scheduled to be selected in July.	Jeanne Hanson, Assistant Regional Administrator for Habitat, Alaska Region (jeanne.hanson@noaa.gov)	<ul style="list-style-type: none"> Criterion 1: Potential to Demonstrate Long-Term Impact Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years Criterion 3: Cross-NOAA Collaboration Criterion 4: External Partnerships and Potential to Provide Resources Criterion 5: Improves Our Scientific Understanding of Habitat Function <p>Additional Considerations:</p> <ul style="list-style-type: none"> Consideration 1: Transferability Consideration 2: Benefit to Local Communities and Economy 	Not yet determined	Not yet determined

Council	FHP	FHP Coordinator	FHP Lead NOAA Contact	Spatial Range	Coastal Highlights	Partner Snapshot (FHP and projects)
Western Pacific	Hawaii FHP www.fws.gov/pacificislands/hfp.html	Gordon Smith (gordon_smith@fws.gov)	Gerry Davis, Assistant Regional Administrator for Habitat Conservation, Pacific Region (gerry.davis@noaa.gov)	The main Hawaiian Islands.	<ul style="list-style-type: none"> Develops and implements projects to benefit native aquatic life in streams, estuaries, and nearshore marine habitats Reduces impacts of instream structures that pose barriers to native species migration Plans and supports projects that link inland and nearshore marine ecosystems to protect, restore and maintain self-sustaining aquatic communities 	Federal and state agencies; private landowners; academic; local and national conservation organizations; industry group.
	HFA	Status of HFA	Contact	Decision Criteria	Focus Area Objectives (preliminary)	Key Projects
	West Hawai'i HFA (Pacific Islands) NOAA Habitat Blueprint Web Site	The Focus Area was selected in September, 2013, and planning for implementation is beginning.	Lead for the West Hawai'i HFA - Gerry Davis, Assistant Regional Administrator for Habitat (gerry.davis@noaa.gov) Lani Watson, HFA Implementation Coordinator (lani.watson@noaa.gov)	<ul style="list-style-type: none"> Criterion 1: Potential to Demonstrate Long-Term Impact Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years Criterion 3: Cross-NOAA Collaboration Criterion 4: External Partnerships and Potential to Provide Resources Criterion 5: Improves Our Scientific Understanding of Habitat Function Additional Considerations: <ul style="list-style-type: none"> Consideration 1: Transferability Consideration 2: Benefit to Local Communities and Economy 	<ul style="list-style-type: none"> Prevent and reduce discharge of land-based pollutants, such as sediment and nutrients, to coral reef ecosystems. Identify and implement management actions to increase coral reef health and resilience and mitigate localized climate change effects to coastal communities, coral reefs, and marine resources. Build community and local capacity to manage coral reefs and coastal and marine resources. In order to achieve these objectives, we need to: <ul style="list-style-type: none"> Build and expand the understanding of biological, physical, and climate related factors to habitat condition through improved data collection and modeling, and provide the necessary tools and information to communities and local resource managers. 	Under Development
Manell Geus HFA (Pacific Islands) NOAA Habitat Blueprint Web Site	The Focus Area was selected in September, 2013, and planning for implementation is beginning.	Lead for the Manell-Geus HFA - Gerry Davis, Assistant Regional Administrator for Habitat (gerry.davis@noaa.gov) Lani Watson, HFA Implementation Coordinator (lani.watson@noaa.gov)	<ul style="list-style-type: none"> Criterion 1: Potential to Demonstrate Long-Term Impact Criterion 2: Feasibility of Making Measurable Progress over the Next Three to Five Years Criterion 3: Cross-NOAA Collaboration Criterion 4: External Partnerships and Potential to Provide Resources Criterion 5: Improves Our Scientific Understanding of Habitat Function Additional Considerations: <ul style="list-style-type: none"> Consideration 1: Transferability Consideration 2: Benefit to Local Communities and Economy 	<ul style="list-style-type: none"> Prevent and reduce discharge of land-based pollutants, such as sediment and nutrients, to coral reef ecosystems. Identify and implement management actions to increase coral reef health and resilience and mitigate localized climate change effects to coastal communities, coral reefs, and marine resources. Build community and local capacity to manage coral reefs and coastal and marine resources. In order to achieve these objectives, we need to: <ul style="list-style-type: none"> Build and expand the understanding of biological, physical, and climate related factors to habitat condition through improved data collection and modeling, and provide the necessary tools and information to communities and local resource managers. 	Under Development	

[DISCUSSION DRAFT]

113TH CONGRESS
1ST SESSION

H. R. _____

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Fishing
5 Communities and Increasing Flexibility in Fisheries Man-
6 agement Act”.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise specifically provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a provision, the ref-
5 erence shall be considered to be made to a provision of
6 the Magnuson-Stevens Fishery Conservation and Manage-
7 ment Act (16 U.S.C. 1801 et seq.).

8 **SEC. 3. FLEXIBILITY IN REBUILDING FISH STOCKS.**

9 (a) GENERAL REQUIREMENTS.—Section 304(e) (16
10 U.S.C. 1854(e)) is amended—

11 (1) in paragraph (3)(A), by inserting before the
12 semicolon the following: “, except that in the case of
13 a highly dynamic fishery the Council (or the Sec-
14 retary, for fisheries under section 302(a)(3)) may
15 phase-in the rebuilding plan over a 3-year period to
16 lessen economic harm to fishing communities”;

17 (2) in paragraph (4)—

18 (A) in subparagraph (A)(i), by striking
19 “possible” and inserting “practicable”;

20 (B) by amending subparagraph (A)(ii) to
21 read as follows:

22 “(ii) may not exceed the time the
23 stock would be rebuilt without fishing oc-
24 ccurring plus one mean generation, except
25 in a case in which—

1 “(I) the biology of the stock of
2 fish, other environmental conditions,
3 or management measures under an
4 international agreement in which the
5 United States participates dictate oth-
6 erwise;

7 “(II) the Secretary determines
8 that the cause of the stock being de-
9 pleted is outside the jurisdiction of the
10 Council or the rebuilding program
11 cannot be effective only by limiting
12 fishing activities;

13 “(III) the Secretary determines
14 that one or more components of a
15 mixed-stock fishery is depleted but
16 cannot be rebuilt within that time-
17 frame without significant economic
18 harm to the fishery or cannot be re-
19 built without causing another compo-
20 nent of the mixed-stock fishery to ap-
21 proach a depleted status;

22 “(IV) the Secretary determines
23 that recruitment, distribution, or life
24 history of, or fishing activities for, the
25 stock are affected by informal

1 transboundary agreements under
2 which management activities outside
3 the exclusive economic zone by an-
4 other country may hinder conservation
5 efforts by United States fishermen;
6 and

7 “(V) the Secretary determines
8 that the stock has been affected by
9 unusual events that make rebuilding
10 within the specified time period im-
11 probable without significant economic
12 harm to fishing communities;”;

13 (C) by striking “and” after the semicolon
14 at the end of subparagraph (B), by redesign-
15 ating subparagraphs (B) and (C) as subpara-
16 graphs (C) and (D), and by inserting after sub-
17 paragraph (A) the following:

18 “(B) take into account environmental con-
19 dition including predator/prey relationships;”;
20 and

21 (D) by striking the period at the end of
22 subparagraph (D) (as so redesignated) and in-
23 serting “; and”, and by adding at the end the
24 following:

1 “(E) specify a schedule for reviewing the
2 rebuilding targets, evaluating environmental im-
3 pacts on rebuilding progress, and evaluating
4 progress being made toward reaching rebuilding
5 targets.”;

6 (3) by adding at the end the following:

7 “(8) A fishery management plan, plan amend-
8 ment, or proposed regulations may use alternative
9 rebuilding strategies, including harvest control rules
10 and fishing mortality targets.

11 “(9) A Council may terminate the application of
12 paragraph (3) to a fishery if the Council determines
13 that the fishery is not depleted, by the earlier of—

14 “(A) the end of the 2-year period begin-
15 ning on the effective date a fishery management
16 plan, plan amendment, or proposed regulation
17 for a fishery under this subsection takes effect;
18 or

19 “(B) the completion of the next stock as-
20 sessment after such determination.”.

21 (b) EMERGENCY REGULATIONS AND INTERIM MEAS-
22 URES.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B))
23 is amended by striking “180 days after” and all that fol-
24 lows through “provided” and inserting “1 year after the
25 date of publication, and may be extended by publication

1 in the Federal Register for one additional period of not
2 more than 1 year, if”.

3 (c) **AUTHORITY TO PHASE-IN REBUILDING.**—Section
4 304(e)(3)(A) (16 U.S.C. 1853(e)(3)(A)) is amended by in-
5 serting before the semicolon the following: “, except that
6 for a fishery for which chronic overfishing has not oc-
7 curred and for which an immediate end to overfishing will
8 result in significant adverse economic impacts to fishing
9 communities, the Secretary may authorize a Council to
10 phase in fishing restrictions over a continuous period of
11 not more than 3 years”.

12 **SEC. 4. MODIFICATIONS TO THE ANNUAL CATCH LIMIT RE-**
13 **QUIREMENT.**

14 (a) **FLEXIBILITY FOR COUNCILS.**—Section 302 (16
15 U.S.C. 1852) is amended by adding at the end the fol-
16 lowing:

17 “(m) **CONSIDERATIONS FOR MODIFICATIONS TO AN-**
18 **NUAL CATCH LIMIT REQUIREMENTS.**—

19 “(1) **CONSIDERATION OF ECOSYSTEM AND ECO-**
20 **NOMIC IMPACTS.**—In establishing annual catch lim-
21 its a Council may consider changes in an ecosystem
22 and the economic needs of the fishing communities.

23 “(2) **LIMITATIONS TO ANNUAL CATCH LIMIT**
24 **REQUIREMENT FOR SPECIAL FISHERIES.**—Notwith-

1 standing subsection (h)(6), a Council is not required
2 to develop an annual catch limit for—

3 “(A) an ecosystem component species;

4 “(B) a fishery for a species that has a life
5 cycle of approximately 1 year, unless the Sec-
6 retary has determined the fishery is subject to
7 overfishing; or

8 “(C) a stock for which—

9 “(i) more than half of a single-year
10 class will complete their life cycle in less
11 than 18 months; and

12 “(ii) fishing mortality will have little
13 impact on the stock.

14 “(3) RELATIONSHIP TO INTERNATIONAL EF-
15 FORTS.—Each annual catch limit shall take into ac-
16 count—

17 “(A) management measures under inter-
18 national agreements in which the United States
19 participates; and

20 “(B) informal transboundary agreements
21 under which management activities by another
22 country outside the exclusive economic zone
23 may hinder conservation efforts by United
24 States fishermen for a species for which any of

1 the recruitment, distribution, life history, or
2 fishing activities are transboundary.

3 “(4) AUTHORIZATION FOR MULTISPECIES COM-
4 PLEXES AND MULTIYEAR ANNUAL CATCH LIMITS.—
5 For purposes of subsection (h)(6), a Council may es-
6 tablish—

7 “(A) an annual catch limit for a stock
8 complex; or

9 “(B) annual catch limits for each year in
10 any continuous period that is not more than
11 three years in duration.

12 “(5) ECOSYSTEM COMPONENT SPECIES DE-
13 FINED.—In this subsection the term ‘ecosystem com-
14 ponent species’ means a stock of fish that is a non-
15 target, incidentally harvested stock of fish in a fish-
16 ery, or a nontarget, incidentally harvested stock of
17 fish that a Council or the Secretary has deter-
18 mined—

19 “(A) is not subject to overfishing, ap-
20 proaching a depleted condition or depleted; and

21 “(B) is not likely to become subject to
22 overfishing or depleted in the absence of con-
23 servation and management measures.”.

1 (b) ANNUAL CATCH LIMIT CAP.—Section 302(h)(6)
2 (16 U.S.C. 1852(h)(6)) is amended by striking “fishing”
3 and inserting “overfishing”.

4 **SEC. 5. DISTINGUISHING BETWEEN OVERFISHED AND DE-**
5 **PLETED.**

6 (a) DEFINITIONS.—Section 3 (16 U.S.C. 1802) is
7 amended—

8 (1) in paragraph (34), by striking “and ‘over-
9 fished’ mean” and inserting “means”; and

10 (2) by inserting after paragraph (8) the fol-
11 lowing:

12 “(8a) The term ‘depleted’ means, with respect
13 to a stock of fish, that the stock is of a size that
14 is below the natural range of fluctuation associated
15 with the production of maximum sustainable yield.”.

16 (b) SUBSTITUTION OF TERM.—The Magnuson-Ste-
17 vens Fishery Conservation and Management Act (16
18 U.S.C. 1801 et seq.) is amended by striking “overfished”
19 each place it appears and inserting “depleted”.

20 (c) CLARITY IN ANNUAL REPORT.—Section
21 304(e)(1) (16 U.S.C. 1854(e)(1)) is amended by adding
22 at the end the following: “The report shall distinguish be-
23 tween fisheries that are depleted (or approaching that con-
24 dition) as a result of fishing and fisheries that are depleted
25 (or approaching that condition) as a result of factors other

1 than fishing. The report shall state, for each fishery iden-
2 tified as depleted or approaching that condition, whether
3 the fishery is the target of directed fishing.”.

4 **SEC. 6. TRANSPARENCY AND PUBLIC PROCESS FOR SCI-**
5 **ENTIFIC AND MANAGEMENT ACTIONS.**

6 (a) **SCIENTIFIC ADVICE.**—Section 302(g)(1)(B) (16
7 U.S.C. 1852(g)(1)(B)) is amended by adding at the end
8 the following: “Each scientific and statistical committee
9 shall develop such scientific advice in a transparent man-
10 ner and allow for public involvement in the process.”.

11 (b) **MEETINGS.**—Section 302(i)(2) (16 U.S.C.
12 1852(i)(2)) is amended by adding at the end the following:

13 “(G) Each Council shall make available on the
14 Internet Web site of the Council—

15 “(i) to the extent practicable, a live broad-
16 cast of each meeting of the Council, and of the
17 Council Coordination Committee established
18 under subsection (l), that is not closed in ac-
19 cordance with paragraph (3); and

20 “(ii) audio, video (if the meeting was in
21 person or by video conference), and a complete
22 transcript of each meeting of the Council and
23 the Scientific and Statistical Committee of the
24 Council by not later than 30 days after the con-
25 clusion of the meeting.

1 “the National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.),” after “the Regulatory Flexi-
3 bility Act (5 U.S.C. 601 et seq.)”.

4 **SEC. 7. LIMITATION ON FUTURE CATCH SHARE PROGRAMS.**

5 (a) CATCH SHARE DEFINED.—Section 3 (16 U.S.C.
6 1802) is amended by inserting after paragraph (2) the fol-
7 lowing:

8 “(2a) The term ‘catch share’ means any fishery
9 management program that allocates a specific per-
10 centage of the total allowable catch for a fishery, or
11 a specific fishing area, to an individual, cooperative,
12 community, sector, processor, or regional fishery or-
13 ganization established in accordance with section
14 303A(c)(4), or other entity.”.

15 (b) CATCH SHARE REFERENDUM PILOT PRO-
16 GRAM.—

17 (1) IN GENERAL.—Section 303A(c)(6)(D) (16
18 U.S.C. 1853a(c)(6)(D)) is amended to read as fol-
19 lows:

20 “(D) CATCH SHARE REFERENDUM PILOT
21 PROGRAM.—

22 “(i) The New England, Mid-Atlantic,
23 South Atlantic, and Gulf of Mexico Coun-
24 cils may not submit a fishery management
25 plan or amendment that creates a catch

1 share program for a fishery, and the Sec-
2 retary may not approve or implement such
3 a plan or amendment submitted by such a
4 Council or a secretarial plan or amendment
5 under section 304(c) that creates such a
6 program, unless the final program has
7 been approved, in a referendum in accord-
8 ance with this subparagraph, by a majority
9 of the permit holders eligible to participate
10 in the fishery. For multispecies permits in
11 the Gulf of Mexico, any permit holder with
12 landings from the fishery being considered
13 for the catch share program within the 5-
14 year period preceding the date of the ref-
15 erendum and still active in fishing in the
16 fishery shall be eligible to participate in
17 such a referendum. If a catch share pro-
18 gram is not approved by the requisite num-
19 ber of permit holders, it may be revised
20 and submitted for approval in a subse-
21 quent referendum.

22 “(ii) The Secretary shall conduct a
23 referendum under this subparagraph, in-
24 cluding notifying all permit holders eligible

1 to participate in the referendum and mak-
2 ing available to them—

3 “(I) a copy of the proposed pro-
4 gram;

5 “(II) an estimate of the costs of
6 the program, including costs to par-
7 ticipants;

8 “(III) an estimate of the amount
9 of fish or percentage of quota each
10 permit holder would be allocated; and

11 “(IV) information concerning the
12 schedule, procedures, and eligibility
13 requirements for the referendum proc-
14 ess.

15 “(iii) For the purposes of this sub-
16 paragraph, the term ‘permit holder eligible
17 to participate’ does not include the holder
18 of a permit for a fishery under which fish-
19 ing has not occurred in 3 of the 5 years
20 preceding a referendum for the fishery un-
21 less sickness, injury, or other unavoidable
22 hardship prevented the permit holder from
23 engaging in such fishing.

24 “(iv) The Secretary may not imple-
25 ment any catch share program for any

1 fishery managed exclusively by the Sec-
2 retary unless first petitioned by a majority
3 of those eligible to participate in the fish-
4 ery.”.

5 (2) LIMITATION ON APPLICATION.—The amend-
6 ment made by paragraph (1) shall not apply to a
7 catch share program that is submitted to, or pro-
8 posed by, the Secretary of Commerce before the date
9 of enactment of this Act.

10 (3) REGULATIONS.—Before conducting a ref-
11 erendum under the amendment made by paragraph
12 (1), the Secretary of Commerce shall issue regula-
13 tions implementing such amendment after providing
14 an opportunity for submission by the public of com-
15 ments on the regulations.

16 **SEC. 8. DATA COLLECTION AND DATA CONFIDENTIALITY.**

17 (a) USE OF ELECTRONIC MONITORING.—

18 (1) IN GENERAL.—The Secretary of Commerce
19 shall, in conjunction with the Councils and the Pa-
20 cific States Marine Fisheries Commission and by not
21 later than the end of the 6-month period beginning
22 on the date of the enactment of this Act—

23 (A) develop objectives, performance stand-
24 ards, and regulations to govern the use of elec-

1 tronic monitoring for data collection and moni-
2 toring purposes; and

3 (B) provide an opportunity for the fishing
4 industry to comment before the regulations are
5 finalized.

6 (2) LIMITATION ON ENFORCEMENT USE.—Reg-
7 ulations under this subsection shall not include pro-
8 visions authorizing use of electronic monitoring for
9 law enforcement.

10 (3) ACTION BY COUNCILS.—If the Secretary
11 fails to develop such regulations within the period
12 referred to in paragraph (1), each Council may, in
13 compliance with paragraphs (1)(B) and (2)—

14 (A) issue regulations that establish such
15 standards and implement electronic monitoring
16 programs for fisheries under the jurisdiction of
17 such Council that are subject to a fishery man-
18 agement plan; and

19 (B) implement plans to substitute elec-
20 tronic monitoring for human observers, if—

21 (i) electronic monitoring will provide
22 the same level of coverage as a human ob-
23 server; and

24 (ii) standards for electronic moni-
25 toring are in effect.

1 (b) VIDEO AND ACOUSTIC SURVEY TECH-
2 NOLOGIES.—The Secretary shall work with the Regional
3 Fishery Management Councils and nongovernmental enti-
4 ties to develop and implement the use pursuant to the
5 Magnuson-Stevens Fishery Conservation and Manage-
6 ment Act (16 U.S.C. 1801 et seq.) of video survey tech-
7 nologies and expanded use of acoustic survey technologies.

8 (c) CONFIDENTIALITY OF INFORMATION.—

9 (1) IN GENERAL.—Section 402(b) (16 U.S.C.
10 1881a(b)) is amended—

11 (A) by redesignating paragraph (3) as
12 paragraph (6), and resetting it 2 ems from the
13 left margin;

14 (B) by striking so much as precedes para-
15 graph (6), as so redesignated, and inserting the
16 following:

17 “(b) CONFIDENTIALITY OF INFORMATION.—

18 “(1) Any information submitted to the Sec-
19 retary, a State fishery management agency, or a
20 Marine Fisheries Commission by any person in com-
21 pliance with the requirements of this Act, including
22 confidential information, shall be exempt from dis-
23 closure under section 552(b)(3) of title 5, United
24 States Code, except—

1 “(A) to Federal employees and Council em-
2 ployees who are responsible for fishery manage-
3 ment plan development, monitoring, or enforce-
4 ment;

5 “(B) to State or Marine Fisheries Commis-
6 sion employees as necessary for achievement of
7 the purposes of this Act, subject to a confiden-
8 tiality agreement between the State or commis-
9 sion, as appropriate, and the Secretary that
10 prohibits public disclosure of confidential infor-
11 mation relating to any person;

12 “(C) to any State employee who is respon-
13 sible for fishery management plan enforcement,
14 if the State employing that employee has en-
15 tered into a fishery enforcement agreement with
16 the Secretary and the agreement is in effect;

17 “(D) when required by court order;

18 “(E) if such information is used by State,
19 Council, or Marine Fisheries Commission em-
20 ployees to verify catch under a catch share pro-
21 gram, but only to the extent that such use is
22 consistent with subparagraph (B);

23 “(F) to a Council or State, if the Secretary
24 has obtained written authorization from the
25 person submitting such information to release

1 such information to persons for reasons not
2 otherwise provided for in this subsection, and
3 such release does not violate any other require-
4 ment of this Act; or

5 “(G) if such information is required to be
6 submitted to the Secretary for any determina-
7 tion under a catch share program.

8 “(2) Any information submitted to the Sec-
9 retary, a State fisheries management agency, or a
10 Marine Fisheries Commission by any person in com-
11 pliance with the requirements of this Act, including
12 confidential information, may only be used for pur-
13 poses of fisheries management and monitoring and
14 enforcement under this Act.

15 “(3) Any observer information, and information
16 obtained through a vessel monitoring system or
17 other technology used on-board for enforcement or
18 data collection purposes, shall be confidential and
19 shall not be disclosed, except—

20 “(A) in accordance with the requirements
21 of subparagraphs (A) through (G) of paragraph
22 (1);

23 “(B) when such information is necessary
24 in proceedings to adjudicate observer certifi-
25 cations; or

1 “(C) as authorized by any regulations
2 issued under paragraph (6) allowing the collec-
3 tion of observer information, pursuant to a con-
4 fidentiality agreement between the observers,
5 observer employers, and the Secretary prohib-
6 iting disclosure of the information by the ob-
7 servers or observer employers, in order—

8 “(i) to allow the sharing of observer
9 information among observers and between
10 observers and observer employers as nec-
11 essary to train and prepare observers for
12 deployments on specific vessels; or

13 “(ii) to validate the accuracy of the
14 observer information collected.

15 “(4) The Secretary may enter into a memo-
16 randum of understanding with the heads of other
17 Federal agencies for the sharing of confidential in-
18 formation to ensure safety of life at sea or for fish-
19 eries enforcement purposes, including information
20 obtained through a vessel monitoring system or
21 other electronic enforcement and monitoring sys-
22 tems, if—

23 “(A) the Secretary determines there is a
24 compelling need to do so; and

1 “(B) the heads of the other Federal agen-
2 cies agree—

3 “(i) to maintain the confidentiality of
4 the information in accordance with the re-
5 quirements that apply to the Secretary
6 under this section; and

7 “(ii) to use the information only for
8 the purposes for which it was shared with
9 the agencies.

10 “(5) The Secretary may not provide any vessel-
11 specific or aggregate vessel information from a fish-
12 ery that is collected for monitoring and enforcement
13 purposes to any person for the purposes of coastal
14 and marine spatial planning under Executive Order
15 13547.”; and

16 (C) in paragraph (5), as so redesignated,
17 in the second sentence by striking “or the use,”
18 and all that follows through the end of the sen-
19 tence and inserting a period.

20 (2) DEFINITIONS.—Section 3 (16 U.S.C. 1802)
21 is further amended—

22 (A) by inserting after paragraph (4) the
23 following:

24 “(4a) The term ‘confidential information’
25 means—

1 “(A) trade secrets;

2 “(B) proprietary information; or

3 “(C) commercial or financial information
4 the disclosure of which is likely to result in
5 harm to the competitive position of the person
6 that submitted the information to the Sec-
7 retary.”; and

8 (B) by inserting after paragraph (27) the
9 following:

10 “(27a) The term ‘observer information’ means
11 any information collected, observed, retrieved, or cre-
12 ated by an observer or electronic monitoring system
13 pursuant to authorization by the Secretary, or col-
14 lected as part of a cooperative research initiative, in-
15 cluding fish harvest or fish processing observations,
16 fish sampling or weighing data, vessel logbook data,
17 vessel- or fish processor-specific information (includ-
18 ing any safety, location, or operating condition ob-
19 servations), and video, audio, photographic, or writ-
20 ten documents.”.

21 (d) INCREASED DATA COLLECTION AND ACTIONS TO
22 ADDRESS DATA-POOR FISHERIES.—Section 404 (16
23 U.S.C. 1881c) is amended by adding at the end the fol-
24 lowing:

1 “(e) USE OF THE ASSET FORFEITURE FUND FOR
2 FISHERY INDEPENDENT DATA COLLECTION.—

3 “(1) IN GENERAL.—

4 “(A) The Secretary, subject to appropria-
5 tions, may obligate for data collection purposes
6 in accordance with prioritizations under para-
7 graph (3) a portion of amounts received by the
8 United States as fisheries enforcement pen-
9 alties.

10 “(B) Amounts may be obligated under this
11 paragraph only in the fishery management region
12 with respect to which they are collected.

13 “(2) INCLUDED PURPOSES.—The purposes re-
14 ferred to in paragraph (1) include—

15 “(A) the use of State personnel and re-
16 sources, including fishery survey vessels owned
17 and maintained by States to survey or assess
18 data-poor fisheries for which fishery manage-
19 ment plans are in effect under this Act; and

20 “(B) cooperative research activities to im-
21 prove or enhance the fishery independent data
22 used in fishery stock assessments.

23 “(3) DATA-POOR FISHERIES PRIORITY LISTS.—
24 Each Council shall—

1 “(A) identify those fisheries in its region
2 considered to be data-poor fisheries;

3 “(B) prioritize those fisheries based on the
4 need of each fishery for up-to-date information;
5 and

6 “(C) provide those priorities to the Sec-
7 retary.

8 “(4) DEFINITIONS.—In this subsection:

9 “(A) The term ‘data-poor fishery’ means a
10 fishery—

11 “(i) that has not been surveyed in the
12 preceding 5-year period;

13 “(ii) for which a fishery stock assess-
14 ment has not been performed within the
15 preceding 5-year period; or

16 “(iii) for which limited information on
17 the status of the fishery is available for
18 management purposes.

19 “(B) The term ‘fisheries enforcement pen-
20 alties’ means any fine or penalty imposed, or
21 proceeds of any property seized, for a violation
22 of this Act or of any other marine resource law
23 enforced by the Secretary.

24 “(5) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the Sec-

1 retary for each fiscal year to carry out this sub-
2 section up to 80 percent of the fisheries enforcement
3 penalties collected during the preceding fiscal year.”.

4 **SEC. 9. COUNCIL JURISDICTION FOR OVERLAPPING FISH-**
5 **ERIES.**

6 Section 302(a)(1) (16 U.S.C. 1852(a)) is amended—

7 (1) in subparagraph (A), in the second sen-
8 tence—

9 (A) by striking “18” and inserting “19”;

10 and

11 (B) by inserting before the period at the
12 end “and a liaison to represent the interests of
13 fisheries under the jurisdiction of the Mid-At-
14 lantic Fishery Management Council”; and

15 (2) in subparagraph (B), in the second sen-
16 tence—

17 (A) by striking “21” and inserting “22”;

18 and

19 (B) by inserting before the period at the
20 end “and a liaison to represent the interests of
21 fisheries under the jurisdiction of the New Eng-
22 land Fishery Management Council”.

1 **SEC. 10. GULF OF MEXICO COOPERATIVE RESEARCH AND**
2 **RED SNAPPER MANAGEMENT.**

3 (a) REPEAL.—Section 407 (16 U.S.C. 1883), and the
4 item relating to such section in the table of contents in
5 the first section, are repealed.

6 (b) REPORTING AND DATA COLLECTION PRO-
7 GRAM.—The Secretary of Commerce shall—

8 (1) in conjunction with the States, the Gulf of
9 Mexico Fishery Management Council, and the char-
10 ter and recreational fishing sectors, develop and im-
11 plement a real-time reporting and data collection
12 program for the Gulf of Mexico red snapper fishery
13 using available technology; and

14 (2) make implementation of this subsection a
15 priority for funds received by the Secretary under
16 section 2 of the Act of August 11, 1939 (commonly
17 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.
18 713e–3).

19 (c) COOPERATIVE RESEARCH PROGRAM.—The Sec-
20 retary of Commerce—

21 (1) shall, in conjunction with the States, the
22 Gulf of Mexico and South Atlantic Fishery Manage-
23 ment Councils, and the commercial, charter, and
24 recreational fishing sectors, develop and implement a
25 cooperative research program for the fisheries of the
26 Gulf of Mexico and South Atlantic regions, giving

1 priority to those fisheries that are considered data-
2 poor; and

3 (2) may, subject to the availability of appropria-
4 tions, use funds received by the Secretary under sec-
5 tion 2 of the Act of August 11, 1939 (commonly
6 known as the “Saltonstall-Kennedy Act”) (15 U.S.C.
7 713e–3) to implement this subsection.

8 (d) STOCK SURVEYS AND STOCK ASSESSMENTS.—
9 The Secretary of Commerce, acting through the National
10 Marine Fisheries Service Regional Administrator of the
11 Southeast Regional Office, shall for purposes of the Mag-
12 nuson-Stevens Fishery Conservation and Management Act
13 (16 U.S.C. 1801 et seq.)—

14 (1) develop a schedule of stock surveys and
15 stock assessments for the Gulf of Mexico Region and
16 the South Atlantic Region for the 5-year period be-
17 ginning on the date of the enactment of this Act and
18 for every 5-year period thereafter;

19 (2) direct the Southeast Science Center Direc-
20 tor to implement such schedule; and

21 (3) in such development and implementation—

22 (A) give priority to those stocks that are
23 commercially or recreationally important; and

24 (B) ensure that each such important stock
25 is surveyed at least every 5 years.

1 (e) USE OF FISHERIES INFORMATION IN STOCK AS-
2 SESSMENTS.—The Southeast Science Center Director
3 shall ensure that fisheries information made available
4 through research funded under Public Law 112–141 is in-
5 corporated as soon as possible into any fisheries stock as-
6 sessments conducted after the date of the enactment of
7 this Act.

8 (f) STATE SEAWARD BOUNDARIES IN THE GULF OF
9 MEXICO WITH RESPECT TO RED SNAPPER.—Section
10 306(b) (16 U.S.C. 1856(b)) is amended by adding at the
11 end the following:3(11) (16 U.S.C. 1802) is amended by
12 inserting before the period the following: “and the seaward
13 boundary of a coastal State in the Gulf of Mexico is a
14 line 9 miles seaward from the baseline from which the ter-
15 ritorial sea of the United States is measured”.

16 “(3) Notwithstanding section 3(11), for the purposes
17 of managing the Gulf of Mexico red snapper fishery, the
18 seaward boundary of a coastal State in the Gulf of Mexico
19 is a line 9 miles seaward from the baseline from which
20 the territorial sea of the United States is measured”.

21 **SEC. 11. NORTH PACIFIC FISHERY MANAGEMENT CLARI-**
22 **FICATION.**

23 Section 306(a)(3)(C) (16 U.S.C. 1856(a)(3)(C)) is
24 amended—

1 (1) by striking “was no” and inserting “is no”;

2 and

3 (2) by striking “on August 1, 1996”.

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 4 (16 U.S.C. 1803) is amended—

6 (1) by striking “this Act” and all that follows

7 through “(7)” and inserting “this Act”; and

8 (2) by striking “fiscal year 2013” and inserting

9 “each of fiscal years 2014 through 2018”.

10 **SEC. 13. ENSURING CONSISTENT MANAGEMENT FOR FISH-**

11 **ERIES THROUGHOUT THEIR RANGE.**

12 (a) IN GENERAL.—The Magnuson-Stevens Fishery

13 Conservation and Management Act (16 U.S.C. 1801 et

14 seq.) is amended by inserting after section 4 the following:

15 **“SEC. 5. ENSURING CONSISTENT FISHERIES MANAGEMENT**

16 **UNDER OTHER FEDERAL LAWS.**

17 “(a) NATIONAL MARINE SANCTUARIES ACT AND AN-

18 TIQUITIES ACT OF 1906.—In any case of a conflict be-

19 tween this Act and the National Marine Sanctuaries Act

20 (16 U.S.C. 1431 et seq.) or the Antiquities Act of 1906

21 (16 U.S.C. 431 et seq.), this Act shall control.

22 “(b) FISHERIES RESTRICTIONS UNDER ENDAN-

23 GERED SPECIES ACT OF 1973.—To ensure transparency

24 and consistent management of fisheries throughout their

25 range, any restriction on the management of fishery re-

1 sources that is necessary to implement a recovery plan
2 under the Endangered Species Act of 1973 (16 U.S.C.
3 1531 et seq.) shall be implemented—

4 “(1) using authority under this Act; and

5 “(2) in accordance with processes and time
6 schedules required under this Act.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in the first section is amended by inserting after the item
9 relating to section 4 the following:

“Sec. 5. Ensuring consistent fisheries management under other Federal laws.”.

[STAFF WORKING DRAFT]

APRIL 3, 2014

113TH CONGRESS
2D SESSION

S. _____

To amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Nation's fisheries and the communities that rely on them, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Nation's fisheries and the communities that rely on them, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Magnuson-Stevens Fishery Conservation and Manage-
6 ment Reauthorization Act of 2014”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to the Magnuson-Stevens Fishery Conservation and Management Act.
- Sec. 3. Changes in findings, purposes, and policy.
- Sec. 4. Definitions.
- Sec. 5. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

- Sec. 101. Regional fishery management councils.
- Sec. 102. Contents of fishery management plans.
- Sec. 103. Fishery ecosystem planning authority.
- Sec. 104. Action by the Secretary.
- Sec. 105. Other requirements and authority.
- Sec. 106. Prohibited acts.
- Sec. 107. Penalties.
- Sec. 108. Enforcement.
- Sec. 109. Transition to sustainable fisheries; authorization of appropriations.
- Sec. 110. North Pacific fisheries conservation.
- Sec. 111. Summer flounder management.
- Sec. 112. Study of allocations in mixed-use fisheries.

TITLE II—FISHERY INFORMATION, RESEARCH, AND
DEVELOPMENT

- Sec. 201. Electronic monitoring.
- Sec. 202. Cost reduction report.
- Sec. 203. Capital construction.
- Sec. 204. Fisheries research.
- Sec. 205. Improving science.
- Sec. 206. South Atlantic red snapper cooperative research program.
- Sec. 207. Focusing assets for improved fisheries outcomes.

TITLE III—REAUTHORIZATION OF OTHER FISHERY STATUTES

- Sec. 301. Anadromous Fish Conservation Act.
- Sec. 302. Interjurisdictional Fisheries Act of 1986.
- Sec. 303. Atlantic Coastal Fisheries Cooperative Management Act.
- Sec. 304. Atlantic Striped Bass Conservation Act.
- Sec. 305. Yukon River Salmon Act of 2000.
- Sec. 306. State authority for Dungeness crab fishery management.

TITLE IV—INTERNATIONAL

- Sec. 401. Secretarial representative for international fisheries.
- Sec. 402. Amendment to Pacific Salmon Treaty Act of 1985.
- Sec. 403. Reauthorization of Atlantic Tunas Convention Act of 1975.
- Sec. 404. Reauthorization of South Pacific Tuna Act of 1988.
- Sec. 405. High Seas Driftnet Fishing Moratorium Protection Act.
- Sec. 406. Reauthorization of Northwest Atlantic Fisheries Convention Act of 1995.

TITLE V—MISCELLANEOUS

Sec. 501. Technical amendments.

1 **SEC. 2. REFERENCES TO THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT.**

2
3 Except as otherwise expressly provided, wherever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or repeal of, a section or other provi-
6 sion, the reference shall be considered to be made to a
7 section or other provision of the Magnuson-Stevens Fish-
8 ery Conservation and Management Act (16 U.S.C. 1801
9 et seq.).

10 **SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICY.**

11 (a) FINDINGS.—Section 2(a) (16 U.S.C. 1801(a)) is
12 amended—

13 (1) in paragraph (2), by striking “direct and in-
14 direct habitat losses which have resulted in a dimin-
15 ished capacity to support existing fishing levels” and
16 inserting “natural and human-caused effects on eco-
17 systems, including direct and indirect habitat losses,
18 bycatch mortality, and trophic impacts that have
19 changed the physical, chemical, and ecological proc-
20 esses that support marine ecosystems and resulted
21 in a diminished capacity to support existing fishing
22 levels”;

23 (2) in paragraph (3) by striking “at an ever-in-
24 creasing rate over the past decade”;

1 (3) in paragraph (6), by inserting “and marine
2 ecosystems” after “essential fish habitats”;

3 (4) in paragraph (11), by striking “have dem-
4 onstrated” and inserting “are demonstrating”;

5 (5) by redesignating paragraph (12) as para-
6 graph (17);

7 (6) by inserting before paragraph (17), as re-
8 designated, the following:

9 “(16) Bycatch of living marine resources in
10 United States marine fisheries can have profound
11 population, ecosystem, and socioeconomic effects on
12 United States fishery resources and the communities
13 that depend on those fishery resources.”;

14 (7) by redesignating paragraphs (8) through
15 (11) as paragraphs (12) through (15), respectively;

16 (8) by inserting before paragraph (12), as re-
17 designated, the following:

18 “(11) Forage species are a fundamental compo-
19 nent of marine ecosystems, highly vulnerable to nat-
20 ural population fluctuations and fishing pressure,
21 and are subject to increasing fishing pressure. In
22 most regions of the country there are few, if any,
23 constraints on the rapid development of new fish-
24 eries for forage fish, and the management ap-
25 proaches for the currently developed fisheries for

1 forage fish often put the ecological role of these
2 critically important species at risk.”;

3 (9) by redesignating paragraph (7) as para-
4 graph (10);

5 (10) by inserting before paragraph (10), as re-
6 designated, the following:

7 “(8) By establishing mechanisms, under au-
8 thority of this Act, for specifying science-based an-
9 nual catch limits in fishery management plans at
10 levels such that overfishing does not occur in fish-
11 eries, including measures to ensure accountability,
12 the Nation’s fishery resources are now being man-
13 aged sustainably to prevent overfishing and respond
14 quickly if overfishing occurs.

15 “(9) It is of critical importance to the health of
16 the Nation’s fishery resources and the coastal com-
17 munities that depend on them that the United
18 States maintain its progress in preventing over-
19 fishing and rebuilding overfished stocks.”;

20 (11) by redesignating paragraphs (4) through
21 (6) as paragraphs (5) through (7), respectively; and

22 (12) by inserting after paragraph (3) the fol-
23 lowing:

24 “(4) Subsistence fishing is an integral part of
25 life in many communities throughout the United

1 States, and the Nation’s marine and anadromous
2 fish are important sources of nutrition, subsistence,
3 and the cultural heritage of those communities.”.

4 (b) PURPOSES.—Section 2(b) (16 U.S.C. 1801(b)) is
5 amended—

6 (1) in paragraph (1), by inserting “, and fish-
7 ery resources in the special areas” before the semi-
8 colon;

9 (2) in paragraph (3), by striking “and rec-
10 reational” and inserting “, recreational, and subsist-
11 ence”;

12 (3) in paragraph (5), by striking “the State”
13 and inserting “the States, tribal governments,”;

14 (4) in paragraph (7), by striking “the review of
15 projects” and inserting “projects and activities”;

16 (5) by redesignating paragraphs (5) through
17 (7) as paragraphs (6) through (8), respectively; and

18 (6) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) to provide for the adoption of ecosystem-
21 based fishery management goals and policies that
22 promote ecosystem health, stability, and sustain-
23 ability, and the conservation and management of
24 fishery resources;”.

1 (c) POLICY.—Section 2(e)(3) (16 U.S.C. 1801(e)(3)
2 is amended—

3 (1) by inserting “, tribes,” after “affected
4 States”;

5 (2) by inserting “tribal,” after “State,”; and

6 (3) by striking “that minimize bycatch and
7 avoid unnecessary waste of fish; and is workable and
8 effective” and inserting “to avoid bycatch, minimize
9 mortality of bycatch that cannot be avoided, and
10 avoid unnecessary waste of fish; and is workable and
11 effective”.

12 **SEC. 4. DEFINITIONS.**

13 (a) IN GENERAL.—Section 3 (16 U.S.C. 1802) is
14 amended—

15 (1) by amending paragraph (2) to read as fol-
16 lows:

17 “(2) The term ‘bycatch’—

18 “(A) means fish that are harvested in a
19 fishery and discarded, including economic dis-
20 cards and regulatory discards, fish that are har-
21 vested in a fishery and retained but not landed,
22 non-target fish that are harvested in a fishery
23 and retained, or fish that are subject to mor-
24 tality due to a direct encounter with fishing
25 gear; and

1 “(B) does not include fish released alive
2 under a recreational catch and release fishery
3 management program.”;

4 (2) by inserting after paragraph (8) the fol-
5 lowing:

6 “(8A) The terms ‘depleted’ and ‘depletion’
7 mean, with respect to a stock of fish in a fishery,
8 that the stock is of a size that jeopardizes the capaci-
9 ty of the fishery to produce the maximum sustain-
10 able yield on a continuing basis.”;

11 (3) by inserting after paragraph (18) the fol-
12 lowing:

13 “(18A) The term ‘forage fish’ means any low
14 trophic level fish that contributes significantly to the
15 diets of other fish and that retains a significant role
16 in energy transfer from lower to higher trophic levels
17 throughout its life cycle.”;

18 (4) by inserting after paragraph (30) the fol-
19 lowing:

20 “(30A) The term ‘non-target fish’ means fish
21 that are caught incidentally during the pursuit of
22 target fish in a fishery, including regulatory discards
23 which may or may not be retained for sale or per-
24 sonal use.”;

1 (5) in paragraph (36), by inserting “, tribal,”
2 after “State,”;

3 (6) by inserting after paragraph (42) the fol-
4 lowing:

5 “(42A) The term ‘subsistence fishing’ means
6 fishing in which the fish harvested are intended for
7 customary and traditional uses, including for direct
8 personal or family consumption as food or clothing;
9 for the making or selling of handicraft articles out
10 of nonedible byproducts taken for personal or family
11 consumption, for barter, or sharing for personal or
12 family consumption; and for customary trade. In
13 this paragraph, the term—

14 “(A) ‘family’ means all persons related by
15 blood, marriage, or adoption, or any person liv-
16 ing within the household on a permanent basis;
17 and

18 “(B) ‘barter’ means the exchange of a fish
19 or fish part—

20 “(i) for another fish or fish part; or

21 “(ii) for other food or for nonedible
22 items other than money if the exchange is
23 of a limited and noncommercial nature.

1 “(42B) The term ‘target fish’ means fish that
2 are caught for sale or personal use, including eco-
3 nomic discards.”; and

4 (7) by inserting after paragraph (43) the fol-
5 lowing:

6 “(43A) The terms ‘tribal’ and ‘tribe’ mean an
7 Indian tribe as defined in section 102 of the Feder-
8 ally Recognized Indian Tribe List Act of 1994 (25
9 U.S.C. 479a).”.

10 (b) REDESIGNATION.—Paragraphs (1) through (50)
11 of section 3, as amended by subsection (a) of this section,
12 are redesignated as paragraphs (1) through (56), respec-
13 tively.

14 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) Section 7306b(b) of title 10, United States
16 Code, is amended by striking “defined in section
17 3(14)” and inserting “defined in section 3”.

18 (2) Section 3 of the Whale Conservation and
19 Protection Study Act (16 U.S.C. 917a) is amended
20 by striking “including the fishery conservation zone
21 as defined in section 3(8)” and inserting “including
22 the exclusive economic zone as defined in section 3”.

23 (3) Section 114(o) of the Marine Mammal Pro-
24 tection Act of 1972 (16 U.S.C. 1383a(o)) is amend-
25 ed—

1 (A) in paragraph (1), by striking “section
2 3(8)” and inserting “section 3”; and

3 (B) in paragraph (4), by striking “section
4 3(27)” and inserting “section 3”.

5 (4) Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is
6 amended by striking “Notwithstanding section 3(2)”
7 and inserting “Notwithstanding the definition of by-
8 catch under section 3”.

9 (5) Section 8(b)(2) of the Lacey Act Amend-
10 ments of 1981 (16 U.S.C. 3377(b)(2)) is amended—

11 (A) by striking “as defined in paragraph
12 (14) of section 3” and inserting “as defined in
13 section 3”; and

14 (B) by striking “as defined in paragraph
15 (13) of such section 3” and inserting “as de-
16 fined in such section 3”.

17 (6) Section 302 of the Atlantic Salmon Conven-
18 tion Act of 1982 (16 U.S.C. 3601) is amended—

19 (A) in paragraph (6), by striking “in sec-
20 tion 3(10)” and inserting “in section 3” and

21 (B) in paragraph (8), by striking “in sec-
22 tion 3(19)” and inserting “in section 3”.

23 (7) Section 3(6) of the Atlantic Striped Bass
24 Conservation Act (16 U.S.C. 5152(6)) is amended

1 by striking “in section 3(6)” and inserting “in sec-
2 tion 3”.

3 (8) Section 104(f)(4)(B) of the Compact of
4 Free Association Act of 1985 (48 U.S.C.
5 1904(f)(4)(B)) is amended by striking “have the
6 same meanings as provided in paragraphs (10) and
7 (14), respectively, of section 3” and inserting “have
8 the same meanings as provided in section 3”.

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 4 (16 U.S.C. 1803) is amended to read as
11 follows:

12 **“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to the Sec-
14 retary to carry out the provisions of this Act—

15 “(1) **【\$XXX,XXX,XXX】** for fiscal year 2015;

16 “(2) **【\$XXX,XXX,XXX】** for fiscal year 2016;

17 “(3) **【\$XXX,XXX,XXX】** for fiscal year 2017;

18 “(4) **【\$XXX,XXX,XXX】** for fiscal year 2018;

19 “(5) **【\$XXX,XXX,XXX】** for fiscal year 2019;

20 “(6) **【\$XXX,XXX,XXX】** for fiscal year 2020;

21 and

22 “(7) **【\$XXX,XXX,XXX】** for fiscal year

23 2021.”.

1 **TITLE I—CONSERVATION AND**
2 **MANAGEMENT**

3 **SEC. 101. REGIONAL FISHERY MANAGEMENT COUNCILS.**

4 (a) VOTING MEMBERS.—Section 302(b)(2) (16
5 U.S.C. 1852(b)(2)) is amended—

6 (1) in subparagraph (A), by striking “or the
7 commercial or recreational harvest” and inserting
8 “or the commercial, recreational, or subsistence fish-
9 ing harvest”; and

10 (2) in subparagraph (D)—

11 (A) in clause (i)—

12 (i) by striking “Fisheries” and insert-
13 ing “Fishery”; and

14 (ii) by inserting “or the South Atlan-
15 tic Fishery Management Council” after
16 “Council”; and

17 (B) by striking clause (iv).

18 (b) ADDITION OF RHODE ISLAND TO THE MID-AT-
19 LANTIC FISHERY MANAGEMENT COUNCIL.—Section
20 302(a)(1)(B) (16 U.S.C. 1852(a)(1)(B)) is amended—

21 (1) by inserting “Rhode Island,” after “States
22 of”;

23 (2) by inserting “Rhode Island,” after “except
24 North Carolina,”;

25 (3) by striking “21” and inserting “23”; and

1 (4) by striking “13” and inserting “14”.

2 (c) COMMITTEES AND ADVISORY PANELS.—Section
3 302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended to
4 read as follows:

5 “(B) Each scientific and statistical com-
6 mittee shall—

7 “(i) provide its Council ongoing sci-
8 entific advice for fishery management deci-
9 sions, including recommendations for ac-
10 ceptable biological catch, preventing over-
11 fishing, maximum sustainable yield, achiev-
12 ing rebuilding targets, goals and objectives
13 of fishery ecosystem plans developed under
14 the discretionary authority provided under
15 section 303B, and reports on stock status
16 and health, bycatch, habitat status, social
17 and economic impacts of management
18 measures, and sustainability of fishing
19 practices;

20 “(ii) develop a control rule to derive
21 annual recommendations for acceptable bi-
22 ological catch for a forage fishery which
23 account for the importance of forage spe-
24 cies to managed fish throughout their
25 range and provide a minimum reference

1 point to determine when a forage fishery
2 should close; and

3 “(iii) carry out the requirements of
4 this subparagraph in a transparent man-
5 ner, allowing for public involvement in the
6 process.”.

7 (d) FUNCTIONS.—Section 302(h) (16 U.S.C.
8 1852(h)) is amended—

9 (1) in paragraph (7)(C), by striking “; and”
10 and inserting a semicolon;

11 (2) by redesignating paragraph (8) as para-
12 graph (10);

13 (3) by redesignating paragraphs (2) through
14 (7) as paragraphs (3) through (8), respectively;

15 (4) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) review any allocation of fishing privileges
18 among sectors of a mixed-use fishery under a fishery
19 management plan prepared by that Council not less
20 often than once every 5 years, except a Council may
21 delay action for not more than 3 additional 1-year
22 periods;”; and

23 (5) by inserting after paragraph (8), as redesign-
24 nated, the following:

1 “(9) have the authority to use alternative fish-
2 ery management measures in a recreational fishery
3 (or the recreational component of a mixed-use fish-
4 ery), including extraction rates, fishing mortality,
5 and harvest control rules, to the extent they are in
6 accordance with the requirements of this section;
7 and”.

8 (e) **WEBCASTS OF COUNCIL MEETINGS.**—Section
9 302(i)(2) (16 U.S.C. 1852(i)(2)) is amended by adding
10 at the end the following:

11 “(G) Unless closed in accordance with
12 paragraph (3), each Council shall, where prac-
13 ticable, make available on the Internet website
14 of the Council a video or audio webcast of each
15 meeting of the Council and each meeting of the
16 science and statistical committee of the Council
17 not later than 30 days after the date of the
18 conclusion of such meeting.”.

19 (f) **REGIONAL FISHERY MANAGEMENT COUNCILS;**
20 **PROCEDURAL MATTERS.**—Section 302(i) (16 U.S.C.
21 1852(i)) is amended—

22 (1) in paragraph (4), by striking “or State au-
23 thorities” and inserting “, State, or tribal authori-
24 ties”; and

1 (2) in paragraph (6), by striking “Federal
2 agency or from a” and inserting “Federal agency,
3 tribal government, or”.

4 (g) COUNCIL TRAINING PROGRAM; TRAINING
5 COURSE.—Section 302(k)(1) (16 U.S.C. 1852(k)(1)) is
6 amended—

7 (1) by striking “Within 6 months after the date
8 of enactment of the Magnuson-Stevens Fishery Con-
9 servation and Management Reauthorization Act of
10 2006 [enacted Jan. 12, 2007], the” and inserting
11 “The”;

12 (2) in subparagraph (H), by striking “; and”
13 and inserting a semicolon;

14 (3) in subparagraph (I), by striking the period
15 at the end and inserting “; and”; and

16 (4) by adding at the end the following:

17 “(J) ecosystem-based fishery manage-
18 ment.”.

19 **SEC. 102. CONTENTS OF FISHERY MANAGEMENT PLANS.**

20 (a) REQUIRED PROVISIONS.—Section 303 (16 U.S.C.
21 1853) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (5), by inserting “, and
24 subsistence” after “charter”;

1 (B) in paragraph (13), by striking “and
2 charter” each place it appears and inserting
3 “charter, and subsistence”;

4 (C) in paragraph (14), by striking “and
5 charter fishing sectors in the fishery and;” and
6 inserting “charter, and subsistence fishing sec-
7 tors in the fishery;”;

8 (D) by redesignating paragraphs (14) and
9 (15) as paragraphs (16) and (17), respectively;

10 (E) by inserting after paragraph (13) the
11 following:

12 “(14) in the case of a fishery for a forage
13 fish—

14 “(A) when determining annual catch limits
15 under this Act, assess, specify, and adjust those
16 limits by the feeding requirements of dependent
17 fish throughout the range of the dependent fish;
18 and

19 “(B) include a control rule developed and
20 applied by the scientific and statistical com-
21 mittee of the relevant Council to derive annual
22 recommendations—

23 “(i) for acceptable biological catch for
24 a fishery for forage fish and a minimum

1 reference point to determine when a fish-
2 ery for forage fish should close; and

3 “(ii) that account for the importance
4 of forage fish to managed fish species
5 throughout the range of the managed fish
6 species;

7 “(15) assess the fishery dependent data needs
8 of the fishery and, if necessary to meet those needs,
9 establish an integrated data collection program
10 under subsection (e) to gather and analyze data re-
11 quired for fisheries management; and”;

12 (F) in paragraph (17), as redesignated, by
13 striking “establish a mechanism” and inserting
14 “subject to subsection (d), establish a mecha-
15 nism”; and

16 (2) by adding at the end the following:

17 “(d) LIMITATIONS.—

18 “(1) IN GENERAL.—The requirements under
19 subsection (a)(17) shall not—

20 “(A) apply to a species in a fishery that
21 has a mean life cycle of 18 months or less, or
22 to a species in a fishery with respect to which
23 all spawning and recruitment occurs beyond
24 State waters and the exclusive economic zone,

1 unless the Secretary has determined the fishery
2 is subject to overfishing of that species;

3 “(B) limit or otherwise affect the require-
4 ments of section 301(a)(1) or 304(e) of this
5 Act; and

6 “(C) be construed as requiring that a fish-
7 ery management plan specify a separate annual
8 catch limit and accountability measures for
9 each individual species of non-target fish in the
10 fishery.

11 “(2) CONSTRUCTION.—Nothing in this sub-
12 section shall be construed to affect any effective date
13 regarding the requirements under subsection (a)(17)
14 otherwise provided for under an international agree-
15 ment in which the United States participates.

16 “(e) INTEGRATED DATA COLLECTION.—

17 “(1) IN GENERAL.—Any integrated data collec-
18 tion required by subsection (a)(15) shall—

19 “(A) have scientific data collection as its
20 principal purpose;

21 “(B) specifically consider the requirements
22 of section 301(a)(8);

23 “(C) with respect to any data to be col-
24 lected from a fishing vessel while that vessel is

1 at-sea, give first consideration and priority to
2 the utilization of electronic monitoring;

3 “(D) subject to paragraph (3), provide for
4 a system of fees on a fishery specific basis to
5 be collected from participants in the fishery, in-
6 cluding those persons whose participation is as
7 direct harvesters or bycatch harvesters;

8 “(E) be developed in consultation with
9 stakeholders, including fishery participants,
10 equipment providers in the case of electronic
11 monitoring systems, and contractors in the case
12 of human observers; and

13 “(F) include—

14 “(i) initial performance standards for
15 the fishery;

16 “(ii) field support systems;

17 “(iii) data review procedures; and

18 “(iv) implementation strategies.

19 “(2) IMPORTANCE OF FISHERY RESOURCES TO
20 FISHING COMMUNITIES.—When specifically consid-
21 ering the requirements of section 301(a)(8), the in-
22 tegrated data collection required by subsection
23 (a)(15) may provide, as appropriate, for electronic
24 monitoring, human observers, and dockside moni-
25 toring.

1 “(3) SYSTEM OF FEES.—The system of fees
2 under paragraph (1)(D) shall be consistent with the
3 applicable sections of this title.”.

4 (b) FISHERY MANAGEMENT PLAN AMENDMENTS.—
5 Not later than 1 year after the date of enactment of this
6 Act, each Regional Fishery Management Council shall
7 amend each fishery management plan under its jurisdic-
8 tion to comply with subsections (a)(15) and (e) of section
9 303 of the Magnuson-Stevens Fishery Conservation and
10 Management Act (16 U.S.C. 1853), as amended by section
11 102(a) of this Act.

12 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) Section 104 of the Magnuson-Stevens Fish-
14 ery Conservation and Management Reauthorization
15 Act of 2006 (120 Stat. 3584; 16 U.S.C. 1853 note)
16 is amended—

17 (A) by striking subsection (b); and

18 (B) by redesignating subsection (c) as sub-
19 section (b).

20 (2) Section 313(g)(2) (16 U.S.C. 1862(g)(2)) is
21 amended by striking “Notwithstanding section
22 303(d)” and inserting “Notwithstanding section
23 303A”.

24 (3) Section 407(b) (16 U.S.C. 1883(b)) is
25 amended by inserting “as in effect on the day before

1 the date of enactment of Magnuson-Stevens Fishery
2 Conservation and Management Reauthorization Act
3 of 2006 (120 Stat. 3575),” after “In addition to the
4 restrictions under section 303(d)(1)(A)”.

5 (4) Section 53706(a)(7) of title 46, United
6 States Code, is amended by striking “section
7 303(d)(4)” and inserting “section 303A”.

8 **SEC. 103. FISHERY ECOSYSTEM PLANNING AUTHORITY.**

9 (a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.)
10 is amended by inserting after section 303A the following:

11 **“SEC. 303B. FISHERY ECOSYSTEM PLANNING AUTHORITY.**

12 **“(a) DISCRETIONARY PLANNING AUTHORITY.—**

13 **“(1) COUNCIL AUTHORITY.—**For a fishery or
14 fisheries for which a fishery management plan has
15 been prepared by a Regional Fishery Management
16 Council and approved by the Secretary, the Council
17 may, at the Council’s discretion and in accordance
18 with the provisions of this Act, prepare and submit
19 to the Secretary a fishery ecosystem plan and
20 amendments to such plan as are necessary from
21 time to time or required under subsection (c).

22 **“(2) SECRETARIAL AUTHORITY.—**For a fishery
23 or fisheries for which a fishery management plan
24 has been prepared and approved by the Secretary,
25 the Secretary may, at the Secretary’s discretion and

1 in accordance with the provisions of this Act, pre-
2 pare a fishery ecosystem plan and amendments to
3 such plan as are necessary from time to time or re-
4 quired under subsection (c).

5 “(b) REQUIRED PROVISIONS.—A fishery ecosystem
6 plan that is prepared at the discretion of a Council or the
7 Secretary on or after the date of enactment of the Magnu-
8 son-Stevens Fishery Conservation and Management Reau-
9 thorization Act of 2014 shall—

10 “(1) contain a description of the fishery eco-
11 system and fishery ecosystem context, including—

12 “(A) the geographical extent of the fishery
13 ecosystem;

14 “(B) the biological, physical, chemical, and
15 socioeconomic aspects of the fishery ecosystem;

16 “(C) the goods and services provided by
17 the fishery ecosystem;

18 “(D) the structure and function of the
19 food web, including key predator-prey relation-
20 ships and the habitat needs of different life his-
21 tory stages of key species that make up the
22 food web;

23 “(E) the indicators of fishery ecosystem
24 health; and

1 “(F) the impacts of activities on the fish-
2 ery ecosystem and on indicators of fishery eco-
3 system health, including direct, indirect, and
4 cumulative impacts of activities under the
5 Council’s jurisdiction and outside the Council’s
6 jurisdiction;

7 “(2) specify fishery ecosystem-level goals and
8 objectives for management, including—

9 “(A) identifying and preventing fishing
10 rates or exploitation patterns that jeopardize
11 the maintenance or recovery of the fishery eco-
12 system or biological community structure, func-
13 tion, stability, or resilience;

14 “(B) protecting and restoring species di-
15 versity;

16 “(C) protecting and restoring habitat di-
17 versity and integrity;

18 “(D) protecting and restoring food web
19 structure and function; and

20 “(E) optimizing economic output;

21 “(3) assess the level of uncertainty in fishery
22 ecosystem structure, function, data, and reasonably
23 foreseeable responses to management action;

24 “(4) specify how the uncertainty under para-
25 graph (3) is accounted for in conservation and man-

1 agement measures that achieve the goals and objec-
2 tives under paragraph (2);

3 “(5) contain conservation and management
4 measures—

5 “(A) that achieve the goals and objectives
6 under paragraph (2);

7 “(B) that will be implemented through rel-
8 evant fishery management plans; and

9 “(C) that will not limit or otherwise affect
10 the conservation requirements of the national
11 standards or other provisions of this Act; and

12 “(6) contain a monitoring and evaluation
13 plan—

14 “(A) to describe available data sources and
15 specify information gaps for assessing the per-
16 formance of management in achieving fishery
17 ecosystem-level goals and objectives specified
18 under paragraph (2);

19 “(B) to develop measurable standards and
20 performance measures based on indicators of
21 fishery ecosystem health identified under para-
22 graph (1)(E); and

23 “(C) to measure the achievement of fishery
24 ecosystem-level goals and objectives specified
25 under paragraph (2).

1 “(c) ASSESSMENT AND UPDATING OF PLANS.—

2 “(1) IN GENERAL.—Each fishery ecosystem
3 plan prepared by a Council or the Secretary shall be
4 assessed and updated as necessary to better achieve
5 ecosystem-level goals and objectives.

6 “(2) ASSESSMENT CRITERIA.—A plan assess-
7 ment or update under paragraph (1) shall—

8 “(A) identify research priorities—

9 “(i) to improve monitoring of fishery
10 ecosystem health and understanding of
11 fishery ecosystem processes; and

12 “(ii) to fill data gaps;

13 “(B) analyze progress in meeting fishery
14 ecosystem-level goals and objectives included in
15 the fishery ecosystem plan; and

16 “(C) specify additional actions that shall
17 be taken when practicable to better meet fishery
18 ecosystem-level goals and objectives.

19 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed as requiring a Council or the Sec-
21 retary to exercise the discretionary planning authority pro-
22 vided by this section.”.

23 (b) CONFORMING AMENDMENT.—The table of con-
24 tents in the Act is amended by inserting after the item
25 relating to section 303A the following:

“303B. Fishery ecosystem planning authority.”.

1 **SEC. 104. ACTION BY THE SECRETARY.**

2 (a) UPDATED AGENCY PROCEDURES.—Not later
3 than 90 days after the date of enactment of this Act, the
4 Secretary of Commerce shall issue a notice of proposed
5 rulemaking to revise and update agency procedures under
6 the mandate of section 304(i) of the Magnuson-Stevens
7 Fishery Conservation and Management Act (16 U.S.C.
8 1854(i)), as added by section 107 of the Magnuson-Ste-
9 vens Fishery Conservation and Management Reauthoriza-
10 tion Act of 2006 (120 Stat. 3594).

11 (b) REVIEW OF PLANS.—Section 304 (16 U.S.C.
12 1854) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by inserting “, fish-
15 ery ecosystem plan,” after “fishery manage-
16 ment plan”; and

17 (B) in paragraph (5), by inserting “fishery
18 ecosystem plan,” after “fishery management
19 plan,”;

20 (2) in subsection (b), by inserting “fishery eco-
21 system plan,” after “fishery management plan,”
22 each place it appears; and

23 (3) in subsection (c)—

24 (A) in paragraph (1), by inserting “or fish-
25 ery ecosystem plan” after “fishery management
26 plan” each place it appears;

1 (B) in paragraph (3), by inserting “or fish-
2 ery ecosystem plan” after “fishery management
3 plan”;

4 (C) in paragraph (4), by inserting “, fish-
5 ery ecosystem plan,” after “fishery manage-
6 ment plan”; and

7 (D) in paragraph (7), by inserting “with
8 the fishery ecosystem plan,” after “fishery man-
9 agement plan,”.

10 (c) ESTABLISHMENT OF FEES.—Section 304(d) (16
11 U.S.C. 1854(d)) is amended—

12 (1) in paragraph (2)(A)(i), by striking “; and”
13 and inserting a semicolon;

14 (2) in paragraph (2)(A)(ii), by striking the pe-
15 riod at the end and inserting “; and”;

16 (3) in paragraph (2)(A), by adding at the end
17 the following:

18 “(iii) management program that allo-
19 cates a percentage of the total allowable
20 catch to individuals who have formed a
21 sector.”; and

22 (4) by adding at the end the following:

23 “(3) The Secretary shall not collect any fee
24 under this section or section 313(a) before preparing
25 an analysis that identifies the costs that will be re-

1 covered by the fee and the costs that will not be re-
2 covered by the fee. The analysis shall be included in
3 the applicable fisheries management plan.”;

4 (d) REBUILDING OVERFISHED AND DEPLETED
5 FISHERIES.—Section 304(e) (16 U.S.C. 1854(e)) is
6 amended—

7 (1) by amending the heading to read as follows:

8 “(e) REBUILDING OVERFISHED AND OTHERWISE
9 DEPLETED FISHERIES.—”;

10 (2) by amending paragraph (1) to read as fol-
11 lows:

12 “(1) The Secretary shall report annually to the
13 Congress and the Councils on the status of fisheries
14 within each Council’s geographical area of authority
15 and identify those fisheries that are overfished, oth-
16 erwise depleted or are approaching a condition of
17 being overfished or otherwise depleted. For those
18 fisheries managed under a fishery management plan
19 or international agreement, the status shall be deter-
20 mined using the criteria for overfishing (or deple-
21 tion, where applicable) specified in the plan or agree-
22 ment. A fishery shall be classified as approaching a
23 condition of being overfished or otherwise depleted
24 if, based on trends in fishing effort, fishery resource
25 size, and other appropriate factors, the Secretary es-

1 estimates that the fishery will become overfished or
2 otherwise depleted within 2 years.”;

3 (3) in paragraph (2), by inserting “or otherwise
4 depleted” after “overfished”;

5 (4) in paragraph (3)(B), by inserting “or other-
6 wise depleted” after “overfished”;

7 (5) in paragraph (4)—

8 (A) in the matter preceding subparagraph
9 (A), by inserting “or otherwise depleted” after
10 “overfished”;

11 (B) in subparagraph (A)(i), by inserting
12 “or otherwise depleted” after “overfished” each
13 place it appears; and

14 (C) by amending subparagraph (A)(ii) to
15 read as follows:

16 “(ii) except in cases where the biology
17 of the stock of fish, other environmental
18 conditions, or management measures under
19 an international agreement in which the
20 United States participates dictate other-
21 wise, not exceed—

22 “(I) the sum of the minimum
23 time required to rebuild an affected
24 stock of fish and the mean generation
25 time of the affected stock of fish, if

1 those time values are scientifically es-
2 tablished and widely accepted among
3 fish population biologists; or

4 “(II) 10 years, if either of the
5 time values specified in subclause (I)
6 is not scientifically established and
7 widely accepted among fish population
8 biologists;”; and

9 (6) in paragraph (5), by striking “that a fishery
10 is overfished” and inserting “that a fishery is over-
11 fished or otherwise depleted”.

12 (e) INTERNATIONAL OVERFISHING.—Section 304 (16
13 U.S.C. 1854) is amended—

14 (1) by striking “(i) INTERNATIONAL OVER-
15 FISHING.—” and inserting “(j) INTERNATIONAL
16 OVERFISHING.—”; and

17 (2) in subsection (j)(1), as redesignated by
18 paragraph (1) of this subsection, by inserting
19 “shall” after “State,”.

20 (f) ANNUAL REPORT ON SPECIAL FUNDS.—Section
21 304 (16 U.S.C. 1854), as amended by subsection (e) of
22 this section, is further amended by inserting at the end
23 the following:

24 “(k) ANNUAL REPORT ON SPECIAL FUNDS.—

1 “(1) ANNUAL REPORT.—Not later than 30 days
2 after the last day of each fiscal year, the Secretary
3 shall submit to the Committee on Commerce,
4 Science, and Transportation of the Senate and the
5 Committee on Natural Resources of the House of
6 Representatives a report for that fiscal year on—

7 “(A) the Western Pacific Sustainable Fish-
8 eries Fund established under section 204(e)(7);

9 “(B) the Limited Access System Adminis-
10 tration Fund established under section
11 305(h)(5)(B);

12 “(C) the North Pacific Fishery Observer
13 Fund established under section 313(d); and

14 “(D) the Fisheries Conservation and Man-
15 agement Fund established under section 208(a)
16 of the Magnuson-Stevens Fishery Conservation
17 and Management Reauthorization Act of 2006
18 (16 U.S.C. 1891b(a)).

19 “(2) REQUIRED INFORMATION.—The annual re-
20 port required under paragraph (1) shall include a
21 detailed accounting of—

22 “(A) all moneys in each fund at the start
23 of the fiscal year;

24 “(B) all moneys deposited in each fund
25 during the fiscal year;

1 “(C) all moneys paid out of each fund dur-
2 ing the fiscal year; and

3 “(D) all projects, programs, and activities
4 funded by each fund during the fiscal year.”.

5 **SEC. 105. OTHER REQUIREMENTS AND AUTHORITY.**

6 (a) FISH HABITAT.—Section 305(b) (16 U.S.C.
7 1855(b)) is amended—

8 (1) in paragraph (3), by inserting “or tribal
9 government” after “or State agency” each place it
10 appears; and

11 (2) in paragraph (4)—

12 (A) by striking “from a Council or Federal
13 or State agency” and inserting “from a Coun-
14 cil, Federal or State agency, or tribal govern-
15 ment”; and

16 (B) by inserting “or tribal government”
17 after “by any State or Federal agency”.

18 (b) JUDICIAL REVIEW.—Section 305(f)(2) (16
19 U.S.C. 1855(f)(2)) is amended by striking “including but
20 not limited to actions that establish the date of closure
21 of a fishery to commercial or recreational fishing” and in-
22 serting “including actions that establish the date of clo-
23 sure of a fishery to commercial, recreational, or subsist-
24 ence fishing”.

1 (c) CONSUMER INFORMATION REGARDING
2 SUSTAINABLY CAUGHT FISH.—Section 305(k) (16 U.S.C.
3 1855(k)) is amended to read as follows:

4 “(k) CONSUMER INFORMATION REGARDING
5 SUSTAINABLY CAUGHT FISH.—

6 “(1) IN GENERAL.—The producer, processor,
7 importer, exporter, distributor, or seller of a fish
8 product may place the words ‘Sustainably Caught’
9 on the fish product and any packaging thereof if—

10 “(A) the fish that comprises or is con-
11 tained in the fish product meets the sustain-
12 ability standard specified in paragraph (2); and

13 “(B) the information specified in para-
14 graph (3) is displayed on the packaging of, or
15 otherwise accompanies, the fish product
16 through processing, distribution, and final sale.

17 “(2) SUSTAINABILITY STANDARD.—

18 “(A) IN GENERAL.—For the purpose of
19 paragraph (1)(A), fish meets the sustainability
20 standard if—

21 “(i) the fish is harvested in accord-
22 ance with—

23 “(I) a fishery management plan
24 prepared and approved under this
25 Act; or

1 “(II) equivalent State, tribal, for-
2 eign, or international conservation and
3 management measures, as determined
4 by the Secretary;

5 “(ii) the fishery from which the fish is
6 harvested is not overfished or otherwise de-
7 pleted; and

8 “(iii) overfishing or other depletion is
9 not occurring in the fishery from which the
10 fish is harvested.

11 “(B) REBUILDING FISHERIES.—A fishery
12 that is subject to a rebuilding plan under this
13 Act, or equivalent conservation and manage-
14 ment measures as determined by the Secretary,
15 meets the criteria specified in clauses (ii) and
16 (iii) of subparagraph (A) if the Secretary deter-
17 mines that the plan is effectively rebuilding the
18 fishery.

19 “(3) REQUIRED INFORMATION.—For the pur-
20 pose of paragraph (1)(B), information is required
21 about the fish that comprises or is contained in a
22 fish product as follows:

23 “(A) The common name.

24 “(B) The scientific name.

25 “(C) The country of origin.

1 “(D) The Federal, State, tribal, foreign, or
2 other entity responsible for overseeing its con-
3 servation and management or cultivation.

4 “(E) If harvested from the wild—

5 “(i) the country of registry of the har-
6 vesting vessel;

7 “(ii) the general method of harvest;
8 and

9 “(iii) the management region.

10 “(F) If cultivated—

11 “(i) the country of cultivation; and

12 “(ii) the method of cultivation, includ-
13 ing whether it is produced through land-
14 based aquaculture, ocean aquaculture, or
15 another method.

16 “(4) DEFINITIONS.—In this subsection:

17 “(A) The term ‘common name’ means the
18 common name used to refer to the fish species
19 in the fishery management plan, or equivalent
20 measures, under which it is conserved and man-
21 aged.

22 “(B) The term ‘fish product’ means a fish
23 or an item that contains fish, which has been
24 harvested, processed, manufactured, or pro-
25 duced for sale or use as food.”.

1 **SEC. 106. PROHIBITED ACTS.**

2 Section 307(1) (16 U.S.C. 1857(1)) is amended—

3 (1) in subparagraph (Q), by striking “; or” and
4 inserting a semicolon;

5 (2) by redesignating subparagraph (R) as sub-
6 paragraph (T); and

7 (3) by inserting after paragraph (Q) the fol-
8 lowing:

9 “(R) to make or submit any incomplete,
10 invalid, or false record, account, or label for, or
11 any false identification of, any fish or fish prod-
12 uct (including false identification of the species,
13 harvesting vessel or nation, or the date or loca-
14 tion where harvested) that has been or is in-
15 tended to be imported, exported, transported,
16 sold, offered for sale, purchased, or received in
17 interstate or foreign commerce, except where
18 such making or submission is prohibited under
19 subparagraph (I);

20 “(S) to place on a fish product, as defined
21 in section 305(k)(4), the words “sustainably
22 caught” or any other word, phrase, mark, or
23 symbol that claims or suggests that the fish
24 that comprises or is contained in the fish prod-
25 uct is sustainably caught if the person knows or
26 reasonably should know—

1 “(i) that the fish does not meet the
2 sustainability standard under section
3 305(k)(2); or

4 “(ii) that the required information
5 specified in section 305(k)(3) is false, mis-
6 leading, incomplete, or not displayed on
7 the packaging of, or otherwise accom-
8 panying, the fish product through proc-
9 essing, distribution, and final sale; or”.

10 **SEC. 107. PENALTIES.**

11 (a) CIVIL PENALTIES AND PERMIT SANCTIONS.—
12 Section 308 (16 U.S.C. 1858) is amended—

13 (1) in subsection (a), by striking
14 “\$100,000” and inserting “\$180,000”; and

15 (2) in subsection (f), by inserting “or investiga-
16 tion of a violation of this Act” after “under this sec-
17 tion”.

18 (b) CRIMINAL PENALTIES.—Section 309(b) (16
19 U.S.C. 1859) is amended—

20 (1) by striking “\$100,000” and inserting
21 “\$180,000”; and

22 (2) by striking “\$200,000” each place it ap-
23 pears and inserting “\$360,000”.

24 **SEC. 108. ENFORCEMENT.**

25 (a) JURISDICTION OF THE COURTS.—

1 (1) IN GENERAL.—Section 311(d) (16 U.S.C.
2 1861(d)) is amended to read as follows:

3 “(d) JURISDICTION OF THE COURTS.—

4 “(1) IN GENERAL.—The district courts of the
5 United States shall have exclusive jurisdiction over
6 any case or controversy arising under the provisions
7 of this Act. Any such court may, at any time—

8 “(A) enter restraining orders or prohibi-
9 tions;

10 “(B) issue warrants, process in rem, or
11 other process;

12 “(C) prescribe and accept satisfactory
13 bonds or other security; and

14 “(D) take such other actions as are in the
15 interest of justice.

16 “(2) HAWAII AND PACIFIC INSULAR AREAS.—In
17 the case of Hawaii or any possession of the United
18 States in the Pacific Ocean, the appropriate court is
19 the United States District Court for the District of
20 Hawaii, except that—

21 “(A) in the case of Guam and Wake Is-
22 land, the appropriate court is the United States
23 District Court for the District of Guam; and

24 “(B) in the case of the Northern Mariana
25 Islands, the appropriate court is the United

1 States District Court for the District of the
2 Northern Mariana Islands.”.

3 (2) CONSTRUCTION.—Nothing in this section,
4 or the amendments made by subsection (a), shall be
5 construed to affect any case or controversy com-
6 menced, or any case or controversy pending before
7 a district court of the United States, prior to the
8 date of enactment of this Act.

9 (b) PAYMENT OF STORAGE, CARE, AND OTHER
10 COSTS.—Section 311(e) (16 U.S.C. 1861(e)) is amend-
11 ed—

12 (1) in paragraph (1), by striking “Notwith-
13 standing any other provision of law” and inserting
14 “IN GENERAL.—”;

15 (2) by redesignating paragraph (2) as para-
16 graph (3);

17 (3) in paragraph (3), as redesignated, by strik-
18 ing “Any person” and inserting “LIABILITY FOR
19 COSTS INCURRED.—Any person”; and

20 (4) by inserting after paragraph (1) the fol-
21 lowing:

22 “(2) FISHERIES ENFORCEMENT FUND.—There
23 is established in the Treasury a non-interest bearing
24 fund to be known as the Fisheries Enforcement
25 Fund, into which shall be deposited all sums re-

1 ceived as described in paragraph (1), which shall re-
2 main available to the Secretary of Commerce until
3 expended as authorized in paragraph (1), without
4 appropriation or fiscal year limitation.”.

5 (c) ADMINISTRATIVE ADJUDICATION.—Section 311
6 (16 U.S.C. 1861) is amended—

7 (1) by redesignating subsections (d) through (j)
8 as subsections (e) through (k), respectively; and

9 (2) by inserting after subsection (c) the fol-
10 lowing:

11 “(d) ADMINISTRATIVE ADJUDICATION.—

12 “(1) IN GENERAL.—Notwithstanding section
13 559 of title 5, United States Code, with respect to
14 any marine resource conservation law or regulation
15 administered by the Secretary acting through the
16 National Oceanic and Atmospheric Administration,
17 all adjudicatory functions that are required by chap-
18 ter 5 of title 5, United States Code to be performed
19 by an administrative law judge may be performed by
20 another Federal agency on a reimbursable basis.

21 “(2) DETAILS.—If another Federal agency per-
22 forming adjudicatory functions under paragraph (1)
23 requires the detail of an administrative law judge to
24 perform any of these functions, it may request tem-
25 porary or occasional assistance from the Office of

1 Personnel Management under section 3344 of title
2 5, United States Code.”.

3 (d) REPEALS.—Sections 110 and 111 of title I of Di-
4 vision B of the Consolidated and Further Continuing Ap-
5 propriations Act, 2012 (Public Law 112—55; 16 U.S.C.
6 1861 note), and the items relating to those sections in the
7 table of contents for that Act, are repealed.

8 (e) ANNUAL REPORT ON SPECIAL FUNDS.—Section
9 304(k), as added by section 104(f) of this Act, is amend-
10 ed—

11 (1) in paragraph (1)(C), by striking “; and”
12 and inserting a semicolon;

13 (2) in paragraph (1)(D), by striking
14 “2006.” and inserting “2006; and”; and

15 (3) by inserting at the end the following:

16 “(E) the Fisheries Enforcement Fund es-
17 tablished under section 311(f)(2).”.

18 (f) CONFORMING AMENDMENTS.—

19 (1) CIVIL FORFEITURES.—Section 310 (16
20 U.S.C. 1860) is amended—

21 (A) in subsection (b), by striking “section
22 311(d)” and inserting “subsection 311(e)”; and

23 (B) in subsection (d), by striking “section
24 311(d)” each place it appears and inserting
25 “subsection 311(e)”.

1 (2) ENFORCEMENT; NORTH ATLANTIC SALMON
2 FISHING.—Section 308 of the Atlantic Salmon Con-
3 vention Act of 1982 (16 U.S.C. 3607) is amended
4 by striking “and (d)” each place it appears and in-
5 serting “and (e)”.

6 **SEC. 109. TRANSITION TO SUSTAINABLE FISHERIES; AU-**
7 **THORIZATION OF APPROPRIATIONS.**

8 Section 312(a)(4) (16 U.S.C. 1861a(a)(4)) is amend-
9 ed—

10 (1) by inserting “to carry out this subsection”
11 after “necessary”; and

12 (2) by striking “2007 through 2013” and in-
13 serting “2015 through 2021”.

14 **SEC. 110. NORTH PACIFIC FISHERIES CONSERVATION.**

15 (a) ELECTRONIC MONITORING SYSTEMS.—Section
16 313 (16 U.S.C. 1862) is amended—

17 (1) in subsection (a)—

18 (A) in the sentence preceding paragraph
19 (1), by striking “jurisdiction except a salmon
20 fishery which” and inserting “jurisdiction, ex-
21 cept a salmon fishery, that”;

22 (B) in paragraph (1), by inserting “elec-
23 tronic monitoring systems or” before “observ-
24 ers”; and

1 (C) by amending paragraph (2) to read as
2 follows:

3 “(2) establish a system of fees to pay for the
4 cost of implementing the plan and any integrated
5 data collection program, including electronic moni-
6 toring, established under subsections (a)(15) and (e)
7 of section 303;” and

8 (2) in subsection (b)—

9 (A) in paragraph (1)(A), by inserting
10 “placing electronic monitoring systems or” be-
11 fore “stationing observers on”;

12 (B) in paragraph (2)(E), by inserting “ac-
13 tual electronic monitoring system costs or” be-
14 fore “actual observer costs”; and

15 (C) by adding at the end the following:

16 “(3) Any system of fees established under this
17 section may vary by fishery, management area, elec-
18 tronic monitoring system, or observer coverage
19 level.”.

20 (b) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—

21 Section 313 (16 U.S.C. 1862) is amended by adding at
22 the end the following:

23 “(k) ARCTIC COMMUNITY DEVELOPMENT QUOTA.—

24 If the North Pacific Fishery Management Council issues
25 a fishery management plan for the exclusive economic zone

1 in the Arctic Ocean, or an amendment to its current Fish-
2 ery Management Plan for Fish Resources of the Arctic
3 Management Area, that makes available to commercial
4 fishing and establishes a sustainable harvest level for any
5 part of such zone, the North Pacific Fishery Management
6 Council shall set aside not less than 10 percent of the total
7 allowable catch therein as a community development quota
8 for coastal villages north and east of the Bering Strait.”.

9 **SEC. 111. SUMMER FLOUNDER MANAGEMENT.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this Act, the Mid-Atlantic Fish-
12 ery Management Council shall submit to the Secretary of
13 Commerce, and the Secretary of Commerce may approve,
14 a modified fishery management plan or plan amendment
15 for the commercial and recreational management of sum-
16 mer flounder (*Paralichthys dentatus*) under the Magnu-
17 son-Stevens Fishery Conservation and Management Act
18 (16 U.S.C. 1801 et seq.). The modified fishery manage-
19 ment plan or plan amendment shall—

20 (1) be based on the best scientific information
21 available;

22 (2) reflect changes in the distribution, abun-
23 dance, and location of summer flounder in estab-
24 lishing distribution of the commercial and rec-
25 reational catch quotas;

1 (3) consider regional, coast-wide, or other man-
2 agement measures for summer flounder that comply
3 with the National Standards under section 301(a) of
4 the Magnuson-Stevens Fishery Conservation and
5 Management Act (16 U.S.C. 1851(a)); and

6 (4) prohibit the allocation of commercial or rec-
7 reational catch quotas for summer flounder on a
8 State-by-State basis using historical landings data
9 that does not reflect the status of the summer floun-
10 der stock, based on the most recent scientific infor-
11 mation.

12 (b) CONSULTATION WITH THE COMMISSION.—In
13 preparing the modified fishery management plan or plan
14 amendment as described in subsection (a), the Council
15 shall consult with the Atlantic States Marine Fisheries
16 Commission to ensure consistent management throughout
17 the range of the fishery.

18 (c) FAILURE TO SUBMIT PLAN.—If the Council fails
19 to submit a modified fishery management plan or plan
20 amendment as described in subsection (a) that may be ap-
21 proved by the Secretary, the Secretary shall prepare and
22 approve such a modified plan or plan amendment.

23 (d) REPORT.—Not later than 1 year after the date
24 of the approval of a modified fishery management plan
25 or plan amendment as described in subsection (a), the

1 Comptroller General of the United States shall submit to
2 the Committee on Commerce, Science, and Transportation
3 of the Senate and the Committee on Natural Resources
4 of the House of Representatives a report on the implemen-
5 tation of the modified plan or plan amendment that in-
6 cludes an assessment of whether the implementation com-
7 plies with the national standards for fishery conservation
8 and management under section 301(a) of the Magnuson-
9 Stevens Fishery Conservation and Management Act (16
10 U.S.C. 1851(a)).

11 **SEC. 112. STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.**
12

13 (a) **STUDY REQUIREMENTS.**—The National Academy
14 of Sciences, in coordination with the Assistant Adminis-
15 trator for Fisheries of the Department of Commerce, shall
16 conduct a study—

17 (1) to determine which variables, including con-
18 sideration of the conservation and socioeconomic
19 benefits of each sector in a fishery, should be consid-
20 ered by a Regional Fishery Management Council es-
21 tablished under section 302 of the Magnuson-Ste-
22 vens Fishery Conservation and Management Act (16
23 U.S.C. 1852) in allocating fishing privileges in a
24 fishery management plan prepared under that Act;
25 and

1 (2) to determine which sources should be used
2 for such variables.

3 (b) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the National Academy of
5 Sciences shall submit a report on the study conducted
6 under subsection (a) to the Committee on Commerce,
7 Science, and Transportation of the Senate and the Com-
8 mittee on Natural Resources of the House of Representa-
9 tives.

10 **TITLE II—FISHERY INFORMA-**
11 **TION, RESEARCH, AND DE-**
12 **VELOPMENT**

13 **SEC. 201. ELECTRONIC MONITORING.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the use of technologies such as digital video
16 cameras and monitors, digital recording systems, and
17 other forms of electronic monitoring as a complement to
18 observers can maintain or increase observer information
19 collected from fisheries while reducing the need for observ-
20 ers and the financial costs and logistical difficulties associ-
21 ated with such observers.

22 (b) ELECTRONIC MONITORING REVIEW.—Not later
23 than 180 days after the date of enactment of this Act,
24 the Secretary of Commerce, in consultation with the Re-
25 gional Fishery Management Councils, shall complete and

1 submit to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on Nat-
3 ural Resources of the House of Representatives a review
4 of all Federal fishery management plans that—

5 (1) identifies each fishery management plan
6 with respect to which the incorporation of electronic
7 monitoring, as a complement to observers, can de-
8 crease costs and improve efficiencies in the fishery
9 while continuing to meet the standards and require-
10 ments of the Magnuson-Stevens Fishery Conserva-
11 tion and Management Act (16 U.S.C. 1801 et seq.);
12 and

13 (2) specifies for each fishery management plan
14 identified which type or types of electronic moni-
15 toring technology can achieve such cost and effi-
16 ciency improvements.

17 (c) REGIONAL ELECTRONIC MONITORING ADOPTION
18 PLANS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 submitting the results of the review required under
21 subsection (b), each Regional Fishery Management
22 Council, in consultation with the Secretary of Com-
23 merce, shall develop a plan to adopt and implement
24 electronic monitoring in each of its fishery manage-
25 ment plans identified in the review.

1 (2) ELEMENTS OF PLANS.—Each plan required
2 by this subsection

3 (A) shall include an estimate of anticipated
4 improvements in cost effectiveness and manage-
5 ment efficiency for each Federal fishery man-
6 agement plan in the plan;

7 (B) shall prioritize fishery management
8 plans in each region, to guide development,
9 adoption, and implementation of electronic
10 monitoring amendments to such plans;

11 (C) shall set forth an implementation
12 schedule, consistent with the implementation
13 deadline specified in subsection (d), for the de-
14 velopment, review, adoption, and implementa-
15 tion of electronic monitoring amendments to
16 Federal fishery management plans; and

17 (D) may be reviewed or amended annually
18 to address changing circumstances or improve-
19 ments in technology.

20 (d) DEADLINE FOR IMPLEMENTATION.—Not later
21 than 4 years after the date of enactment of this Act, the
22 Regional Fishery Management Councils and the Secretary
23 of Commerce shall complete implementation of the plans
24 developed under subsection (c).

1 **SEC. 202. COST REDUCTION REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary of Commerce, in consultation
4 with the Regional Fishery Management Councils, shall
5 submit a report to Congress that, with respect to each
6 fishery governed by a fishery management plan in effect
7 under the Magnuson-Stevens Fishery Conservation and
8 Management Act (16 U.S.C. 1801 et seq.)—

9 (1) identifies the goals of the applicable pro-
10 grams governing monitoring and enforcement of
11 fishing that is subject to the plan;

12 (2) identifies methods to accomplish the goals
13 under paragraph (1), including human observers,
14 electronic monitoring, and vessel monitoring sys-
15 tems;

16 (3) certifies the methods under paragraph (2)
17 that are most cost-effective for fishing that is sub-
18 ject to the plan; and

19 (4) explains why the most-cost-effective meth-
20 ods under paragraph (3) are not required, if applica-
21 ble.

22 **SEC. 203. CAPITAL CONSTRUCTION.**

23 (a) DEFINITIONS; ELIGIBLE AND QUALIFIED FISH-
24 ERY FACILITIES.—Section 53501 of title 46, United
25 States Code, is amended—

1 (1) by striking “(7) UNITED STATES FOREIGN
2 TRADE.—” and inserting “(11) UNITED STATES
3 FOREIGN TRADE.—”;

4 (2) by striking “(8) VESSEL.—” and inserting
5 “(12) VESSEL.—”;

6 (3) by redesignating paragraphs (5), (6), and
7 (7) as paragraphs (8), (9), and (10), respectively;

8 (4) by redesignating paragraphs (2), (3), and
9 (4) as paragraphs (4), (5), and (6), respectively;

10 (5) by redesignating paragraph (1) as para-
11 graph (2);

12 (6) by inserting before paragraph (2), as redesi-
13 gnated, the following:

14 “(1) AGREEMENT FISHERY FACILITY.—The
15 term ‘agreement fishery facility’ means an eligible
16 fishery facility or a qualified fishery facility that is
17 subject to an agreement under this chapter.”;

18 (7) by inserting after paragraph (2), as redesi-
19 gnated, the following:

20 “(3) ELIGIBLE FISHERY FACILITY.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the term “eligible fishery facility”
23 means—

24 “(i) for operations on land—

1 “(I) a structure or an appur-
2 tenance thereto designed for unload-
3 ing and receiving from a vessel, proc-
4 essing, holding pending processing,
5 distribution after processing, or hold-
6 ing pending distribution, of fish from
7 a fishery;

8 “(II) the land necessary for the
9 structure or appurtenance described
10 in subclause (I); and

11 “(III) equipment that is for use
12 with the structure or appurtenance
13 that is necessary to perform a func-
14 tion described in subclause (I);

15 “(ii) for operations not on land, a ves-
16 sel built in the United States and used for,
17 equipped to be used for, or of a type nor-
18 mally used for, processing fish; or

19 “(iii) for aquaculture, including oper-
20 ations on land or elsewhere—

21 “(I) a structure or an appur-
22 tenance thereto designed for aqua-
23 culture;

24 “(II) the land necessary for the
25 structure or appurtenance;

1 “(III) equipment that is for use
2 with the structure or appurtenance
3 and that is necessary to perform a
4 function described in subclause (I);
5 and

6 “(IV) a vessel built in the United
7 States and used for, equipped to be
8 used for, or of a type normally used
9 for, aquaculture.

10 “(B) OWNERSHIP REQUIREMENT.—Under
11 subparagraph (A), the structure, appurtenance,
12 land, equipment, or vessel shall be owned by—

13 “(i) an individual who is a citizen of
14 the United States; or

15 “(ii) an entity that is—

16 “(I) a citizen of the United
17 States under section 50501 of this
18 title; and

19 “(II) at least 75 percent owned
20 by citizens of the United States, as
21 determined under section 50501 of
22 this title.”; and

23 (8) by inserting after paragraph (6), as redesign-
24 nated, the following:

25 “(7) QUALIFIED FISHERY FACILITY.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the term ‘qualified fishery facility’
3 means—

4 “(i) for operations on land—

5 “(I) a structure or an appur-
6 tenance thereto designed for unload-
7 ing and receiving from a vessel, proc-
8 essing, holding pending processing,
9 distribution after processing, or hold-
10 ing pending distribution, of fish from
11 a fishery;

12 “(II) the land necessary for the
13 structure or appurtenance; and

14 “(III) equipment that is for use
15 with the structure or appurtenance
16 and necessary to perform a function
17 described in subclause (I);

18 “(ii) for operations not on land, a ves-
19 sel built in the United States and used for,
20 equipped to be used for, or of a type nor-
21 mally used for, processing fish; or

22 “(iii) for aquaculture, including oper-
23 ations on land or elsewhere—

1 “(I) a structure or an appur-
2 tenance thereto designed for aqua-
3 culture;

4 “(II) the land necessary for the
5 structure or appurtenance;

6 “(III) equipment that is for use
7 with the structure or appurtenance
8 and necessary for performing a func-
9 tion described in subclause (I); and

10 “(IV) a vessel built in the United
11 States.

12 “(B) OWNERSHIP REQUIREMENT.—Under
13 subparagraph (A), the structure, appurtenance,
14 land, equipment, or vessel shall be owned by—

15 “(i) an individual who is a citizen of
16 the United States; or

17 “(ii) an entity that is—

18 “(I) a citizen of the United
19 States under section 50501 of this
20 title; and

21 “(II) at least 75 percent owned
22 by citizens of the United States, as
23 determined under section 50501 of
24 this title.”.

25 (b) ELIGIBLE FISHERY FACILITIES.—

1 (1) DEFINITION OF SECRETARY.—Section
2 53501 of title 46, United States Code, as amended
3 by subsection (a) of this section is further amended
4 in paragraph (9)(A), by inserting “, and an eligible
5 fishery facility or a qualified fishery facility” after
6 “United States”.

7 (2) ESTABLISHING A CAPITAL CONSTRUCTION
8 FUND.—Section 53503 of title 46, United States
9 Code, is amended—

10 (A) in subsection (a)—

11 (i) by inserting “or eligible fishery fa-
12 cility” after “eligible vessel”; and

13 (ii) by inserting “or fishery facility”
14 after “the vessel”; and

15 (B) in subsection (b)—

16 (i) by designating the text that follows
17 after “The purpose of the agreement shall
18 be” as paragraph (1) and indenting appro-
19 priately;

20 (ii) in paragraph (1), as designated,
21 by striking “United States.” and inserting
22 “United States; or”; and

23 (iii) by inserting after paragraph (1),
24 as designated, the following:

1 “(2) to provide for the acquisition, construction,
2 or reconstruction of a fishery facility owned by—

3 “(A) an individual who is a citizen of the
4 United States; or

5 “(B) an entity that is—

6 “(i) a citizen of the United States
7 under section 50501; and

8 “(ii) at least 75 percent owned by citi-
9 zens of the United States, as determined
10 under section 50501.”.

11 (c) AGREEMENT FISHERY FACILITIES.—

12 (1) DEPOSITS AND WITHDRAWALS.—Section
13 53504(b) of title 46, United States Code, is amend-
14 ed by inserting “or an agreement fishery facility”
15 after “agreement vessel”.

16 (2) CEILING ON DEPOSITS.—Section 53505 of
17 title 46, United States Code, is amended—

18 (A) in paragraphs (1) and (2) of sub-
19 section (a), by inserting “or agreement fishery
20 facilities” after “agreement vessels”;

21 (B) in subsection (a)(3) by inserting “or
22 agreement fishery facility” after “agreement
23 vessel” each place it appears; and

24 (C) in subsection (b)—

- 1 (i) by inserting “or agreement fishery
2 facility” after “an agreement vessel”; and
3 (ii) by inserting “or fishery facility”
4 after “the vessel”.

5 (d) QUALIFIED FISHERY FACILITIES.—

6 (1) QUALIFIED WITHDRAWALS.—Section
7 53509(a) of title 46, United States Code, is amend-
8 ed—

9 (A) in paragraph (1), by striking “quali-
10 fied vessel; or” and inserting “qualified vessel,
11 or the acquisition, construction, or reconstruc-
12 tion of a qualified fishery facility; or”; and

13 (B) in paragraph (2), by striking “quali-
14 fied vessel.” and inserting “qualified vessel, or
15 the acquisition, construction, or reconstruction,
16 of a qualified fishery facility.”.

17 (2) TAX TREATMENT OF QUALIFIED WITH-
18 DRAWALS AND BASIS OF PROPERTY.—Section 53510
19 of title 46, United States Code, is amended—

20 (A) in subsections (b) and (c), by striking
21 “or container” each place it appears and insert-
22 ing “container, or fishery facility”; and

23 (B) in subsection (d), by striking “and
24 containers” and inserting “containers, and fish-
25 ery facilities”.

1 (3) TAX TREATMENT OF NONQUALIFIED WITH-
2 DRAWALS.—Section 53511(e)(4) of title 46, United
3 States Code, is amended by inserting “or fishery fa-
4 cility” after “vessel”.

5 (e) TECHNICAL AMENDMENT.—Section 53501 of
6 title 46, United States Code, as amended by subsection
7 (a) of this section, is further amended in paragraph
8 (8)(A)(iii), by striking “trade trade” and inserting
9 “trade”.

10 **SEC. 204. FISHERIES RESEARCH.**

11 (a) DEFINITION OF STOCK ASSESSMENT.—Section 3
12 (16 U.S.C. 1802), as amended by section 4 of this Act,
13 is further amended by redesignating paragraphs (45)
14 through (56) as paragraphs (46) through (57), and by in-
15 serting after paragraph (44) the following:

16 “(45) The term ‘stock assessment’ means an
17 evaluation of the past, present, and future status of
18 a stock of fish, that includes—

19 “(A) a range of life history characteristics
20 for the stock, including—

21 “(i) the geographical boundaries of
22 the stock; and

23 “(ii) information on age, growth, nat-
24 ural mortality, sexual maturity and repro-

1 duction, feeding habits, and habitat pref-
2 erences of the stock; and

3 “(B) fishing for the stock.”.

4 (b) STOCK ASSESSMENT PLAN.—Section 404 (16
5 U.S.C. 1881e) is amended by adding at the end the fol-
6 lowing:

7 “(e) STOCK ASSESSMENT PLAN.—

8 “(1) IN GENERAL.—The Secretary shall develop
9 and publish in the Federal Register, on the same
10 schedule as required for the strategic plan required
11 under section 404(b) of such Act, a plan to conduct
12 stock assessments for all stocks of fish for which a
13 fishery management plan is in effect under this Act.

14 “(2) CONTENTS.—The plan shall—

15 “(A) for each stock of fish for which a
16 stock assessment has previously been con-
17 ducted—

18 “(i) establish a schedule for updating
19 the stock assessment that is reasonable
20 given the biology and characteristics of the
21 stock; and

22 “(ii) subject to the availability of ap-
23 propriations, require completion of a new
24 stock assessment, or an update of the most
25 recent stock assessment—

1 “(I) every 5 years, except a
2 Council may delay action for not more
3 than 3 additional 1-year periods; or

4 “(II) within such other time pe-
5 riod specified and justified by the Sec-
6 retary in the plan;

7 “(B) for each stock of fish for which a
8 stock assessment has not previously been con-
9 ducted—

10 “(i) establish a schedule for con-
11 ducting an initial stock assessment that is
12 reasonable given the biology and character-
13 istics of the stock; and

14 “(ii) subject to the availability of ap-
15 propriations, require completion of the ini-
16 tial stock assessment not later than 3
17 years after the date that the plan is pub-
18 lished in the Federal Register unless an-
19 other time period is specified and justified
20 by the Secretary in the plan; and

21 “(C) identify data and analysis, especially
22 concerning recreational fishing, that, if avail-
23 able, would reduce uncertainty in and improve
24 the accuracy of future stock assessments, in-
25 cluding whether that data and analysis could be

1 provided by nongovernmental sources, including
2 fishermen, fishing communities, universities,
3 and research institutions.

4 “(3) WAIVER OF STOCK ASSESSMENT REQUIRE-
5 MENT.—Notwithstanding subparagraphs (A)(ii) and
6 (B)(ii) of paragraph (2), a stock assessment shall
7 not be required for a stock of fish in the plan if the
8 Secretary determines that such a stock assessment
9 is not necessary and justifies the determination in
10 the Federal Register notice required by this sub-
11 section.”.

12 (c) DEADLINE.—Notwithstanding paragraph (1) of
13 section 404(e) of the Magnuson-Stevens Fishery Con-
14 servation and Management Act, as amended by this sec-
15 tion, the Secretary of Commerce shall issue the first stock
16 assessment plan under that section by not later than 1
17 year after the date of enactment of this Act.

18 (d) STRATEGIC PLAN.—Section 404(b)(5) (16 U.S.C.
19 1881c(b)(5)) is amended by striking “and affected States,
20 and provide for coordination with the Councils, affected
21 States, and other research entities” and inserting “, af-
22 fected States, and tribal governments, and provide for co-
23 ordination with the Councils, affected States, tribal gov-
24 ernments, and other research entities”.

1 **SEC. 205. IMPROVING SCIENCE.**

2 (a) INCORPORATION OF INFORMATION FROM WIDE
3 VARIETY OF SOURCES.—Section 2 (16 U.S.C. 1801), as
4 amended by section 3 of this Act, is further amended by
5 adding at the end of subsection (a)(10) the following:
6 “Fisheries management is most effective when it incor-
7 porates information provided by governmental and non-
8 governmental sources, including State and Federal agency
9 staff, fishermen, fishing communities, universities, re-
10 search institutions, and other appropriate entities. As ap-
11 propriate, that information should be considered the best
12 scientific information available and form the basis of con-
13 servation and management measures as required by this
14 Act.”.

15 (b) IMPROVING DATA COLLECTION AND ANALYSIS.—

16 (1) IN GENERAL.—Section 404 (16 U.S.C.
17 1881c), as amended by section 204 of this Act, is
18 further amended by adding at the end the following:

19 “(f) IMPROVING DATA COLLECTION AND ANAL-
20 YSIS.—

21 “(1) IN GENERAL.—The Secretary, in consulta-
22 tion with the science and statistical committee of the
23 Councils established under section 302(g), shall de-
24 velop and publish in the Federal Register guidelines
25 that will facilitate greater incorporation of data,
26 analysis, and stock assessments from nongovern-

1 mental sources, including fishermen, fishing commu-
2 nities, universities, and research institutions, into
3 fisheries management decisions.

4 “(2) CONTENT.—The guidelines shall—

5 “(A) identify types of data and analysis,
6 especially concerning recreational fishing, that
7 can be reliably used as the best scientific infor-
8 mation available for purposes of this Act and
9 the basis for establishing conservation and man-
10 agement measures as required by section
11 303(a)(1), including setting standards for the
12 collection and use of that data and analysis in
13 stock assessments and for other purposes;

14 “(B) provide specific guidance for col-
15 lecting data and performing analyses identified
16 as necessary to reduce the uncertainty referred
17 to in section 404(e)(2)(C); and

18 “(C) establish a registry of persons pro-
19 viding such information.

20 “(3) ACCEPTANCE AND USE OF DATA AND
21 ANALYSES.—The Secretary and Regional Fishery
22 Management Councils shall—

23 “(A) use all data and analyses that meet
24 the guidelines published under paragraph (1) as
25 the best scientific information available for pur-

1 poses of this Act in fisheries management deci-
2 sions, unless otherwise determined by the
3 science and statistical committee of the Coun-
4 cils established under section 302(g) of this
5 Act;

6 “(B) explain in the Federal Register notice
7 announcing the fishery management decision
8 how the data and analyses under subparagraph
9 (A) have been used to establish conservation
10 and management measures; and

11 “(C) if any data or analysis under sub-
12 paragraph (A) is not used, provide in the Fed-
13 eral Register notice announcing the fishery
14 management decision an explanation developed
15 by such science and statistical committee of
16 why that data or analysis was not used.”.

17 (c) DEADLINE.—The Secretary of Commerce shall
18 develop and publish guidelines under the amendment
19 made by subsection (a) not later than 1 year after the
20 date of enactment of this Act.

21 (d) INFORMATION COLLECTION; CONTRACTING AU-
22 THORITY.—

23 Section 402(d) (16 U.S.C. 1881a(d)) is amended by
24 inserting “tribal government,” before “Council” each
25 place it appears.

1 **SEC. 206. SOUTH ATLANTIC RED SNAPPER COOPERATIVE**
2 **RESEARCH PROGRAM.**

3 (a) IN GENERAL.—Title IV (16 U.S.C. 1881 et seq.)
4 is amended—

5 (1) by redesignating section 408 as section 409;

6 and

7 (2) by inserting after section 407 the following:

8 **“SEC. 408. SOUTH ATLANTIC RED SNAPPER COOPERATIVE**
9 **RESEARCH PROGRAM.**

10 “(a) RESEARCH PROGRAM REQUIRED.—Not later
11 than 90 days after the date of enactment of this Act, the
12 Secretary of Commerce, in consultation with the South At-
13 lantic Fishery Management Council, shall commence car-
14 rying out a research program to assess the status of the
15 red snapper fishery in the South Atlantic.

16 “(b) DURATION.—Subject to subsection (g), the re-
17 search program shall be carried out during the 6-year pe-
18 riod beginning on the date of the commencement of the
19 research program.

20 “(c) RESEARCH PERMITS.—

21 “(1) IN GENERAL.—The Secretary shall carry
22 out the research program through the issuance of re-
23 search permits to participants in the research pro-
24 gram.

25 “(2) ENTITLEMENT.—For each research permit
26 that a participant in the research program receives

1 under the research program in a year of the re-
2 search program, the participant shall be entitled to
3 land 1 fish in the fishery described in subsection (a)
4 in that year.

5 “(3) INTENT TO USE.—The Secretary shall en-
6 sure that research permits are only issued under the
7 research program to participants in the research
8 program who intend to use the research permits to
9 gather data by fishing from the fishery described in
10 subsection (a).

11 “(4) NUMBER OF RESEARCH PERMITS
12 ISSUED.—The Secretary shall issue research permits
13 under the research program as follows:

14 “(A) During the first 2 years of the re-
15 search program, up to **[X]** research permits
16 per year.

17 “(B) During any subsequent 2-year period
18 of the research program, such number of re-
19 search permits as the South Atlantic Fishery
20 Management Council determines appropriate
21 using the best available science and with consid-
22 eration of the needs of other fishery manage-
23 ment plans.

24 “(5) ALLOCATION.—The Secretary shall allo-
25 cate the issuance of research permits to the fol-

1 lowing categories of persons in percentage distribu-
2 tions determined appropriate by the South Atlantic
3 Fishery Management Council for purposes of meet-
4 ing the data requirements of the research program:

5 “(A) Recreational.

6 “(B) Charter.

7 “(C) Commercial.

8 “(6) TRANSFERABILITY.—

9 “(A) IN GENERAL.—A person that receives
10 a research permit under the research program
11 may transfer the research permit to another
12 person participating in the research program.

13 “(B) NO CONSIDERATION.—A person that
14 transfers a research permit under the research
15 program may not receive consideration for that
16 transfer.

17 “(d) PARTICIPATION.—

18 “(1) VOLUNTARY.—Participation in the re-
19 search program shall be voluntary.

20 “(2) EXCLUSION FROM PARTICIPATION IN OPEN
21 SEASON.—A person that participates in the research
22 program in a year of the program may not partici-
23 pate in any fishery management plan in that year
24 that involves the imposition of limitations on periods

1 in which a fish can or cannot be fished from the
2 fishery described in subsection (a).

3 “(3) REPORT.—

4 “(A) IN GENERAL.—At the end of each
5 year of the research program, each person that
6 participated in the research program in that
7 year shall submit to the Secretary the weight
8 and length of each fish that was fished by the
9 person under the research program and date of
10 issue of the research permit that entitled the
11 person to capture that fish.

12 “(B) FAILURE TO REPORT.—A person sub-
13 ject to subparagraph (A) that fails to submit a
14 report under that subparagraph for a year may
15 not participate in the research program in any
16 subsequent year.

17 “(e) FEES.—

18 “(1) IN GENERAL.—Subject to paragraph (3),
19 the Secretary may collect a fee for each research
20 permit issued under the research program.

21 “(2) DISPOSITION OF FEES.—The Secretary
22 may use amounts collected under this subsection—

23 “(A) to administer the research program;
24 and

1 “(B) to determine and enhance the red
2 snapper biomass in the fisheries under the ju-
3 risdiction of the South Atlantic Fishery Man-
4 agement Council.

5 “(3) LIMITATION.—The Secretary shall ensure
6 that no more is collected under this subsection than
7 is necessary for the uses set forth in paragraph (2).

8 “(f) STATE AND LOCAL COOPERATION.—The Sec-
9 retary may enter into cooperative agreements with State
10 and local government agencies to assist the Secretary in
11 carrying out the research program.

12 “(g) BIENNIAL CONSIDERATION OF TERMINATION.—

13 “(1) CONSIDERATION.—Not less frequently
14 than once every 2 years, the Secretary shall assess
15 the research program using the best available
16 science and determine whether continuing the re-
17 search program would be advisable.

18 “(2) TERMINATION.—The Secretary shall ter-
19 minate the research program on the earlier of the
20 following:

21 “(A) The soonest practicable date after the
22 date on which the Secretary makes a deter-
23 mination under paragraph (1) that continuation
24 of the pilot program would not be advisable.

1 “(B) The date that is 6 years after the
2 date of the commencement of the research pro-
3 gram.”.

4 (b) CONFORMING AMENDMENTS.—The table of con-
5 tents in the Act is amended—

6 (1) by redesignating the item relating to section
7 308 as the item relating to 309; and

8 (2) by inserting after the item relating to sec-
9 tion 307 the following:

 “308. South Atlantic red snapper cooperative research program.”.

10 **SEC. 207. FOCUSING ASSETS FOR IMPROVED FISHERIES**
11 **OUTCOMES.**

12 (a) IN GENERAL.—Section 2(b) of the Act of August
13 11, 1939 (15 U.S.C. 713c-3(b)), is amended—

14 (1) in paragraph (1)—

15 (A) by striking “beginning with the fiscal
16 year commencing July 1, 1954, and ending on
17 June 30, 1957,”;

18 (B) by striking “moneys” the first place
19 that term appears and inserting “monies”; and

20 (C) by striking “shall be maintained in a
21 separate fund only for” and all that follows and
22 inserting “shall only be used for the purposes
23 described under subsection (c).”; and

24 (2) by striking paragraph (2).

1 (b) LIMITATIONS ON BILLS TRANSFERRING
2 FUNDS.—Section 2(b) of the Act of August 11, 1939 (15
3 U.S.C. 713c-3(b)), as amended by subsection (a) of this
4 section, is further amended by adding at the end the fol-
5 lowing:

6 “(2) LIMITATIONS ON BILLS TRANSFERRING
7 FUNDS.—

8 “(A) IN GENERAL.—It shall not be in
9 order in the Senate or the House of Represent-
10 atives to consider any bill, resolution, amend-
11 ment, or conference report that reduces any
12 amount in the fund referred to in paragraph
13 (1) in a manner that is inconsistent with such
14 paragraph.

15 “(B) LIMITATION ON CHANGES TO THIS
16 PARAGRAPH.—It shall not be in order in the
17 Senate or the House of Representatives to con-
18 sider any bill, resolution, amendment, or con-
19 ference report that would repeal or otherwise
20 amend this paragraph.

21 “(C) WAIVER.—A provision of this para-
22 graph may be waived or suspended in the Sen-
23 ate only by the affirmative vote of three-fifths
24 of the Members, duly chosen and sworn.

1 “(D) APPEALS.—An affirmative vote of
2 three-fifths of the Members of the Senate, duly
3 chosen and sworn, shall be required to sustain
4 an appeal of the ruling of the Chair on the
5 point of order raised under this paragraph.

6 “(E) RULES OF THE SENATE AND THE
7 HOUSE OF REPRESENTATIVES.—This para-
8 graph is enacted by Congress—

9 “(i) as an exercise of the rulemaking
10 power of the Senate and the House of Rep-
11 resentatives, respectively, and is deemed to
12 be part of the rules of each house, respec-
13 tively, but applicable only with respect to
14 the procedure to be followed in the House
15 in the case of a bill, resolution, amend-
16 ment, or conference report under this
17 paragraph, and it supersedes other rules
18 only to the extent that it is inconsistent
19 with such rules; and

20 “(ii) with full recognition of the con-
21 stitutional right of either House to change
22 the rules (so far as they relate to the pro-
23 cedure of that House) at any time, in the
24 same manner, and to the same extent as in
25 the case of any other rule of that House.”.

1 **TITLE III—REAUTHORIZATION**
2 **OF OTHER FISHERY STATUTES**

3 **SEC. 301. ANADROMOUS FISH CONSERVATION ACT.**

4 Section 4 of the Anadromous Fish Conservation Act
5 (16 U.S.C. 757d) is amended by striking “2007 through
6 2012” and inserting “2015 through 2021”.

7 **SEC. 302. INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

8 Section 308 of the Interjurisdictional Fisheries Act
9 of 1986 (16 U.S.C. 4107) is amended—

10 (1) in subsection (a), by striking “\$5,000,000”
11 and all that follows through the end of that sub-
12 section and inserting “**[\$X,XXX,XXX]** for each of
13 fiscal years 2015 through 2021.”; and

14 (2) in subsection (c), by striking “\$900,000 for
15 each of fiscal years 2007 through 2012” and insert-
16 ing “**[\$X,XXX,XXX]** for each of fiscal years 2015
17 through 2021”.

18 **SEC. 303. ATLANTIC COASTAL FISHERIES COOPERATIVE**
19 **MANAGEMENT ACT.**

20 Section 811(a) of the Atlantic Coastal Fisheries Co-
21 operative Management Act (16 U.S.C. 5108(a)) is amend-
22 ed—

23 (1) by striking “\$10,000,000” and inserting
24 **["\$XX,XXX,XXX"]**; and

1 **“SEC. 202A. SECRETARIAL REPRESENTATIVE FOR INTER-**
2 **NATIONAL FISHERIES.**

3 “(a) IN GENERAL.—The Secretary, in consultation
4 with the Under Secretary of Commerce for Oceans and
5 Atmosphere, shall designate a senior official who is ap-
6 pointed by the President, by and with the advice and con-
7 sent of the Senate, to serve as the Secretarial Representa-
8 tive for International Fisheries for the purpose of per-
9 forming the duties of the Secretary with respect to inter-
10 national agreements involving fisheries and other living
11 marine resources, including the development of policy and
12 representation of the United States as a Commissioner
13 under such international agreements.

14 “(b) ADVICE.—The Secretarial Representative for
15 International Fisheries shall, in consultation with the
16 Deputy Assistant Secretary for International Affairs and
17 the Administrator of the National Marine Fisheries Serv-
18 ice, advise the Secretary, Undersecretary of Commerce for
19 Oceans and Atmosphere, and other senior officials of the
20 Department of Commerce and the National Oceanic and
21 Atmospheric Administration on development of policy on
22 international fishery conservation and management mat-
23 ters.

24 “(c) CONSULTATION.—The Secretarial Representa-
25 tive for International Fisheries shall consult with the Com-
26 mittee on Natural Resources of the House of Representa-

1 tives and the Committee on Commerce, Science, and
2 Transportation of the Senate on matters pertaining to any
3 regional or international negotiation concerning living ma-
4 rine resources.”.

5 (b) REPEAL.—Section 408 of the Magnuson-Stevens
6 Fishery Conservation and Management Reauthorization
7 Act of 2006 (16 U.S.C. 1891d) and the item relating to
8 that section in the table of contents for that Act are re-
9 pealed.

10 (c) CONFORMING AMENDMENT.—The table of con-
11 tents in the first section of the Act (16 U.S.C. 1801 et
12 seq.) is amended by inserting after the item relating to
13 section 202 the following:

“Sec. 202A. Secretarial Representative for International Fisheries.”.

14 **SEC. 402. AMENDMENT TO PACIFIC SALMON TREATY ACT**
15 **OF 1985.**

16 Section 11 of the Pacific Salmon Treaty Act of 1985
17 (16 U.S.C. 3640) is amended—

18 (1) by redesignating subsections (c) and (d) as
19 subsections (d) and (e), respectively;

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) COMPENSATION OF COMMITTEE ON SCIENTIFIC
23 COOPERATION MEMBERS.—Members of the Committee on
24 Scientific Cooperation who are not State or Federal em-
25 ployees shall receive compensation at a rate equivalent to

1 the rate payable for level IV of the Executive Schedule
2 under section 5315 of title 5, United States Code, when
3 engaged in actual performance of duties for the Commis-
4 sion.”; and

5 (3) by striking “71” in subsection (e), as reded-
6 igned, and inserting “171”.

7 **SEC. 403. REAUTHORIZATION OF ATLANTIC TUNAS CON-**
8 **VENTION ACT OF 1975.**

9 Section 10 of the Atlantic Tunas Convention Act of
10 1975 (16 U.S.C. 971h) is amended—

11 (1) in subsection (a)(1), by striking
12 “\$5,770,000 for each of fiscal years 2007 and
13 2008” and inserting “**[\$X,XXX,XXX]** for each of
14 fiscal years 2015 and 2016”;

15 (2) in subsection (a)(2), by striking
16 “\$6,058,000 for each of fiscal years 2009 and
17 2010” and inserting “**[\$X,XXX,XXX]** for each of
18 fiscal years 2017 and 2018”;

19 (3) in subsection (a)(3), by striking
20 “\$6,361,000 for each of fiscal years 2011 and
21 2013” and inserting “**[\$X,XXX,XXX]** for each of
22 fiscal years 2019, 2020, and 2021”;

23 (4) in subsection (b)(1), by striking “\$160,000”
24 and inserting “**[\$XXX,XXX]**”; and

1 (5) in subsection (b)(2), by striking
2 “\$7,500,000” and inserting [“\$X,XXX,XXX”].

3 **SEC. 404. REAUTHORIZATION OF SOUTH PACIFIC TUNA ACT**
4 **OF 1988.**

5 Section 20(a) of the South Pacific Tuna Act of 1988
6 (16 U.S.C. 973r(a)) is amended—

7 (1) in the text preceding paragraph (1)—

8 (A) by striking “for fiscal years 1992,
9 1993, 1994, 1995, 1996, 1997, 1998, 1999,
10 2000, 2001, and 2002”; and

11 (B) by striking “Act including—” and in-
12 serting “Act.”; and

13 (2) by striking paragraphs (1) and (2).

14 **SEC. 405. HIGH SEAS DRIFTNET FISHING MORATORIUM**
15 **PROTECTION ACT.**

16 (a) **ILLEGAL, UNREPORTED, OR UNREGULATED**
17 **FISHING DEFINED.**—Section 609(e) of the High Seas
18 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
19 1826j(e)) is amended—

20 (1) by striking “Within 3 months after the date
21 of enactment of the Magnuson-Stevens Fishery Con-
22 servation and Management Reauthorization Act of
23 2006” and inserting “Not later than 3 months after
24 the date of enactment of the Magnuson-Stevens

1 Fishery Conservation and Management Reauthoriza-
2 tion Act of 2014” in paragraph (2);

3 (2) by striking “and” at the end of paragraph
4 (3)(B);

5 (3) in paragraph (3)(C), by striking “agree-
6 ment.” and inserting “agreement; and”;

7 (4) by adding at the end the following:

8 “(D) to the extent possible—

9 “(i) fishing activities conducted by
10 foreign vessels in waters under the jurisdic-
11 tion of a nation without permission of
12 that nation; and

13 “(ii) fishing activities conducted by
14 foreign vessels in contravention of a na-
15 tion’s laws, including fishing activity that
16 has not been reported or that has been
17 misreported to the relevant national au-
18 thority of a nation in contravention of that
19 nation’s laws.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS; ILLEGAL,
21 UNREPORTED, OR UNREGULATED FISHING.—Section
22 609(f) of the High Seas Driftnet Fishing Moratorium Pro-
23 tection Act (16 U.S.C. 1826j(f)) is amended by striking
24 “2007 through 2013” and inserting “2015 through
25 2021”.

1 (c) AUTHORIZATION OF APPROPRIATIONS; EQUIVA-
2 LENT CONSERVATION MEASURES.—Section 610(f) of the
3 High Seas Driftnet Fishing Moratorium Protection Act
4 (16 U.S.C. 1826k) is amended by striking “2007 through
5 2013” and inserting “2015 through 2021”.

6 **SEC. 406. REAUTHORIZATION OF NORTHWEST ATLANTIC**
7 **FISHERIES CONVENTION ACT OF 1995.**

8 Section 211 of the Northwest Atlantic Fisheries Con-
9 vention Act of 1995 (16 U.S.C. 5610) is amended—
10 (1) by striking “\$500,000” and inserting

11 **["\$XXX,XXX"]**; and

12 (2) by striking “2012” and inserting “2020”.

13 **TITLE V—MISCELLANEOUS**

14 **SEC. 501. TECHNICAL AMENDMENTS.**

15 (a) MAGNUSON-STEVENS FISHERY CONSERVATION
16 AND MANAGEMENT ACT.—

17 (1) Section 202(e)(5) (16 U.S.C. 1822(e)(5)) is
18 amended by striking “and it Annexes” and inserting
19 “and its Annexes”.

20 (2) Section 302 (16 U.S.C. 1852) is amended—

21 (A) in subsection (a)(1)(F) by striking
22 “Federally” and inserting “federally”;

23 (B) in subsection (b)(2)(C) by striking
24 “subsection (k)” and inserting “subsection (j)”;

1 (C) in subsection (b)(5)(A) by striking
2 “Federally” and inserting “federally”;

3 (D) in subsection (b)(6) by striking “para-
4 graphs” and inserting “paragraph”;

5 (E) in subsection (h)(5) by striking “ex-
6 cept as provided in section” and inserting “ex-
7 cept as provided in”; and

8 (F) in subsection (i)(3)(B) by striking
9 “subpararaph” and inserting “subparagraph”.

10 (3) Section 303 (16 U.S.C. 1853) is amended—

11 (A) in subsection (a)(5)—

12 (i) by striking “recreational,” and in-
13 serting “recreational, and”; and

14 (ii) by striking “processors,” and in-
15 serting “processors;”; and

16 (B) in subsection (b) by redesignating
17 paragraph (14) as paragraph (13).

18 (4) Section 303A(c)(4)(A)(v) (16 U.S.C.
19 1853a(c)(4)(A)(v)) is amended by striking “is” and
20 inserting “its”.

21 (5) Section 307(1)(K) (16 U.S.C. 1857(1)(K))
22 is amended by striking “to to steal” and inserting
23 “to steal”.

1 (6) Section 312(b)(2)(A) (16 U.S.C. 1861a) is
2 amended by striking “federal or state” and inserting
3 “Federal or State”.

4 (7) Section 313 (16 U.S.C. 1862) is amended—

5 (A) in subsection (a)(2), by striking “or
6 system” and inserting “or systems”; and

7 (B) in subsection (j)(9), by striking “sec-
8 tion 307(l)” and inserting “section 307(1)”.

9 (8) Section 314(a)(3) (16 U.S.C. 1863(a)(3)) is
10 amended by striking “subsection (1)” and inserting
11 “paragraph (1)”.

12 (9) Section 316(c) (16 U.S.C. 1865(c)) is
13 amended by striking “Interior” and inserting “the
14 Interior”.

15 (10) Section 401(c)(5) (16 U.S.C. 1881(c)(5))
16 is amended by striking “subsection” and inserting
17 “section”.

18 (11) Section 406(f)(1)(A) (16 U.S.C. 1882) is
19 amended by striking “federal, state” and inserting
20 “Federal, State”.

21 (b) MAGNUSON-STEVENSON FISHERY CONSERVATION
22 AND MANAGEMENT REAUTHORIZATION ACT OF 2006.—
23 Section 104 of the Magnuson-Stevens Fishery Conserva-
24 tion and Management Reauthorization Act of 2006 (120

1 Stat. 3584; 16 U.S.C. 1854 note) is amended by striking
2 subsection (d).

3 (c) HIGH SEAS DRIFTNET FISHING MORATORIUM
4 PROTECTION ACT.—Section 610(a)(1)(A) of the High
5 Seas Driftnet Fishing Moratorium Protection Act (16
6 U.S.C. 1826k(a)(1)(A)) is amended by striking “prac-
7 tices;” and inserting “practices—”.

8 (d) ANADROMOUS FISH CONSERVATION ACT.—Sec-
9 tion 2 of the Anadromous Fish Conservation Act (16
10 U.S.C. 757b) is amended in paragraph (5) by striking
11 “Seretary” and inserting “Secretary”.

12 (e) NORTHERN PACIFIC HALIBUT ACT OF 1982.—
13 The Northern Pacific Halibut Act of 1982 is amended—

14 (1) in section 9(a) (16 U.S.C. 773g(a)) by
15 striking “any” and inserting “an”; and

16 (2) in section 12 (16 U.S.C. 773j)—

17 (A) by redesignating subsections (a) and

18 (b) as paragraphs (1) and (2), respectively; and

19 (B) in paragraph (2), as redesignated, by

20 striking “section 262(b)” and inserting “section

21 262b”.

22 (f) GREAT LAKES FISHERY ACT OF 1956.—The
23 Great Lakes Fishery Act of 1956 is amended—

1 (1) in section 3(a)(1)(B) (16 U.S.C.
2 932(a)(1)(B)) by inserting “a” after “official of”;
3 and

4 (2) in section 8 (16 U.S.C. 937) by striking
5 “these provisions of title 28, U. S. C.,” and insert-
6 ing “those provisions of title 28, United States
7 Code,”.

8 (g) SOUTH PACIFIC TUNA ACT OF 1988.—Section
9 9(h) of the South Pacific Tuna Act of 1988 (16 U.S.C.
10 973g(h)) is amended—

11 (1) in paragraph (3), by striking “(16 U.S.C.
12 1374(h)(2) and 1416(a))—” and inserting “(16
13 U.S.C. 1374(h)(2) and 1416(a));”; and

14 (2) in the matter following paragraph (3), by
15 striking “treaty” and inserting “Treaty”.

16 (h) ANTARCTIC MARINE LIVING RESOURCES CON-
17 VENTION ACT OF 1984.—Section 303(1) of the Antarctic
18 Marine Living Resources Act of 1984 (16 U.S.C. 2432(1))
19 is amended by striking “60 degrees south; 50 degrees
20 west” and inserting “60 degrees south, 50 degrees west”.

21 (i) PACIFIC SALMON TREATY ACT OF 1985.—The
22 Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et
23 seq.) is amended—

1 (1) in section 3(a) (16 U.S.C. 3632(a)), by
2 striking “States of Oregon, or Washington” and in-
3 serting “State of Oregon or Washington”; and

4 (2) in section 3(h)(2) (16 U.S.C. 3632(h)(2))
5 by inserting a period after “under subsection (a)”.

6 (j) NORTH PACIFIC ANADROMOUS STOCKS ACT OF
7 1992.—The North Pacific Anadromous Stocks Act of
8 1992 (16 U.S.C. 5001 et seq.) is amended—

9 (1) in section 803(6) (16 U.S.C. 5002(6)) by
10 striking “North Latitude” and inserting “north lati-
11 tude”; and

12 (2) in section 809(d)(1)(B) (16 U.S.C.
13 5008(d)(1)(B)), by striking “If any” and inserting
14 “if any”.

15 (k) NORTHWEST ATLANTIC FISHERIES CONVENTION
16 ACT OF 1995.—Section 210(5) of the Northwest Atlantic
17 Fisheries Convention Act of 1995 (16 U.S.C. 5609(5)) is
18 amended by striking “Article” and inserting “Articles”.

19 (l) YUKON RIVER SALMON ACT OF 1995.—The
20 Yukon River Salmon Act of 1995 (16 U.S.C. 5701 et seq.)
21 is amended.—

22 (1) in section 704(c), by striking “subsections
23 (b)(1) and (3)” and inserting “paragraphs (1) or (3)
24 of subsection (b)”;

1 (2) in section 709(c) (16 U.S.C. 5708(e)), by
2 striking “chapter 71” and inserting “chapter 171”;
3 and

4 (3) in section 710(2) (16 U.S.C. 5709(2)), by
5 striking “section 262(b)” and inserting “section
6 262b”.

7 (m) YUKON RIVER SALMON ACT OF 2000.—Section
8 206(e) of the Yukon River Salmon Act of 2000 (16 U.S.C.
9 5725(e)) is amended by striking “chapter 71” and insert-
10 ing “chapter 171”.

11 (n) WESTERN AND CENTRAL PACIFIC FISHERIES
12 CONVENTION IMPLEMENTATION ACT.—The Western and
13 Central Pacific Fisheries Convention Implementation Act
14 (16 U.S.C. 6901 et seq.) is amended.—

15 (1) in section 502(8) (16 U.S.C. 6901(8)), by
16 striking “Convention Area” and inserting “conven-
17 tion area”;

18 (2) in section 503 (16 U.S.C. 6902)—

19 (A) by striking “fashion.” in section
20 (d)(1)(C) and inserting “fashion,”; and

21 (B) by redesignating subsection (f) as sub-
22 section (e);

23 (3) in section 507(a)(7) (16 U.S.C.
24 6906(a)(7)), by striking “chapter” and inserting
25 “act”;

1 (4) in section 508 (16 U.S.C. 6907)—

2 (A) in subsection (a), by striking “United
3 States government” and inserting “United
4 States Government”;

5 (B) in subsection (e)(1)((B)(i)), by striking
6 “that” and inserting “than”;

7 (C) by striking “(e) APPLICATION OF REG-
8 ULATIONS—” and inserting “(e) APPLICATION
9 OF REGULATIONS.—”; and

10 (D) in subsection (e)(3), by striking “pur-
11 suant” and inserting “under”.

12 (o) PACIFIC WHITING ACT OF 2006.—Section
13 608(c)(4) of the Pacific Whiting Act of 2006 (16 U.S.C.
14 7007(c)(4)) is amended by striking “United State’s” and
15 inserting “United States’”.

**Section-by-section Summary of Discussion Draft:
Magnuson-Stevens Fishery Conservation and Management
Reauthorization Act of 2014**

Sec. 1. Short title; table of contents.

This section would provide that this Act may be cited as the “Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2014” and would set forth a table of contents for the Act.

Sec. 2. References to the Magnuson-Stevens Fishery Conservation and Management Act.

This section would establish that, except as otherwise expressly provided, references by this Act to sections or other provisions of law are references to the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Sec. 3. Changes in findings, purposes, and policy.

This section would make additions and updates to the findings, purposes, and policy set forth in MSA.

Subsection (a) would update the findings of MSA to reflect that a number of natural and human-caused effects on ecosystems have resulted in a diminished capacity of fisheries to support existing fishing levels, including not only habitat loss but also bycatch mortality and trophic impacts that have changed the physical, chemical, and ecological processes that support marine ecosystems. It would update language addressing overfishing and ecosystem-based management to reflect the conservation and management progress that is being made in these areas. It would add new findings that emphasize the importance of bycatch and forage fish management, subsistence fishing, and maintaining U.S. progress in preventing overfishing and rebuilding overfished stocks.

Subsection (b) would update the stated purposes of MSA to include consideration of subsistence fishing where commercial and recreational fishing are mentioned, and consideration of tribal governments where the States are already mentioned. It would also add a new statement of purpose—to provide for the adoption of ecosystem-based fishery management goals and policies that promote ecosystem health, stability, and sustainability, and the conservation and management of fishery resources.

Subsection (c) would update the stated policy of MSA to include tribal considerations where State considerations are mentioned, and to better emphasize the importance of bycatch avoidance in fisheries.

Sec. 4. Definitions.

This section would amend the definition of the term “bycatch” to better reflect the different types of bycatch that are encountered in fisheries. It would add definitions to MSA for the terms

“depleted” and “depletion”, “forage fish”, “non-target fish”, “subsistence fishing”, “target fish”; and “tribal” and “tribe”. It would also make technical and conforming amendments to several other statutes that reference the definitions section of MSA.

Sec. 5. Authorization of appropriations.

This section would authorize amounts to be appropriated to carry out the provisions of MSA for seven fiscal years.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Regional fishery management councils.

This section would make changes regarding the authorities of the Regional Fishery Management Councils.

Subsection (a) would revive a requirement for the Gulf of Mexico Council that the Governors of States on that Council submit an equal number of commercial and recreational fishing nominees to the Secretary of Commerce for potential appointment as voting members. This requirement expired in 2012. Subsection (a) would also expand this balanced nominating requirement to apply with respect to the South Atlantic Council.

Subsection (b) would add the State of Rhode Island as a full member of the Mid Atlantic Council.

Subsection (c) would amend the Council science and statistical committee (SSC) requirements to include fishery ecosystem planning goals and objectives and forage fishery management among the matters on which an SSC is to provide its Council ongoing scientific advice. It would also require each SSC to carry out its advisory role in a transparent manner, allowing for public involvement in the process.

Subsection (d) would amend the authorized functions of the Councils to: require that allocations among sectors in a mixed-use fishery be reviewed every 5 to 8 years; and (2) clarify that the Councils have the authority to use alternative management measures in recreational fisheries, to the extent they are in accordance with the ACL and other requirements of MSA.

Subsection (e) would require each Council, where practicable, to make available on its Internet website a video or audio webcast of each Council and each SSC meeting, not later than 30 days after the conclusion of the meeting.

Subsections (f) and (g) would incorporate tribal government consultations where State consultations are mentioned, and add ecosystem-based fishery management to the Council Training Program requirements, respectively.

Sec. 102. Contents of fishery management plans.

This section would make refinements to certain fishery management plan (FMP) requirements under MSA. It would add subsistence fishing as a consideration when dealing with mixed-use fisheries in which commercial, recreational, and charter sectors are already considered. It would add a new requirement, in the case of a fishery management plan for a forage fish species, that: annual catch limits for the forage fish account for the feeding requirements of dependent fish throughout the range of the dependent fish; and that the fishery management plan include a control rule to derive acceptable biological catch for the forage fish and a minimum reference point for closure of the fishery that account for the importance of forage fish to managed fish species throughout their range. It would also clarify how annual catch limits are intended to apply in the case of non-target fish, short-lived species, and species with unusual spawning and recruitment characteristics.

This section would also add a new requirement that fishery management plans assess the fishery dependent data needs of the fishery and, if necessary to meet those needs, establish an integrated data collection program to gather and analyze data required for fisheries management. It would provide that any such program: (1) have scientific data collection as its principal purpose; (2) specifically consider the requirements of National Standard 8; (3) with respect to any data to be collected from a fishing vessel while that vessel is at-sea, give first consideration and priority to the utilization of electronic monitoring; (4) provide for a system of fees on a fishery specific basis to be collected from participants in the fishery, including those persons whose participation is as direct harvesters or bycatch harvesters; (5) be developed in consultation with stakeholders, including fishery participants, equipment providers in the case of electronic monitoring systems, and contractors in the case of human observers; and (6) include initial performance standards for the fishery, field support systems, data review procedures, and implementation strategies. It would require that, when specifically considering the requirements of National Standard 8, the integrated data collection may provide, as appropriate, for electronic monitoring, human observers, and dockside monitoring. Not later than 1 year after the date of enactment of the Act, each Regional Fishery Management Council would be required to amend each fishery management plan under its jurisdiction to comply with these provisions.

Sec. 103. Fishery ecosystem planning authority.

This section would provide the Councils (and the Secretary, with respect to highly migratory species) with discretionary authority to prepare fishery ecosystem plans and plan amendments. Under this discretionary authority, any fishery ecosystem plan prepared after the date of enactment of this Act would be required to: (1) contain a description of the fishery ecosystem and fishery ecosystem context; (2) specify fishery ecosystem-level goals and objectives for management; (3) assess the level of uncertainty in fishery ecosystem structure, function, data, and reasonably foreseeable responses to management action; (4) specify how that uncertainty is accounted for in conservation and management measures that achieve the goals and objectives specified in the plan; (5) contain conservation and management measures that achieve the goals and objectives specified in the plan, are implemented through relevant FMPS, and are consistent with the national standards and requirements of MSA; and (6) contain a monitoring and evaluation plan to describe available data sources and information gaps for performance assessment, develop standards and performance measures, and measure achievement of goals

and objectives specified in the plan. Each fishery ecosystem plan prepared would be required to be assessed and updated as necessary to better achieve ecosystem-level goals and objectives, including identifying research priorities, analyzing progress in meeting fishery ecosystem-level goals and objectives, and specifying additional actions to be taken when practicable to better meet fishery ecosystem-level goals and objectives.

Sec. 104. Action by the Secretary.

This section would make changes regarding the authorities and requirements of the Secretary of Commerce.

Subsection (a) would require the Secretary to issue within 90 days after the date of enactment of this Act a notice of proposed rulemaking to revise and update agency procedures under the mandate of section 304(i) of MSA, as added by section 107 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (120 Stat. 3594.).

Subsection (b) would update Secretarial procedures to include review and approval of fishery ecosystem plans and related amendments and regulations.

Subsection (c) would allow the Secretary to collect a fee to recover the annual costs directly related to the management, data collection, and enforcement of any management program that allocates a percentage of the total allowable catch to individuals who have formed a sector. This subsection would also require that the Secretary prepare as part of any FMP relevant to a limited access privilege program, a community develop quota program, or a sector allocation program an analysis that identifies the costs that will and will not be recovered by an applicable fee prior to the collection of such a fee.

Subsection (d) would incorporate a concept of depletion into the process of determining the status and rebuilding of a fishery. In determining the status of a fishery, the Secretary would be required to indicate whether a fishery is overfished or otherwise depleted, or if it is approaching an overfished condition. In the case of a fishery that is overfished or otherwise depleted, except those for which the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise require, this subsection would also require that any covered FMP, amendment, or proposed regulation specify a time period for rebuilding that does not exceed the sum of the minimum time required to rebuild an affected stock of fish and the mean generation time of the affected stock of fish, if those time values are scientifically established and widely accepted among fish population biologists; or 10 years, if either of the aforementioned time values is not scientifically established and widely accepted among fish population biologists.

Subsection (e) would make a number of technical corrections.

Subsection (f) would require the Secretary to submit within 30 days after the last day of each fiscal year a report to Congress on the Western Pacific Sustainable Fisheries Fund, the Limited Access System Administration Fund, the North Pacific Fishery Observer Fund, and the Fisheries Conservation and Management Fund. This annual report would be required to provide for the

aforementioned funds a detailed accounting of: (1) all moneys in each fund at the start of the fiscal year; (2) all moneys deposited in each fund during the fiscal year; (3) all moneys paid out of each fund during the fiscal year; and (4) all projects, programs, and activities funded by each fund during the fiscal year.

Sec. 105. Other requirements and authority.

This section would make changes regarding other requirements and authorities.

Subsection (a) would incorporate tribal government actions as a consideration when evaluating potential impacts on essential fish habitat.

Subsection (b) would subject regulatory actions taken by the Secretary which implement an FMP including but not limited to actions that establish the date of closure of a fishery to subsistence fishing, to judicial review.

Subsection (c) would allow any producer, processor, importer, exporter, distributor, or seller of a fish product to place the words “Sustainably Caught” on the fish product and any packaging thereof if the fish that comprises or is contained in the fish product meets a sustainability standard and the packaging of the product displays certain information throughout its processing, distribution, and final sale. Fish would meet the aforementioned sustainability standard if it is harvested: (1) under an FMP or equivalent State, tribal, foreign, or international conservation and management measures, as determined by the Secretary; (2) from a fishery that is not overfished or otherwise depleted; and (3) from a fishery that is not subject to overfishing. If a fishery is subject to a rebuilding plan under MSA or equivalent conservation and management measures as determined by the Secretary, and the Secretary determines that they are effectively rebuilding the fishery, fish harvested from that fishery would also meet the sustainability standard. The aforementioned information required to be displayed on such fish product and any packaging thereof includes: (1) the common name; (2) the scientific name; (3) the country of origin; (4) the Federal, State tribal foreign, or other entity responsible for overseeing its conservation and management or cultivation; (5) if harvested from the wild, the country of registry of the harvesting vessel, the general method of harvest, and the management region; and (6) if cultivated, the country of cultivation and the method of cultivation, including whether it is produced through land-based aquaculture, ocean aquaculture, or another method. This subsection also defines the terms “common name” and “fish product”.

Sec. 106. Prohibited acts.

This section would prohibit any incomplete, invalid, or false record, account, or label, or any false identification of, any fish or fish product that has been or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce, including the words “sustainably caught,” or any other word, phrase, mark, or symbol that claims or suggests that the fish that comprises or is contained in the fish product is sustainably caught if the person knows or reasonably should know that the fish does not meet the sustainability standard under 305(k)(2) or that the required information specified in section

305(k)(3) is false, misleading, incomplete, or not displayed on the packaging of or otherwise accompanying, the fish product throughout its processing, distribution, and final sale.

Sec. 107. Penalties.

This section would amend the civil and criminal penalties for prohibited acts under MSA.

Subsection (a) would raise the penalty for a civil violation of MSA to a level not to exceed \$180,000.

Subsection (b) would raise the penalty for a criminal violation of MSA to a level not to exceed \$180,000, or to a level not to exceed \$360,000, when the relevant criminal offense is committed with the use of a dangerous weapon, causes bodily injury to any observer or officer authorized to enforce the provisions of this Act, or places any such observer or officer in fear of imminent bodily injury.

Sec. 108. Enforcement.

This section would amend a number of enforcement mechanisms under MSA.

Subsection (a) would designate the district courts of the United States as having exclusive jurisdiction over any case or controversy arising under the provisions of MSA. In the case of Hawaii or any possession of the United States, the appropriate court is the United States District Court for the District of Hawaii, except that in the case of Guam and Wake Islands, and in the case of the North Mariana Islands, the appropriate courts are the United States District Courts for the District of Guam and the North Mariana Islands, respectively. Nothing in this section or subsection is intended to affect any case or controversy commenced or pending prior to the date of enactment of this Act.

Subsection (b) would establish in the Treasury a non-interest bearing fund known as the Fisheries Enforcement Fund, into which all deposited sums received as fines, penalties, and forfeitures of property for violations of any provisions of MSA or of any other marine resource law enforced by the Secretary, including the Lacey Act Amendments of 1981. Such sums would remain available to the Secretary of Commerce until expended, without appropriation or fiscal year limitation.

Subsection (c) would, with respect to any marine resource conservation law or regulation administered by the Secretary acting through the National Oceanic and Atmospheric Administration, authorize all adjudicatory functions that are required by chapter 5 of title 5, United States Code to be performed by an administrative law judge to be performed by another Federal agency on a reimbursable basis. This subsection would allow another Federal agency performing such adjudicatory functions to request the detail of an administrative law judge from the Office of Personnel Management under section 3344 of title 5, United States Code.

Subsection (d) would make conforming amendments for the purposes of establishing a Fisheries Enforcement Fund under subsection (b) of this section.

Subsection (e) would include the Fisheries Enforcement Fund established in subsection (b) of this section as one of the funds to be accounted for in the Annual Report on Special Funds as required by section 104(f) of this Act.

Subsection (f) would make a number of conforming amendments.

Sec. 109. Transition to sustainable fisheries; authorization of appropriations.

This section would authorize to be appropriated such sums as are necessary to provide fisheries disaster relief for each of the fiscal years 2015 through 2021.

Sec. 110. North Pacific fisheries conservation.

This section would require the North Pacific Fishery Management Council, should it issue a fishery management plan for the exclusive economic zone in the Arctic Ocean or an amendment to its current Fishery Management Plan for Fish Resources of the Arctic Management area to make available to commercial fishing and establish a sustainable harvest level for any part of such zone, to set aside not less than 10 percent of the total allowable catch as a community development quota for the coastal villages north and east of the Bering Strait.

Sec. 111. Summer flounder management.

This section would direct the Mid-Atlantic Fishery Management Council to submit for approval by the Secretary a modified fishery management plan for the commercial and recreational management of summer flounder, or an amendment to such plan, that: (1) is based on the best scientific information available; (2) reflects changes in the distribution, abundance, and location of summer flounder in establishing distribution of the commercial and recreational catch quotas; (3) considers regional, coastwide, or other management measures that comply with national standards under the Magnuson-Stevens Fishery Conservation and Management Act; and (4) prohibits the allocation of catch quotas on a state-by-state basis using historical landings data that does not reflect the status of the summer flounder stock, based on the most recent scientific information. In preparing such modifications or amendments, the Council would be required to consult with the Atlantic States Marine Fisheries Commission. Should the Council fail to submit such modifications or amendments, the Secretary would be required to prepare and approve such a plan instead. This section would also require the Comptroller General of the United States to submit a report to Congress that assesses whether the subsequent implementation of the approved plan complies with national standards for fishery conservation and management of MSA.

Sec. 112. Study of allocations in mixed-use fisheries.

This section would direct the National Academy of Sciences, in coordination with the Assistant Administrator for Fisheries, to conduct a study to determine which variables, including consideration of the conservation and socioeconomic benefits of each sector in a fishery, should be considered by a Regional Fishery Management Council in allocating fishing privileges in an FMP; and which sources should be used for such variables. This section would direct the

National Academy of Sciences to submit a report to Congress on the findings of this study within 180 days of the date of enactment of this Act.

TITLE II—FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

Sec. 201. Electronic monitoring.

This section would address the adoption and implementation of electronic monitoring as a tool for U.S. fisheries conservation and management.

Subsection (a) would indicate that it is the sense of Congress that the use of technologies such as digital video cameras and monitors, digital recording systems, and other forms of electronic monitoring as a complement to observers can maintain or increase observer information collected from fisheries while reducing the need for observers and the financial costs and logistical difficulties associated with such observers.

Subsection (b) would direct the Secretary, in consultation with the Regional Fishery Management Councils, to complete and submit within 180 days of the date of enactment of this Act to Congress a review of all Federal FMPs that: (1) identifies each FMP with respect to which the incorporation of electronic monitoring, as a complement to observers, can decrease costs and improve efficiencies in the fishery while continue to meet the standards and requirements of MSA; and (2) specifies for each FMP identified which type or types of electronic monitoring technology can achieve such cost and efficiency improvements.

Subsection (c) would require each Regional Fishery Management Council, in consultation with the Secretary, to develop not later than one year after submission of the review required in subsection (b) of this section a plan to adopt and implement electronic monitoring in each of its FMPs identified in the review. Each of the plans required by this subsection: (1) would be required to include an estimate of anticipated improvements in the cost effectiveness and management efficiency for each FMP; (2) would be required to prioritize FMPs in each region, to guide development, adoption, and implementation of electronic monitoring amendments; (3) would be required to set forth an implementation schedule, consistent with the implementation deadline specified in subsection (d) of this section, for the development, review, adoption, and implementation of electronic monitoring amendments to Federal FMPs; and (4) could be reviewed or amended annual to address changing circumstances or improvements in technology.

Subsection (d) would require that the Regional Fishery Management Councils and the Secretary complete within four years of the date of enactment of this Act the implementation of the plans required under subsection (c).

Sec. 202. Cost reduction report.

This section would direct the Secretary, in consultation with the Regional Fishery Management Councils, to submit a report to Congress that, with respect to each fishery governed by a FMP,: (1) identifies the goals of applicable programs government monitoring and enforcement of fishing; (2) identifies methods to accomplish the aforementioned goals, including human observers, electronic monitoring, and vessel monitoring systems; (3) certifies the aforementioned

methods that are most cost-effective for fishing; and (4) explains why the aforementioned most-cost-effective methods are not required.

Sec. 203. Capital construction.

This section would expand the Capital Construction Fund, which aids in the financing of fishing vessel construction, to also cover construction of shoreside processing facilities. This section would also establish the eligibility and ownership requirements for such facilities.

Sec. 204. Fisheries research.

This section would require the Secretary to develop and publish at least triennially in the Federal Register a plan to conduct stock assessments for, with certain exceptions, all stocks of fish for which an FMP is in effect.

Subsection (a) would define "stock assessment" as an evaluation of the past, present, and future status of a stock of fish, including: (1) a range of life history characteristics, including the stock's geographical boundaries, age, growth, natural mortality, sexual maturity and reproduction, feeding habits, and habitat preferences; and (2) fishing for the stock.

Subsection (b) would require the Secretary to develop and publish in the Federal Register a plan to: (1) establish schedules for conducting initial stock assessments and updating previously conducted assessments; and (2) identify data and analysis, especially concerning recreational fishing, that would reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by nongovernmental sources, such as fishermen, fishing communities, universities, and research institutions. The subsection would provide for waivers to the stock assessment requirement when the Secretary determines that the assessment is not necessary and justifies such a determination in the Federal Register. The Secretary would be required to publish the first stock assessment plan within one year after the date of enactment of this Act.

Sec. 205. Improving science.

This section would direct the Secretary to develop and publish in the Federal Register guidelines to incorporate data, analysis, and stock assessments from nongovernmental sources into fisheries management decisions and to establish a registry of information providers. It would also require the Secretary and Regional Fishery Management Councils to use such information as the best scientific information available in fisheries management decisions, unless otherwise determined by the science and statistical committee of such Councils.

Sec. 206. South Atlantic red snapper cooperative research program.

This section would require the Secretary of Commerce, not later than 90 days after the date of enactment of the Act and in consultation with the South Atlantic Fishery Management Council, to commence carrying out a research program to assess the status of the red snapper fishery in the South Atlantic. The program would be carried out over a six-year period, through the issuance of research permits to participants in the program. For each research permit, the

permittee would be entitled to land one fish from the red snapper fishery. Permits could only be issued to participants in the program who intend to sue them to gather data by fishing in the fishery. During the first two years of the program, the Secretary would be authorized to issue up to [X] permits per year. In subsequent two-year periods of the program, Secretary would be authorized to issue such number of permits as the Council determines to be appropriate using the best available science and with consideration of the needs of other fishery management plans. The Secretary would be required to allocate the issuance of permits among the recreational, charter, and commercial sectors of the fishery in percentages determined appropriate by the Council for purposes of meeting the data requirements of the research program. A permittee would be allowed to transfer permits to another permittee, but would be barred from receiving money or other consideration in exchange for a permit. A person who participated in the program would be prohibited from also participating in any open fishing season that might be declared in that same year. At the end of each year of the research program, each person that participated in the research program that year would be required to submit to the Secretary the weight and length of each fish that was fished by them under the research program, and the date of issue of the research permit that entitled the person to capture that fish. A person who failed to submit a report under that subparagraph for a year would not be allowed to participate in the research program in any subsequent year. The Secretary would be authorized to collect fees for research permits, which would be used to administer the program and could also be used to determine and enhance the biomass of the red snapper species. The Secretary would be authorized to enter into cooperative agreements with State and local government agencies to carry out the program. The program would be subject to a biennial review by the Secretary to determine whether it should continue, and could continue up to six years after the date it commences.

Sec. 207. Focusing assets for improved fisheries outcomes.

This section would amend the Act of August 11, 1939, to establish a procedural point of order against the House or Senate considering any bill, resolution, amendment, or conference report that reduces Promote and Develop funds under that Act. It would provide for a waiver of this point of order in the Senate by the affirmative vote of three-fifths of the Senate as well as a mechanism to appeal a ruling of the Chair on the point of order. It would also deem provision to be part of the standing rules of each house of Congress.

TITLE III—REAUTHORIZATION OF OTHER FISHERY STATUTES

Sec. 301. Anadromous Fish Conservation Act.

This section would reauthorize the Anadromous Fish Conservation for each of the fiscal years 2015 through 2021.

Sec. 302. Interjurisdictional Fisheries Act of 1986.

This section would reauthorize the Interjurisdictional Fisheries Act of 1986 for each of the fiscal years 2015 through 2021. This section would also reauthorize the use of funds to support the efforts of the interstate fisheries commissions to develop interstate FMPs.

Sec. 303. Atlantic Coastal Fisheries Cooperative Management Act.

This section would reauthorize the Atlantic Coastal Fisheries Cooperative Management Act for each of the fiscal years 2015 through 2021.

Sec. 304. Atlantic Striped Bass Conservation Act.

This section would reauthorize the Atlantic Striped Bass Conservation Act for each of the fiscal years 2015 through 2021.

Sec. 305. Yukon River Salmon Act of 2000.

This section would reauthorize the Yukon River Salmon Act of 2000 for each of the fiscal years 2015 through 2021.

Sec. 306. State authority for Dungeness crab fishery management.

This section would repeal the sunset provision related to the authority of the States of Washington, Oregon, and California to manage the Dungeness crab fishery in the U.S. Exclusive Economic Zone.

TITLE IV—INTERNATIONAL

Sec. 401. Secretarial representative for international fisheries.

This section would establish a Secretarial Representative for International Fisheries.

Subsection (a) would direct the Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to designate a senior official who is appointed by the President, by and with the advice and consent of the Senate, to serve as the Secretarial Representative for International Fisheries for the purpose of performing the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including the development of policy and representation of the United States as a Commissioner under such international agreement. The Secretarial Representative would, in consultation with the Deputy Assistant Secretary for International Affairs and the Administrator of the National Marine Fisheries Service, advise the Secretary, Undersecretary of Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fishery conservation and management matters. The Secretarial Representative would also be required to consult with the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on matters pertaining to any regional or international negotiation concerning living marine resources.

Subsections (b) and (c) would make a conforming repeal and amendment, respectively.

Sec. 402. Amendment to Pacific Salmon Treaty Act of 1985.

This section would amend the Pacific Salmon Treaty Act of 1985 to allow U.S. members of the Pacific Salmon Commission’s Committee on Scientific Cooperation who are not State or Federal employees to receive compensation at a rate equivalent to the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, when engaged in actual performance of duties for the Commission.

Sec. 403. Reauthorization of Atlantic Tunas Convention Act of 1975.

This section would reauthorize the Atlantic Tunas Convention Act of 1975 for each of the fiscal years 2015 through 2021.

Sec. 404. Reauthorization of South Pacific Tuna Act of 1988.

This section would reauthorize the South Pacific Tuna Act of 1988.

Sec. 405. High Seas Driftnet Fishing Moratorium Protection Act.

This section would amend and reauthorize the High Seas Driftnet Fishing Moratorium Protection Act.

Subsection (a) would amend the statutory guidelines for the definition of “illegal, unreported, and unregulated fishing” in the Moratorium Protection Act to include, to the extent possible: fishing activities conducted by foreign vessels in waters under the jurisdiction of a nation without permission of that nation; and fishing activities conducted by foreign vessels in contravention of a nation’s laws, including activity that has not been reported or has been misreported to a nation in contravention of its laws.

Subsection (b) would reauthorize activities related to the identification and listing of nations whose vessels have engaged in illegal, unreported, and unregulated fishing for each fiscal year 2015 through 2021.

Subsection (c) would reauthorize activities related to consulting with and assisting nations that have been identified as having vessels engaged in illegal, unreported, and unregulated fishing for each fiscal year 2015 through 2021.

Sec. 406. Reauthorization of Northwest Atlantic Fisheries Convention Act of 1995.

This section would reauthorize Northwest Atlantic Fisheries Convention Act of 1995 for each fiscal year through 2020.

TITLE V—MISCELLANEOUS

Sec. 501. Technical amendments.

This section would make a number of technical and clerical amendments to MSA, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the High Seas Driftnet Fishing Moratorium Protection Act, the Anadromous Fish Conservation Act, the Northern Pacific Halibut Act of 1982, the Great Lakes Fishery Act of 1956, the South Pacific Tuna Act of 1988, the Antarctic Marine Living Resources Convention Act of 1984, the Pacific Salmon Treaty Act of 1985, the North Pacific Anadromous Stocks Act of 1992, the Northwest Atlantic Fisheries Convention Act of 1995, the Yukon River Salmon Act of 1995, the Yukon River Salmon Act of 2000, the Western and Central Pacific Fisheries Convention Implementation Act, and the Pacific Whiting Act of 2006.

HIGHLIGHTS OF SENATE MSRA 2014 DISCUSSION DRAFT

The Senate Magnuson Stevens Reauthorization Act of 2014 (MSRA 2014) discussion draft, if introduced and enacted into law, would reauthorize the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and several other important federal fishery management statutes for seven fiscal years. It would also address many of the issues and priorities that have been identified in testimony before the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and in listening sessions held in different parts of the country. Below are highlights of the major issues the discussion draft would address, and how it would do so.

Conservation and Management

Tribal and Subsistence Issues

A number of commenters have expressed concerns that MSA as currently written does not adequately contemplate tribal and subsistence fishing issues or stress the importance of consultation with tribal governments. To address these concerns, the proposed discussion draft would—

- define “tribe,” “tribal” and “subsistence fishing”, using definitions that encompass native Alaskan communities and Alaskan subsistence uses of fishery resources.
- Add statements to the MSA findings and policy subsections regarding the importance of tribal fisheries and subsistence fishing
- Add a consultation requirement for tribal governments each place throughout the MSA where state government consultation is already required.
- Add subsistence fishing for consideration by Councils and the Secretary of Commerce where they are currently required to consider commercial and recreational fishing, including when allocating fishing privileges in a mixed-use fishery, and when appointing expert voting members of the Councils.
- Add tribal governments to the list of entities to which the Secretary of Commerce may provide a grant, contract, or other financial assistance on a sole source basis—this broad but obscure authority was just used by Commerce and NOAA to fund the fishery disasters in Alaska and elsewhere without the need for a 25 percent non-federal matching requirement.

Depletion

The topic of fish stocks such as blue crab in the Bering Sea and Aleutian Islands, which remains at low levels of abundance despite closure of the fishery for decades, was raised at the hearing on North Pacific management issues. This example helped highlight the fact that there are fisheries that are depleted, but not necessarily overfished. In order to ensure that MSA contemplates such circumstances, the proposed discussion draft would—

- add “depleted” to the definitions section, using the same standard as that in the current definition of “overfished” in MSA. “Depleted” and “depletion” would refer to a

stock of fish in a fishery that is of a size that jeopardizes the capacity of the fishery to produce the maximum sustainable yield on a continuing basis.

add the words “or otherwise depleted” after the term “overfished” most places where it appears in MSA. This is an acknowledgment that fishermen aren’t always the problem with an unhealthy stock, and is consistent with ecosystem based management.

Rebuilding Fisheries

Some of the Regional Fishery Management Councils testified that added flexibility in the rebuilding requirements for overfished stocks would be helpful. Several recommended using the timeline that already is used by the Councils for species whose biology prevents them from being rebuilt in ten years—the sum of the minimum time in which the species can rebuild and the mean generation time of the species ($t_{\min} + 1$ mean generation). There are differing views among Members of the Committee as to whether or not more flexibility in MSA rebuilding requirements is necessary, or in the long-term economic interest of communities that rely on the Nation’s fishery resources. In the interest of pursuing a bipartisan reauthorization of this important statute, the discussion draft incorporates an alternative timeline for rebuilding overfished stocks in accordance with the Councils’ recommendations.

Specifically, the proposed discussion draft would add an option for the rebuilding timeline to be the sum of (1) the minimum time to rebuild the stock and (2) one mean generation time, provided those two time values are scientifically established and widely accepted among fish population biologists. In all other cases, the current requirement—to specify a time period for rebuilding the fishery that is as short as possible and does not exceed 10 years, except in cases where biology, environment, or U.S. obligations under an international agreement dictate otherwise—would still apply.

Improvements in Forage Fish Management

Several different stakeholders urged that MSA reauthorization legislation make improvements in forage fish management, so that managers better take into account the importance of forage fish to dependent species. The proposed discussion draft would—

- add a paragraph to the MSA findings stressing the vulnerability of forage fish, the importance of their ecological role, and the need for improved management of fisheries for forage fish.
- add a definition for “forage fish” to MSA.
- add a requirement that the Councils’ science and statistical committees provide them with recommendations regarding forage fish management that account for their importance to dependent predator fish.
- add a requirement that a fishery management plan for a forage fish include an adjustment in its ACLs and other harvest control rules that account for the feeding requirements of dependent fish and the importance of the forage fish to other managed fish species.

Improvements in Bycatch Management

Several commenters on reauthorization priorities raised the need for improvements in minimizing bycatch. The proposed discussion draft would—

- add a paragraph to the MSA findings stating that bycatch of living marine resources can have profound population, ecosystem, and socioeconomic on fishery resources and the communities that depend on them.
- modify the statement of policy on bycatch in MSA to reflect the importance of avoiding bycatch, as well as minimizing bycatch where it cannot be avoided.
- modify the definition of “bycatch” in MSA to more precisely capture certain categories of fish that are not target fish, such as fish retained for use as bait and fish subject to mortality due to direct encounters with fishing gear.

Recreational /Commercial Allocation

Allocations between commercial and recreational users in a mixed-use fishery are supposed to be made fairly under the National Standards and other provisions in the Act, but no formal timeframe is provided in the Act for the review of such allocations to ensure they remain equitable over the course of time. To address this concern, the proposed discussion draft would—

- establish a concrete timeframe in MSA for the Councils to review allocations in mixed-use fisheries. Councils would be required to review such allocations not less than every eight years.
- require a National Academy of Sciences study on the factors that should be considered by Councils in determining allocations in mixed-use fisheries.

Clarification Regarding Application of ACLs

In some federally managed fisheries, the annual catch limits (ACLs) requirement has been misinterpreted as requiring a separate ACL for each non-target fish species caught as bycatch in the fishery. This was not the intent of Congress when it established the ACLs requirement to prevent overfishing. To address this issue, the proposed discussion draft would—

- add definitions for the terms “target fish” and “non-target fish”.
- add language clarifying that the ACL requirements do not necessitate setting individual ACLs for each non-target fish in a fishery—a single, multi-species ACL is sufficient for non-target fish.
- render more precise the current language dealing with application of ACLs to species with very short life spans.

Discretionary Fishery Ecosystem Planning Authority

A central concern with the concept of ecosystem-based management of fishery resources is the lack of agreement as to what ecosystem-based management is. Another important concern is the question of how to incorporate ecosystem-based management properly into fishery management properly in the current fiscal environment. The proposed discussion draft would add a new section 303B to MSA that would give the Councils and the Secretary discretionary authority to create fishery ecosystem plans (FEPs) for one or more fisheries they manage. Any

FEP prepared after the date of enactment of the proposed discussion draft would be required to:

- contain a description of the fishery ecosystem and fishery ecosystem context, including its geographical extent and its biological, physical, chemical, and socioeconomic aspects;
- specify fishery ecosystem-level goals and objectives for management;
- assess the level of uncertainty in fishery ecosystem structure, function, data, and reasonably foreseeable responses to management action;
- specify how that uncertainty is accounted for in conservation and management measures that achieve the goals and objectives stated in the plan;
- contain conservation and management measures that achieve the goals and objectives stated in the plan, are implemented through relevant fishery management plans, and are consistent with the national standards and requirements of MSA; and
- contain a monitoring and evaluation plan to describe available data sources and information gaps for performance assessment, develop standards and performance measures, and measure achievement of goals and objectives specified in the plan.

NEPA Improvements

Several of the Regional Fishery Management Councils expressed frustration that section 304(i), as added to MSA in the last reauthorization, has never been properly implemented by NMFS. The proposed discussion draft would mandate implementation of section 304(i), which requires NMFS to revise and update agency procedures for compliance with the National Environmental Policy Act to (1) conform to the timelines for review and approval of fishery management plans and amendments and (2) integrate applicable NEPA analytical procedures with the procedure for preparation of fishery management plans and amendments.

MSA “Sustainably Caught” Labeling Authority

A number of witnesses and commenters have discussed the desirability of a labeling authority to allow seafood that is sustainably harvested under MSA to be labeled as such. As a result of the conservation and management improvements to MSA in 1996 and 2007, and with new improvements in forage fish management, bycatch avoidance, and ecosystem planning in this discussion draft, most fisheries managed under MSA are ipso facto sustainably managed. To address enable commercial fishermen, seafood processors, and others to realize the added market value of sustainable fishing practices, and also to promote the availability of basic seafood traceability information to consumers, the proposed discussion draft would—

- create a voluntary sustainability labeling authority under MSA. The provision would establish a sustainability standard and basic traceability information for fish and fish products. For a fish that meets the sustainability standard and includes the basic traceability information (scientific name, English common name, country of origin, country of registry of the harvesting vessel, general method of harvest, and management region), a seller would be permitted to mark it as “sustainably caught.”
- provide that a person who places on a fish product the words “sustainably caught” or any other word, phrase, mark, or symbol that suggests the fish in the product is sustainably caught, when the person knows or reasonably should know that the

sustainability standard or traceability informational requirements are not met, is subject to civil and criminal penalties under MSA.

Arctic Fisheries CDQ Set-aside

The discussion draft includes a provision that would require a set aside of least 10% of any harvestable surplus of any species in the Arctic Ocean for a new CDQ corporation to include coastal communities north and east of the Bering Strait.

Mid-Atlantic Summer Flounder Management

The proposed discussion draft includes the text of Senator Schumer's bill S. 1757, the Fluke Fairness Act of 2013, at the request of his staff. S. 1757 would direct the Mid-Atlantic Fishery Management Council to develop, in consultation with the Atlantic States Marine Fisheries Commission, and submit to the Secretary of Commerce a modified fishery management plan for summer flounder under MSA.

Rhode Island Membership on the Mid-Atlantic Council

A 2007 Mid-Atlantic Council study, required as a part of the last MSA reauthorization, concluded that "Rhode Island is in a similar situation to North Carolina and Florida, in that Rhode Island has significant landings from stocks that are managed by two Councils." The study then listed among the options for action to address this situation adding Rhode Island to the MAFMC. Consistent with the manner in which this matter has been dealt in the cases of North Carolina and Florida, the proposed discussion draft would provide the State of Rhode Island with membership on the Mid-Atlantic Council.

Annual Report to Congressional Committees on Special Funds

Over the years, various dedicated funds have been established by NMFS or in MSA authorization acts, such as the Asset Forfeiture Fund, the Western Pacific Sustainable Fisheries Fund, the North Pacific Fishery Observer Fund, and the Fisheries Conservation and Management Fund, but we have no clear understanding of what moneys are going into and out of many of these funds each year. The proposed discussion draft would require a combined annual report from the Secretary of Commerce to the Senate Commerce and House Resources Committees on each of these funds, stating all moneys in each fund at the start of the fiscal year, all deposits to the fund during the fiscal year, all moneys paid out of each fund during the fiscal year, and all projects, programs, and activities funded by each fund during the fiscal year.

Technical Provisions and Administration Requests

The proposed discussion draft also includes several technical and NMFS-requested provisions, including—

- Inflationary Adjustments to Civil and Criminal Penalties under MSA.
- A refinement to the jurisdiction of the courts under MSA to allow more cases arising in the waters off US territories and possessions in the Pacific to be heard in Hawaii.
- Provide permanent authority for NOAA to use administrative law judges of an agency other than the Coast Guard for administrative adjudications involving marine resource conservation laws and regulations.

Fishery Information, Research, and Development

Electronic Monitoring

Commercial fishermen in several different regions have expressed growing frustration with NMFS's slowness and perceived resistance to the incorporation electronic monitoring in fisheries. It is clear that the incorporation of different types of electronic monitoring of fishing vessels could reduce the need for at-sea observers, reduce costs, and improve efficiencies in fisheries. The proposed discussion draft would—

- add a requirement that fishery management plans assess the data needs of the fishery and, if necessary to meet those needs, establish an integrated data collection program to gather and analyze data required for fishery management.
- require that any integrated data collection program referred to above: provide for electronic monitoring, human observers, and dockside monitoring; give priority to electronic monitoring with respect to at-sea data; provide for a system of fees to help fund the program; and be developed in consultation with fishery participants and other stakeholders.
- establish a framework for each Council to conduct a review of its fishery management plans to identify each plan with respect to which incorporation of electronic monitoring as a complement to (not a complete replacement for) at-sea observers can decrease costs and improve efficiencies in the fishery. One year after completion of these reviews, each Council would be required to develop an implementation plan to incorporate electronic monitoring into those fishery management plans. Implementation would be required to be completed within four years of the date of enactment the proposed discussion draft.

Use of Capital Construction Fund for Shoreside Fish Processing Facilities

Several years ago, the Fishery Finance Program authorities in title 46 were amended to add shoreside facilities as an authorized use. Several commenters indicated that comparable changes to the Capital Construction Fund authorities of title 46 would be helpful in updating and improving shoreside storage and processing facilities. The proposed discussion draft includes a provision that would expand the Capital Construction Fund, which currently only aids in the financing of fishing vessel construction, to also cover construction of shoreside storage and processing facilities.

Saltonstall-Kennedy Budget Point of Order

Several Members of the Committee have expressed concern and frustration in recent years about the fact that funding under the Saltonstall-Kennedy Act, which amounts to roughly \$110M each year, is transferred to NOAA's Operations, Research, and Facilities (ORF) account for general use rather than going to the authorized U.S. fisheries promotion and development uses under S-K. The proposed discussion draft includes language that would establish a budget point of order that could be raised during House or Senate consideration of an appropriations bill that authorizes the transfer of S-K funds to NOAA's ORF account.

South Atlantic Red Snapper Fishery Pilot Research Program

The South Atlantic red snapper fishery has faced The proposed discussion draft includes a provision that would establish a pilot research program in the South Atlantic red snapper fishery, which is currently closed under a rebuilding plan. Under the provision, the Secretary of Commerce and the South Atlantic Council would be authorized to carry out a six-year research program to assess the status of the red snapper fishery. A limited number of research permits, allocated by the Secretary between the recreational, charter, and commercial sectors, would be issued each year to participants who would gather data by fishing in the fishery. Each permit would entitle the permittee to land one fish. Permits would be freely transferrable between current participants in program, but the exchange of a permit for money other consideration would be prohibited. In the event the fishery were reopened under the red snapper rebuilding plan, a participant in the research program would be barred from also participating in the red snapper open season that year. The Secretary would be authorized to charge fees for the research permits, proceeds from which would be used to administer the program and to assess and rebuild the red snapper fishery.

House Legislation Promoting Fisheries Research

The proposed discussion draft would incorporate the text of H.R. 3063, the Healthy Fisheries through Better Science Act, which would amend MSA to require the Secretary of Commerce to develop and publish, at least every three years, a plan to conduct stock assessments for all stocks of fish for which a fishery management plan is in effect. Accordingly, this provision of the proposed discussion draft would—

- define “stock assessment” as an evaluation of the past, present, and future status of a stock of fish, including: (1) a range of life history characteristics, including the stock's geographical boundaries, age, growth, natural mortality, sexual maturity and reproduction, feeding habits, and habitat preferences; and (2) fishing for the stock.
- require the plan to: (1) establish schedules for conducting initial stock assessments and updating previously conducted assessments; and (2) identify data and analysis, especially concerning recreational fishing, that would reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by nongovernmental sources, such as fishermen, fishing communities, universities, and research institutions. Provides for waivers of stock assessment requirements when the Secretary determines that the assessment is not necessary and justifies such determination in the Federal Register notice.
- direct the Secretary to develop and publish guidelines to incorporate data, analysis, and stock assessments from nongovernmental sources into fisheries management decisions and to establish a registry of information providers. The Secretary and Regional Fishery Management Councils would be required to use such information as the best scientific information available in fishery management decisions, unless otherwise determined by the science and statistical committee of such Councils.
- Direct the Secretary to report to Congress regarding each fishery governed by a fishery management plan to: (1) identify the goals and methods of the applicable programs governing monitoring and enforcement of fishing subject to such plan; (2) certify which methods are most cost-effective; and (3) explain why such most-cost-effective methods are not required, if applicable.

- Prohibit the Secretary from collecting certain fishing permit fees and North Pacific Council fisheries research plan implementation fees before identifying the costs that will be recovered by such fees.

Reauthorization of other Fishery Statutes

The proposed discussion draft would—

- reauthorize other domestic fishery conservation and management statutes through fiscal year 2021, namely:
 - the Anadromous Fish Conservation Act;
 - the Interjurisdictional Fisheries Act of 1986;
 - the Atlantic Coastal Fisheries Cooperative Management Act;
 - the Atlantic Striped Bass Conservation Act; and
 - the Yukon River Salmon Act of 2000.
- Make permanent the longstanding delegation of federal authority to the States of Washington, Oregon, and California for Dungeness crab fishery management.

International Fisheries Provisions

The proposed discussion draft would—

- reauthorize several US implementing statutes for international fishery agreements to which the US is a party, namely—
 - the Pacific Salmon Treaty Act of 1985;
 - the Atlantic Tunas Convention of 1975;
 - the South Pacific Tuna Act of 1988;
 - the High Seas Driftnet Fishing Moratorium Protection Act; and
 - the Northwest Atlantic Fisheries Convention Act of 1995.
- clarify that the Secretarial Representative for International Fisheries position, created in the last reauthorization of MSA, is to be an individual who is a senior official appointed by the President and confirmed by the Senate, and that these duties are not to be delegated to a lower level officer or employee NOAA.

MSA Workgroup #1 Reauthorization (Stock Rebuilding Requirements)

Question 1: Stock rebuilding timelines. Should there be more flexibility in the stock rebuilding requirements and how should that be reflected in the rebuilding requirements?

- Eliminate fixed rebuilding altogether – don't have information to determine targets, etc. (NE); more important to meet a target F (which we can calculate) rather than a fixed timeline for rebuilding.
- $F = 0 + 1$ mean generation time (SA/North Pacific); levels the playing field and eliminates contradiction that if a stock can't be rebuilt within 10 years, a council could potentially be allowed extended rebuilding time periods (i.e., 20 to 30 years).
- No clear guidance from Congress on having a fixed rebuilding plan – need more clarity in the NS1 guidelines on what a fixed rebuilding plan means.
- If F is maintained below/at 90% MFMT, theoretically biomass should asymptote near MSY; consider this as an approach to rebuilding, (need to acknowledge that good information on catch and biomass and consistent/stable recruitment is necessary).
- If F is reduced in direct proportion to stock biomass when the stock falls below B_{msy} , rebuilding should occur automatically, providing higher yields in the long term and avoiding the social and economic pain of implementing a rebuilding plan; consider this as an approach to rebuilding.
- Difference in how MSST is being applied in regions ($(1-M)*SSB_{msy}$ vs. $0.5*SSB_{msy}$) & consider how that impacts rebuilding.
- NPFMC: have rebuilding plans for stocks w/zero fishing mortality that consider gear modifications, habitat protection, etc. (measures beyond the control of fishing).
- Depleted: when stock is below some minimum biomass due to factors unrelated to fishing; should consider use of depleted rather than overfished.
- **Possible consensus summary:** All the Councils agree on the need to consider an alternative term (such as depleted) to reflect conditions that are not the result of fishing activity, but note that there are some specific uses of "depleted" in other statutes; some degree of additional flexibility with respect to stock rebuilding would allow Councils to balance biological imperative to rebuild overfished stocks with need to minimize negative social and economic impacts associated with rebuilding.

Question 2: Exemptions for implementation of rebuilding plans. Should the Act provide for delayed implementation of rebuilding plans?

- What does this question really mean? Does it mean delay ratcheting down to rebuilding F , or does it mean delaying the regulations implementing the rebuilding strategy? Appears to be some blurring of the issues of phasing in "ending overfishing" vs. phasing in "rebuilding"

Question 3: Exemptions to stock rebuilding requirements. Which circumstances or factors should exempt a stock from rebuilding requirements?

- Stocks w/significant F outside of U.S. jurisdiction should be considered; while Section 304(i) of the MSA does address international overfishing, it is unclear if this addresses the question of rebuilding.
- Limited exemptions for mixed stock fisheries should be considered, but no stock should be allowed to decline below a minimum biomass level. This minimum stock level might be the MSST or at another level between the current MSST definitions and a lower threshold (see NAS report for a further discussion of this concept).
- Currently, if there is no international agreement, U.S. fishermen are disadvantaged when it comes to implementation of rebuilding.
- (NE currently has exemption for rebuilding period due to Canadian harvest)
- Tough conceptual problem; could codify the exemption, and flesh out the guidance in the NS guidelines.

Question 4: Ending overfishing. Should there be any change to the current requirements to end overfishing, and if so, under which circumstances?

- Need some exception for stocks that are healthy or not overfished: if stock is above B_{msy} , overfishing can be reduced in some 3-5 year period by $X\%$ per year, as long as it doesn't reduce stock to below B_{msy}
 - More likely that stock will be between MSST and B_{msy} ; allow that flexibility for stocks in this area.

- Perhaps consider net present value.
- F can be highly uncertain from assessment.
- Perhaps consider stock size when allowing for phasing in ending overfishing?
- Need to have some kind of threshold for being able to demonstrate that stock rebuilding is showing signs of success.
- House bill exception to allow flexibility is an improvement but will not address all situations.
- **Possible consensus statement:** General agreement that there should be some flexibility in ending overfishing when our understanding of the stock status changes dramatically (new assessment and/or data); F would need to be reduced immediately by some percentage or measure and a rebuilding plan put in place.
- **Possible exception language (underlined phrases could be further explored):**
 “A fishery for which recent catches have not exceeded the fishing level recommendations of the Scientific and Statistical Committee, or for a stock that is above its target biomass level, and for which an immediate end to overfishing will result in significant adverse economic impacts to fishing communities, the Secretary may authorize a Council to phase in fishing restrictions over a continuous period of not more than 3 years if the following conditions apply:
 - a recent assessment has resulted in a substantial change in the understanding of stock status;
 - fishing mortality must be reduced by at least 25 percent in the first year of the of the phase in period;
 - overfishing must be ended in the final year of the three-year phase-in period;
 - the net benefits to the nation are greater under this phased approach than would result from an immediate end to overfishing.”

Question 5: Mixed stock exception. Please review the current exception, the House draft exception, the NAS/NRC discussion on this issue, and provide recommendations for any changes to the mixed stock exception.

- The statutory basis for the current mixed stock exception is unclear.
- What should the exception be? From the rebuilding timeline? From the requirement to rebuild to Bmsy?
- General agreement:
 - Using a three stock example, could have higher net present value if one stock is allowed to be fished above Fmsy for some limited period of time
 - Current House language doesn't allow for overfishing to occur for some period of time
 - Relatively minor stock that is not part of mixed fishery, but serves as choke species for another fishery; may not be overfished and overfishing not occurring
- Would like to see exception that would allow for some level of overfishing to occur over some period of time. The mixed stock exception should not be limited to applicability within one fishery; it may be the exception is needed to facilitate harvest of a stock in another fishery.
- If analyses show that benefit to nation would be greater by allowing some level of overfishing (above OFL) to occur, where would the harm be? (need to consider how “greater benefit to nation” can be defined).
- Criteria should be developed for applying a mixed stock exception.
- Draft language should be vague – council should be able to demonstrate that by applying the mixed stock exception that they will achieve greater net benefits to the nation (i.e., if it will help you achieve OY).
- **Possible Consensus Statement:** Current high degree of prescription relative to single species biological reference point/stock rebuilding requirements may be incompatible with ecosystem approaches. However, development of criteria for application of a mixed stock exception would ideally ensure ecosystem principles are being adhered to.

Question 6: ACL exemptions. Should there be any changes to the current ACL requirements for incidentally caught species, short-lived species, or species with other characteristics?

- Note recent MAFMC court decision that an ACL is not required for every stock.
- Need exemptions for data poor species in the southeast, where we don't have the science to determine ACLs.
- House bill: general agreement w/these exemptions.
- Senate bill: would like to see an interpretation of target and non-target.

Question 7: SSC's role in quota-setting. Should the SSC's role in quota-setting process be changed as proposed by the House draft?

- Note that the proposed change doesn't modify SSC's role, just modifies what councils are bound to adhere to in setting catch limits.
- **Differing views on this question**
 - Lack of support for House change due to concern that fishing at OFL will drive stock into overfishing; most councils supportive of law as written and are satisfied w/current SSC involvement.
 - Support for House change based on the fact that the OFL is based on some distribution; there is "buffering/potentially double-buffering" between this OFL distribution and ABC (which incorporates scientific uncertainty).
- Perhaps what we would like is for the SSC to determine a catch level that cannot be exceeded (using one method when employing the mixed stock exception and another method when not).
- Could write an exception in the law to allow catch level to exceed the ABC under specific circumstances.
- There might be instances (such as spiny dogfish) where a council may want to exceed Fmsy (in order to address ecosystem impacts of this species on others).
- Sometimes Fmsy proxies are being used to set OFL, and these proxies are by nature usually more conservative
- Rather than "compiling" uncertainty through multiple layers (scientific = layer 1, management = layer 2), perhaps consider all sources of uncertainty at the same time.

Question 8: Other related priorities. Please off any specific, additional recommendations that the WG believes will improve the Act with respect to stock rebuilding, ACLs, AMs, or related requirements.

- Conflict between holistic, ecosystem-based management approaches and some of the rebuilding requirements currently in the Act (noted under Question 5).
- Allowance for consideration of ecosystem changes and economic needs of communities in determining OY is reasonable, but defining economic needs could be challenging.
- Consideration of alternative definitions of overfishing – MSY-based approaches are difficult to determine for some of the data-poor, mixed-stock complexes in certain areas of the country.
- Delays in the review process beyond those specified in the law can impact conservation efforts, e.g., councils can respond quickly to ACL changes to accommodate stock assessment updates, but delays in review impact ability to implement change.
- From an overall perspective, it appears that some of the regional differences or nuances in the discussions related to Questions 1-7 stem from regional differences in data quality, which are generally related to lack of agency resources to pursue additional data collection efforts.
- Many of the regional differences in perspective appear to stem from different experiences in attempting to comply with the statute. Those regions that have struggled to rebuild overfished stocks and end overfishing while addressing community impacts tend to view the need for changes in the statute as more pressing than those regions that have not faced the same challenges.

**INTEGRATING
NATIONAL ENVIRONMENTAL POLICY ACT
COMPLIANCE**

INTO A

REAUTHORIZED MAGNUSON-STEVENS ACT

A Council Coordination Committee Concept White Paper

May 2014

Introduction

Fishery management involves fairly rapid cycles of adaptive management in which information about changing conditions is addressed through adjustments to the management program. In this setting, meeting the requirements of the National Environmental Policy Act (NEPA) has caused delays and introduces requirements that duplicate those in the Magnuson-Stevens Act (MSA) and other applicable law. Current rules, guidelines, and directives to comply with NEPA for marine fishery management actions has been overly expensive in terms of workload to both Council and National Marine Fisheries Service (NMFS) staff resources, with negative opportunity costs on other regulatory activities. There have also been instances where current compliance with NEPA has hindered adequate compliance with MSA in terms of providing comprehensive analysis to Councils prior to their taking final action; there also have been instances of alternatives being added or refined after Council action, that are taken into consideration in the Secretarial review process executed under the MSA. The Council Coordination Committee (CCC) recommends integrating the policy objectives and key requirements of NEPA into the MSA, aligned in a timely manner, as a way to address these problems.

The delays in implementing fishery management actions as a result of current NEPA compliance protocols can be significant. Figure 1 shows contemporary timelines for accomplishing the current guidelines and procedures for NEPA, MSA, and the Administrative Procedure Act (APA), assuming the preparation of an environmental impact statement (EIS).¹ This figure is intended to illustrate the prolongation of the Secretarial review process after final Council action is taken under the current MSA process, and thus delay in implementation of any fishery management action. It can be seen that all three statutes require separate public comment periods, which is duplicative and contributes to lengthening the process from Council final action to implementation, in total, there are at least 8 public comment periods if one assumes a regulatory action that encompasses four Council meetings and the existing procedures after final Council action taken under each statute: 4 leading to and including final Council action and 4 subsequent to final Council action. Attachment 1, describing the Pacific Council Groundfish Fishery Biennial Specifications setting process for 2009-10 is a contemporary example of a problematic NEPA compliance process dealing with the implementation delay problem; it shows 632 days between the initiation of the process at the first Council meeting and the first day the resulting regulations were implemented.

A discussion of effort and process duplication problems between the NEPA and MSA requirements quickly becomes a discussion of NEPA protocols, since the current procedures have moved to using NEPA documents to satisfy the analytical requirements of MSA. Thus, the lengthier, more complex, and more staff-expensive NEPA process has essentially subsumed the MSA analytical requirements. While it can be argued that the existing MSA requirements may not be in themselves fully sufficient for a comprehensive review of environmental impacts, the current NEPA compliance protocols include review processes that duplicate what has been, or can be, much more efficiently accomplished in the Council process.

¹ If an environmental assessment (EA) is prepared the 45-day public comment period and related comment response is not required; however, there has been an increasing trend to mandating an EIS instead of an EA, even for routine fishery specification regulations that respond to new scientific information on the abundance of fish stocks.

In addition to the increase in time necessary to accomplish a fishery management action under current NEPA compliance protocols, there is a significant increase in staff workload and process compared to what is required under the MSA. This increase has been overly expensive in terms of workload to both Council and NMFS staff resources, with negative opportunity costs on other regulatory activities. Attachment 2, describing the process yielding the 6,000² page 2004 Alaska Groundfish Fisheries Final Programmatic Supplemental Environmental Impact Statement document is an example of this problem of enormous document volume and associated huge workload. While there is no accounting of the number of FTE staff hours spent preparing this document to its final stage, it is commonly accepted that it is excessive compared to original NEPA statutory direction and was conducted at the cost of addressing many other important, urgent fishery management concerns that were apparent at that time.

There have also been instances where current compliance with NEPA has fallen short of adequate compliance with MSA in terms of providing comprehensive analysis, or even a full description of alternatives, to Councils prior to their taking final action. The MSA process clearly calls for all information to be available to the Councils at the time of a final decision on a recommendation to the Secretary and that the Secretary is to review the Council recommendation on the merits of the administrative record of the Council process. Current protocols using a NEPA document to satisfy MSA analytical requirements can create a problem since the NEPA document is formally an agency document that can be modified after Council final action has taken place. There have been instances of additional analysis being added to the NEPA document, alternatives being added, or alternatives previously rejected being refined and used, prior to the Record of Decision stage in the NEPA process—well after Council final action. Taking such information into consideration in the Secretarial review process executed under the MSA represents a serious shortcoming in an efficient process designed to provide Councils the same full spectrum of information at the time of final decision making that is used in approving, disapproving, or partially approving a final Council recommendation. It also represents a serious shortcoming in the spirit of NEPA to provide for comprehensive analysis prior to decision making, as applied to Council decision making. Attachment 3 is an example from the {insert the appropriate RFMC process} illustrating this particular problem.

MSA Section 304(i) (see Attachment 4), included as part of the 2007 Magnuson-Stevens Reauthorized Act, was intended to more closely align the requirements of the MSA and NEPA within NMFS's NEPA procedures (required by 40 CFR Part 1505). This section directs the agency to promulgate final procedures within 12 months of enactment. In December 2008 NMFS issued a proposed rule for this purpose, which was later withdrawn. NOAA's Office of Planning and Policy Integration has been revising NOAA Administrative Order 216-6, Environmental Review Procedures, but to date this task has not been completed. In 2013 NMFS issued a policy directive "specifically to address the unique timing and procedural requirements of the MSA." However, the CCC does not believe the current approach has made the alignment of NEPA and MSA more timely (quicker), a reduction in extraneous paperwork (smaller documents), nor more concise (less process or workload efficient), as called for in Section 304(i). In the opinion of the CCC, the 2013 policy directive effectively describes the current institutional status quo.

Proposal

The CCC proposes that the MSA be amended to address the aforementioned problems by adding a section to the end of Section 303, Contents of Fishery Management Plans. This new section would incorporate the key parts of NEPA, which requires Federal agencies to prepare "a detailed statement" on "the environmental impact of the proposed action" into the MSA. Currently, MSA Section 303(a)(9)

² Many have heard about a NEPA document of about 7,000 pages for this matter. The draft SEIS was approximately 7,000 pages in length.

requires preparation of a “fishery impact statement” as part of any FMP or FMP amendment. The proposal is to move and expand this section so that it incorporates the key essence of NEPA including a full analysis of environmental impacts and consideration of alternatives. In addition, some important concepts in the Council on Environmental Quality implementing regulations such as the analysis of cumulative impacts and specifying opportunities for public comment have been added. Importantly, the elements of a fishery impact statement currently outlined in MSA Section 303(a)(9) would be retained in the new section. This new section also makes clear that compliance with these requirements would fulfill the requirements of NEPA. Section 304, Actions by the Secretary, is proposed to be amended to clarify how the review of plans, plan amendments, and proposed regulations would take into account the fishery impact statement. Also, a joint Councils-Secretary process is called for that will provide detailed guidelines and procedures on achieving the statutory intent of this proposal.

Conceptually, this proposed approach is similar to how the intent and essential components of the Federal Advisory Committee Act (FACA) was incorporated into the MSA. The FACA calls for several requirements to be satisfied prior to a committee providing formal advice to the federal government, including such things as public access to meetings, timely advance notice of meetings, record keeping, balanced membership, and structured procedures; it also has a lengthy process for legitimatizing committees, committee meetings, and committee recommendations. The key features of FACA were incorporated as requirements in the MSA, together with Section 302(i)(1) which states that FACA shall not apply to the Councils, CCC, Scientific and Statistical Committees, or related advisory bodies. Absent this “FACA exemption”, process requirements, delays, and other problems would render the Council role in active marine fishery actions functionally unworkable.

It is important to emphasize that this proposal is not to “get out of” complying with the intent of NEPA, not to avoid a complete and robust analysis of the full spectrum of environment effects of a fishery management proposal, or to shortcut a thorough process by which the input of the public and relevant government entities is considered prior to a final decision. On the contrary, the intent is to mandate that all the important aspects of NEPA compliance are included in a comprehensive and detailed process, that the functional equivalent of full compliance with NEPA statutory language is accomplished, and to that these important functions are achieved in a more efficient way than currently administered.

In summary, the intent of this proposal is to

- Incorporate exact or near exact key NEPA language into MSA Section 303, including
 - A reasonable range of alternatives
 - Full analysis of environmental impacts
 - An analysis of cumulative impacts
- Consolidate public comment guidelines currently adopted for NEPA implementation with those in MSA
 - Figure 2 shows a generic timeline for the proposed new process.
- Retain the conservation and fishery participant impact analysis requirements of the current MSA
- Adjust the language in Section 304 regarding Secretarial review of Council actions to include review of analytical documents for completeness of the new requirements
- Insert language making it clear that if the above requirements are accomplished, then compliance with NEPA has been achieved.
- Insert language describing a joint Council and Secretarial process establishing guidelines and regulations to codify the requirements of this new process.

The specific proposal is as follows. Yellow highlight has been added where the language is identical to the language in the NEPA. Blue highlight has been added where the language is identical to the language in the current MSA.

SEC. 303 CONTENTS OF FISHERY MANAGEMENT PLANS

Delete Sec. 303(a)(9)³ and create new Sec. 303(d)

(d) FISHERY IMPACT STATEMENT – Any fishery management plan (or fishery management plan amendment) prepared by any Council or by the Secretary pursuant to Sec. 303(a) or (b), or proposed regulations deemed necessary pursuant to Sec. 303(c), shall include a Fishery Impact Statement which shall assess, specify and analyze the likely effects and impact of the proposed action on the quality of the human environment.

- (1) The fishery impact statement shall describe—
 - (A) a purpose of the proposed action;
 - (B) the environmental impact of the proposed action⁴;
 - (C) any adverse environmental effects which cannot be avoided should the proposed action be implemented²;
 - (D) a reasonable range of alternatives to the proposed action²;
 - (E) the relationship between short-term use of fishery resources and the enhancement of long-term productivity²;
 - (F) the cumulative conservation and management effects,
 - (G) economic, and social impacts of the proposed action² on—
 - (i) participants in the fisheries and fishing communities affected by the proposed action;
 - (ii) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and
 - (iii) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery⁵

(2) A substantially complete Fishery Impact Statement, which may be in draft form, shall be available not less than 14 days before the beginning of the meeting at which a Council makes its final decision on the proposal (for plans, plan amendments, or proposed regulations prepared by a Council pursuant to Sec. 303(a) or Sec. 303(c)). Availability of this Fishery Impact Statement will be announced by the methods used by the Council to disseminate public information and the public and relevant government agencies will be invited to comment on the Fishery Impact Statement.

(3) The completed Fishery Impact Statement shall accompany the transmittal of a fishery management plan or plan amendment as specified in Sec. 304(a), as well as the transmittal of proposed regulations as specified in Sec. 304(b).

(4) The Councils shall, subject to approval by the Secretary, establish criteria to determine actions or classes of action of minor significance regarding Section 303(d) (A), (B), (D), (E), and (F), for which preparation of a Fishery Impact Statement is unnecessary and categorically excluded from the requirements of this section, and the documentation required to establish the exclusion.

³ Page 75 of the MSA “Blue Book”

⁴ See 42 U.S.C. 4332, Sec. C

⁵ See MSA 303(a)(9)

(5) The Councils shall, subject to approval by the Secretary, prepare procedures for compliance with this section that provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork and effectively involve the public, including—

(A) using Council meetings to determine the scope of issues to be addressed and identifying significant issues related to the proposed action;

(B) integration of the Fishery Impact Statement development process with preliminary and final Council decision making in a manner that provides opportunity for comment from the public and relevant government agencies prior to these decision points;

(C) providing scientific, technical, and legal advice at an early stage of the development of the Fishery Impact Statement to ensure timely transmittal and Secretarial review of the proposed fishery management plan, plan amendment, or regulations to the Secretary.

(6) Actions taken in accordance with Sec. 303 procedures shall constitute fulfillment of the requirements the National Environmental Policy Act of 1970 as amended (42 U.S.C. 4371 *et seq.*) and all related implementing regulations.

Sec. 304(a) amended as follows:

(a) REVIEW OF PLANS.—

(1) ...

(2) In undertaking the review required under paragraph (1), the Secretary shall—

...[strike “and” from the end of B and at the end of C replace period with “; and”]

(D) evaluate the adequacy of the accompanying Fishery Impact Statement as basis for fully considering the environmental impacts of implementing the fishery management plan or plan amendment.

Sec. 304(b) amended as follows:

(b) REVIEW OF REGULATIONS.—

(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, this Act and other applicable law. The Secretary shall also immediately initiate an evaluation of the accompanying Fishery Impact Statement as a basis for fully considering the environmental impacts of implementing the proposed regulations. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

...

Figures and Attachments

Figure 1. Timelines and key process steps in the existing process of aligning NEPA and MSA compliance requirements.

Figure 2. Timelines and key process steps in the proposed process of achieving NEPA compliance in revised MSA procedures.

Attachment 1. A Description of the Pacific Council 2009-10 Groundfish Fishery Biennial Specifications Process with Particular Reference to Duration Problems.

Attachment 2. A Description of the 2004 Alaska Groundfish Fishery Programmatic Supplemental Environmental Impact Statement Process with Particular Reference to Document Volume and Staff Workload.

Attachment 3. A Description of the {insert specific example name} with Particular Reference to Changes in the NEPA Document Not Known to Council Members at the Time of Final Action.

Attachment 4. Section 304(i) in the Magnuson-Stevens Fishery Conservation and Management Act as Amended Through January 12, 2007

DRAFT

1. Electronic Monitoring

How should the Act facilitate or govern the use of electronic monitoring (EM) in U.S. fisheries? Should the MSA be specific about electronic monitoring or should it be left to the Councils to decide what plans EM may or not be appropriate for?

The Act should encourage development, and enable the full utilization of, EM in U.S. fisheries. Due to funding constraints, resource issues, the uniqueness of each fishery, and the rapid evolution of technology, additional national-level regulations to govern the use of electronic monitoring beyond the current constraints of the Act (e.g. the National Standards) may be counterproductive. Exact details for monitoring programs should be left up to each Council so as to provide maximum flexibility for tailored development and implementation. Ongoing collaborative efforts by NMFS and the Councils on EM should be sufficient to achieve coordination and avoid duplication. Additionally, the Act should not preclude the use of information collected by EM for the purposes of fishery law enforcement, but such measures should be carefully considered in individual fishery management plans as appropriate.

2. Data Confidentiality

Do current data confidentiality provisions in the Act need to be amended and if so how? What changes, if any, would improve fisheries management while preserving individual confidentiality?

Any changes to the act should not limit Councils' abilities to use aggregated fishery-dependent data (landings data, observer data, etc.) for decision-making purposes. The revised Act should improve the ability of the Councils to use fishery data to evaluate management programs (e.g. NEFMC's current inability to review data from individual groundfish sectors in their annual reports even though the report requirements were adopted in order to provide information on the performance of the sectors). Contractors and grant recipients of either the federal government or Councils that sign data confidentiality agreements should also be able to access confidential data.

3. Marine Spatial Planning

Should fisheries data be precluded from use in spatial planning? What would the consequences be if MSP does not effectively account for fishing?

Information is power and without identifying important fishing grounds, practices, etc., the fishing industry has more to lose than they would ever gain by not having fisheries data (subject to confidentiality) available to guide spatial planning efforts. The data could be particularly useful when coupled with habitat classification using remote sensing technologies.

4. Transparency

What level of record keeping is most appropriate to provide public access and transparency for Council meetings and SSC meetings? Summaries, Transcripts, Audio on File, Audio on Website, Streaming Audio, streaming webinar (screen and audio is streamed), streaming webinar with video, webinars on file, webinars on website, etc. Video has the potential to cause significant A/V issues as streaming both what's on the screen and video has the potential to cause bandwidth issues (even with a dedicated hardline) that then interferes with maintaining good audio.

The Councils support a transparent public process including webcasts and recordings of all Council and SSC meetings. However, budget problems are very real and written transcripts are cost prohibitive. Video recordings of large meetings may not add substantive content as they will not capture presentations and motions, which are the most critical visual aspects of meetings. Streaming video may also degrade the quality of webcast audio. The technology for webcasts is also evolving rapidly, especially in the context of remote meetings near fishing ports as are typically conducted by the Councils. We recommend that Congress require each Council to develop a policy in its Standard Operating Procedures that describes how it makes each type of Council meeting accessible to the public, and that Congress require the use of webcasts "to the extent practicable."

5. Ecosystem Management

Are any changes to the Act necessary to enable the Councils to transition to EAFM or EBFM?

NMFS and the Councils are making efforts to move toward ecosystem approaches to fishery management. Most of the emphasis in the current Act is on the requirements to end overfishing and rebuild individual stocks of fish. These can at times constrain efforts to take more holistic approaches. Also, many aspects of single-species stock dynamics are still poorly understood, and additional resources are needed for research in the rapidly-progressing area of ecosystem based fishery management (as well as in how to effectively translate that science into fisheries policy). Section 406 of the Act requires the Secretary to establish an advisory panel to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities. This Panel hasn't been active since 1999 but should be regularly active. Also, an update of the 2009 Report to Congress "The State of Science to Support an Ecosystem Approach to Regional Fishery Management" would seem appropriate
http://www.nmfs.noaa.gov/msa2007/docs/tm_96_repto_congress_final.pdf

6. Forage Fish Management

Should the Act further require that the ecological role of forage fish be taken into consideration when setting quotas on forage fish (Ecosystems are already in there for OY considerations - "...prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor)? How specific should it be?

The Act should encourage managers to take into consideration to the extent practicable the role of forage fish for other species when establishing quotas and other management measures. The current language with respect to taking into account ecological factors in Optimum Yield considerations already provides the Councils with authority to address forage concerns, and greater specificity is unlikely to be appropriate given the rapid evolution of ecosystem/forage fisheries science. Several Councils have placed moratoria on the development of new fisheries on forage stocks via a variety of processes, and a new authority in the act for Councils to place moratoria on the development of new fisheries on forage stocks could be useful.

7. Sustainability Certification

Should the Act include a provision for sustainability certification to affirm the sustainability of U.S. fisheries caught under MSA? Should there be specific criteria or leave it up to the agency.

The current MSA requirements are some of the strictest in the world and acknowledgement of management successes could be important related to U.S. fishery participants' ability to compete globally. Criteria primarily tied to stock status should be developed by the agency and approved by the Councils. The certification process should be kept very simple so as not to take substantial resources away from critical management needs.

8. Recreational Fisheries

Are any specific changes to the Act necessary to ensure the successful and effective management of recreational fisheries under MSA? Do the Councils want to make any comment on MRIP?

While MRIP has provided some improved statistical methodologies to reduce bias, MRIP is only partially implemented even from a methods point of view and little has been done to increase precision - having greater certainty that an estimate is likely to be significantly off from the real number does little to assist effective management. The deliberate approach of MRIP should avoid missteps but the pace of implementation has been very frustrating to managers and constituents. There has also been a failure to effectively communicate the approach that MRIP has taken and why it will ultimately benefit the public. Since major parts of MRIP have yet to be implemented (especially wide-spread use of license data to determine effort levels), it is difficult to evaluate the success or failure of MRIP. Since recreational fisheries need

to be fully accountable with appropriate measures for overages of annual catch limits, effective monitoring of recreational fisheries at the scales important to fishery management is critical for overall success, and has not yet been achieved under MRIP. MRIP may get us there, but it has not done so yet.

9. Transboundary Stocks

Are specific changes to the Act necessary to ensure the successful management of international/ transboundary stocks?

Allowances should be made for the Councils to develop annual and in-season quota trading programs. Also, enhancement of enforcement capabilities for international fisheries, including at-sea and in-port monitoring and enforcement would likely be useful. Assistance to developing countries in their enforcement capacity could also have substantial benefits.

10. State/Federal/Council Coordination

Are specific changes to the Act necessary to facilitate improved coordination in the management of inter-jurisdictional fisheries under state and federal management?

Allowing Council/Commission liaisons the ability to vote would provide additional representation regarding inter-jurisdictional issues, but Congressional action may not be able to solve the underlying resource-use and/or process conflicts.

11. Catch Shares

Should there be any additional restrictions on the use of catch shares, or other changes to the Act relative to this issue?

Councils should maintain the maximum flexibility possible to develop effective management tools, including catch shares, which meet the needs and goals of each fishery. The referendum requirements may reduce the ability to implement new catch share measures.

12. National Standards

Should there be any additions or modifications to the existing National Standards?

The National Standards are somewhat narrowly implemented focused upon just one part of National Standard (NS) 1 – prevention of overfishing. Consequently the result seems to be a lessoned focus on ensuring optimum yield is achieved, that best science is used, that stocks are treated as a unit throughout their range, on safety at sea, and on the social well-being/economics of fishing communities. Somehow reconciling NS1 with the other NSs could be useful, but a specific solution was not identified. Also, if “overfished” is replaced with “depleted” throughout the Act there will likely need to be modifications to the wording of the National Standards, especially NS1.

Allocation Working Group Terms of Reference

Purpose: Develop technical guidance for fisheries managers on the following topics related to fisheries allocations:

- Under what circumstances should allocation decisions be revisited?
- What issues should be considered when updating allocation decisions?
- What biological, sociological and economic data and analyses are required for these decisions? If data are not available, what other methods can be used?

Deliverables:

- The working group should provide their opinions and recommendations in a report by XXXXX 2014.

Background:

Allocation is defined as “a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals.” Because of the economic value, history, and tradition associated with access to fishery resources and the perceptions of fairness that arise with allocation decisions, allocation of fishery resources is one of the most challenging issues faced by fishery managers. Allocation can be across jurisdictions (international, state, regional, etc.), across sectors (commercial, recreational, tribal, research, etc.), and within sectors (individual fishermen, gear types, etc.).

Allocation decisions are generally made by the regional fishery management councils (Councils). At a national level, NOAA Fisheries issued a Catch Share Policy that clearly states that underlying harvest allocations should be revisited on a regular basis whether they are a part of a catch share program or not. Multiple reports and Technical memoranda have been prepared by NOAA Fisheries that provide guidance on making allocation decisions. The most recent report (Morrison and Scott 2014) summarizes laws, guidance, technical memorandums, court cases and case studies related to fisheries allocation decisions. In addition, NOAA Fisheries initiated a review of a wide range of allocation issues. As part of this review, NOAA Fisheries contracted with George Lapointe to conduct a series of interviews with stakeholders and fishery managers and produce a report based on his findings. The report summarized current perceptions on allocation decisions in fisheries management and concludes with a list of five actions that could be taken to improve the allocation process; including determining when allocation decisions should be reviewed and what issues should be considered when making allocation decisions. The recommendations from this working group will address these two recommendations.

Approach and Functions: After reviewing papers and reports on allocation of fishery resources (e.g. MONF3, Lapointe), NOAA Fisheries has identified three key topics relevant to fisheries allocation decisions. Under each of the three main topics, a series of trigger questions are provided for the consideration of the Working Group. ***The working groups should evaluate and provide recommendations on all three of the key topics. The working group should provide recommendations on both the technical and policy aspects of making allocation decisions.***

Key topics with trigger questions:

1. Under what circumstances should allocation decisions be revisited and/or updated?
 - a. What factors should be considered in determining a timeline (i.e. every 5-7 years) for reviewing allocations taking into account the availability of biological, social and economic indicators? Based on these factors, provide guidance on timeline for reviewing allocations.
 - b. What thresholds (economic, biological and social), if any, should be considered for determining when an allocation should be revisited and/or updated?
 - c. What performance criteria exist that could help Councils determine if a current allocation meets the goals and objectives of that fishery?
 - d. Should the trigger for looking at allocations come from a threshold of public interest (e.g. petition based)?
2. What issues should be considered when updating allocation decisions?
 - a. What guiding principles (such as minimizing scientific uncertainty, using trends rather than point data, etc.) should be used when making allocation decisions?
 - b. What factors (such as ecosystem impacts, cultural significance, fishery participation, and fishery dependence, etc.) should be considered when making an allocation decision?
3. What biological, sociological and economic data and analyses are required for these decisions?
 - a. What data and analyses are currently being used for allocation decisions?
 - b. What other data and analyses would you recommend to improve the quality of decisions?
 - c. When data is absent, what proxies can be applied? Can proxies be improved to provide more accurate estimates?

Organization and Reporting

A Working Group will discuss, evaluate, and provide recommendations on the topics identified above. The Working Group will make sure all topics identified under the “Approach and Functions” section above are addressed. If other topics or issues arise during the discussion, the Working Group should report on those issues as well. A workshop will most likely be organized to allow for group discussions around these questions. Webinars will be organized as needed prior to and after the workshop to introduce or conclude discussions on these topics, respectively. To the extent additional specific expertise is needed and not represented on the Working Group, the Working Group can engage appropriate technical experts.

- **Working Group Coordinator:** The coordinator will be responsible for preparing background materials, facilitating discussions on conference calls and compiling recommendations from the working group into a report.
- **Fisheries Allocation Working Group Members:** The working group should contain the following experts:
 - Fish ecologists, social scientists, fisheries economists, fisheries managers, legal advisor, and fishery participants.
 - Representatives from the Regional Fishery Management Councils, NMFS Science Centers, Regional Offices, and Headquarters Offices, as well as representation from outside of NMFS.

A list of Working Group members will be developed. Working group members will be responsible for reviewing background materials; participating in conference calls; attending any workshops; discussing, analyzing, and providing recommendations on the topics identified under the “Approach and Functions” section above; and providing edits and comments on the draft report.

Funding:

Funding for the working group TBD.

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Allocation Review Working Group Report and Recommendations

The Council Coordination Committee established a small working group to support the development of policy guidance to NOAA fisheries regarding the periodic review of council allocation decisions. The following terms of reference for the work of this working group were provided by Chairman Robins:

The CCC working group will provide a range of options for review and action by the CCC at their May meeting to establish a process for providing policy guidance to the Agency on issues related to the reconsideration of fisheries allocation decisions by the Councils, and identify the appropriate body to consider associated technical considerations. These issues include, but are not limited to, those identified in the "Allocation Working Group Terms of Reference" (e.g., how often should allocation decisions be revisited, the factors that would trigger a change in an allocation, and the types of data and analyses that would be required to evaluate allocation alternatives).

In response to the Chairman's TOR, the working group identified the following objectives for developing recommendations to the CCC for its review and approval:

1. Identify specific policy topics and structure for CCC guidance in the form of a document outline;
2. Identify technical topics (non-policy) for inclusion in guidance document and offer recommendations on an appropriate body to develop technical guidance;
3. Establish process and timeline for the development of a guidance document; and
4. Identify support and infrastructure for project execution.

The remainder of this report contains the working group's recommendations regarding these objectives.

1. Guidance topics and document outline -

The draft outline (Attachment 1) captures all of the themes and trigger questions expressed in the Agency's TOR for allocation review policy development, parses those themes and questions by focus on policy or technical considerations, and creates a structure for the integration of both policy and technical comments into one document.

The working group recommends that the CCC develop its guidance to the Agency within the context of adaptive management. Regardless the threshold event or schedule that triggers a review, revisiting an allocation discussion is a process requiring examination of the goals and objectives that informed the original allocation, the extent to which the allocation was successful in meeting those goals and objectives, and what change or changes in underlying conditions may indicate the adoption of new goals and objectives, all of which would inform the review of the allocation itself. This approach is reflected in both the content and structure of the proposed outline.

As development of policy guidelines for allocation review proceed, the working group makes note of the importance of a common understanding regarding what is meant by "review." To this end, the working group clarifies that "review" is the evaluation described in the preceding paragraph that leads to the decision of whether or not the development and analysis of new alternatives is warranted, and is not, in and of itself, an implicit trigger to consider new alternatives.

The working group recommends that the CCC review and adopt, with modifications as appropriate, the contents and structure of the proposed draft outline.

2. Technical comments -

The working group identified technical issues captured in the Agency's TOR and included them in the proposed outline in italics. While it is not anticipated that the CCC will generate comments or recommendations on these issues directly, we recommend that technical and policy guidance be integrated into the same document in order to ensure consistency of context and focus.

The working group recommends that the NMFS Office of Science and Technology be responsible for the development of technical guidance and decision tools for allocation review. The Office of Science and Technology has the expertise and capacity to develop technical guidance and decision tools to inform and support the process of allocation review. A second option, to convene a national SSC to develop technical guidance, was identified but not recommended by the committee. This option was viewed as a potential “stretch” of the CCC’s capacity and less suitable for the development of decision tools.

3. Process, timeline, and infrastructure for project execution –

The working group notes that the potential scale and scope of this project are considerable. Development of a guidance topic that fully examines the policy and technical implications of a complex and potentially controversial topic such as councils' review of allocation decisions will require the consideration of extensive comments, synthesis of potentially contradictory opinions, and clear articulation of the CCC's guidance. As a team of three individuals, the working group does not believe that it has, on its own, the capacity to successfully execute this project, and offers three options for discussion:

1. assign "ownership" of the document to the Agency and identify several CCC members to provide council input to the Agency staff tasked with developing allocation review guidelines;
2. assign "ownership" of the document to the CCC and appoint a larger work group of CCC members to develop comments and draft guideline recommendations to the Agency; and
3. assign "ownership" of the guidance document to the CCC, solicit comments directly from each council, and establish a team of CCC members and agency staff to review and synthesize comments and draft the guideline document.

Option 1 - Assign "ownership" of the document to the Agency and identify several CCC members to provide council input to the Agency staff tasked with developing allocation review guidelines. This option may be closest to the process envisioned by the Agency when it established the TOR presented to the CCC at its February 2014 meeting. It would not result in a guidance document that is developed, reviewed, and approved by the CCC, but would instead provide input by representatives of the CCC into the content of guidelines developed by the Agency, perhaps in consultation with a broader representation of advisors. An option in which “ownership” of the document was assigned to the Agency should provide ample opportunity for CCC, council, and perhaps public, review before the document is finalized.

The benefit of this approach is that it may be less demanding of the time and capacity of CCC members and council staff. The responsibility of drafting the guidelines would lie solely on the Agency. However, this benefit must be weighed against the fact that this option provides less of an opportunity for the CCC to coordinate and articulate its collective recommendations and guidance regarding the review of allocation decisions.

Under this option the content and structure for a guidance document as reflected in an outline adopted by the CCC would be advisory in nature, and the schedule for execution of the project would be determined by the Agency.

Option 2 - Assign "ownership" of the document to the CCC and appoint a larger working group of CCC members to develop comments and draft guideline recommendations to the Agency. This option would result in a document that directly articulates the CCC's recommendations and guidance to the Agency on allocation review. It more closely reflects the direction for this project established by the CCC at its February 2014 meeting.

The benefit to this approach is that it provides a more structured format and more direct input by the CCC into the content and design of a guidance document. This option identifies a path forward that, in the opinion of the working group, is most closely reflective of the process by which the CCC generally develops policy recommendations. The MSA reauthorization working groups are similar in design. That said, the scope of the project in question is relatively broad, and the demands on the working group would be significant. Therefore, some Agency or council staff support in drafting the guidance document may be necessary.

For this option the working group recommends a timeline that anticipates completion of a draft guideline document for review by the CCC at its February 2015 meeting and completion of a final draft reflecting CCC feedback for approval at the annual CCC meeting in May 2015.

Option 3 - Assign "ownership" of the guidance document to the CCC, solicit comments directly from each council, and establish a team of CCC members and agency staff to review and synthesize comments and draft the guideline document. This option offers each council the ability to develop comments for inclusion in the guidance document. Like Option 2, it would result in a guidance document that directly reflects the views of the CCC.

The benefit of this option is that it offers each council the opportunity to articulate its comments in response to an approved document outline and a process for synthesizing those comments into an integrated, comprehensive document. It would also transfer the responsibility for the development of substantive comments from a working group to the councils, and would primary responsibility of the working group would be the syntheses of comments into an integrated document. Given the potential volume of material that would require review and synthesis, this option would likely require the support of council and/or agency staff.

The likely timeline for Option 3 would require councils to provide comments no later than this fall. A CCC working group would, with the support of staff, synthesize council comments into a draft guidance document for initial review and comment by the CCC at its February 2015 meeting and final review and approval at its May 2015 meeting.

The working group recommends that the CCC adopt a preferred option for providing input to the Agency and identify working group members and necessary support from council and/or agency staff as appropriate.

Initial comments –

One member of the allocation review working group drafted some initial comments in response to the draft outline established by the group. Those comments accompany this report as Attachment 2. They are intended to serve as an example of comments that may be included in the guidance documents and highlights some primary concerns regarding allocation review.

Attachment – Draft Outline for CCC Guidance on Allocation Review

Draft Outline for CCC Guidance on Allocation Review

- A. Adaptive management as a basis for review of management decisions
 - 1. Statement on adaptive management and overarching need to review goals, objectives, and outcomes of management decisions
 - 2. Discussion of allocation as a management tool to meet national standards and other policy mandates, goals, and objectives
 - a. Evaluation of allocation in the context of adaptive management
- B. Criteria for initiating review of allocation decisions
 - 1. Statement on the need to have flexible criteria for initiating review of goals, objectives, and outcomes related to allocation decisions
 - 2. Performance-based criteria
 - a. Statement on consideration of national standards, policy mandates, and management goals and objectives as performance metrics
 - i. Economic indicators - comments
 - ii. Social indicators - comments
 - iii. Biological indicators - comments
 - iv. Ecological indicators - comments
 - b. Recommendations on using performance-based criteria
 - 3. Time-based criteria
 - a. Use of MSA-mandated 5-year review and applicability of other scheduled evaluations and sunsets (i.e., EFH review, ten-year LAPP duration) for allocation decision review - comments
 - b. Impacts of "date certain" review on councils' overall work plans and management priorities - comments
 - c. Data-collection and evaluation as a consideration in the development of time-based criteria - comments
 - d. Recommendations on using time-based criteria
 - 4. Public interest-based criteria
 - a. Statement on the value of public access to the council process, effective stakeholder outreach and engagement, and transparency in allocation decision-making

- b. Statement on consideration of public interest as a criterion for initiating review of goals, objectives, and outcomes of allocation decisions
 - i. Ongoing public input - comments
 - ii. Petitions by stakeholders - comments
 - iii. Requests from state, regional, or federal government - comments
 - c. Recommendation on the use of public interest-based criteria for initiating review of goals, objectives, and outcomes of allocation decisions
- C. Issues for consideration in the review of goals, objectives, and outcomes of allocation decisions
- 1. Guiding Principles
 - a. Policy
 - i. National Standards - comments
 - ii. NOAA Fisheries policy guidance - comments
 - iii. Councils' strategic vision and management priorities - comments
 - iv. Purpose and need - comments
 - b. Recommendations on policy-driven guiding principles for review of goals, objectives, and outcomes of allocation decisions
 - c. *Technical (to be addressed by scientific/technical team)*
 - i. *Reducing and accounting for scientific and management uncertainty*
 - ii. *Treatment of data (trend vs. point estimate)*
 - iii. *Appropriate use of socio-economic data and models*
 - iv. *Design and use of economic data reports*
 - v. *Use of proxy data in economic modeling and analysis*
 - vi. *Development of decision tools to reduce analytical burden*
 - 2. Factors
 - a. Policy
 - i. Optimization of allocations – comments
 - ii. Fishery performance – comments
 - ii. Individual, local, and regional participation in fishery - comments
 - iii. Social and economic impacts - comments
 - iv. Impacts on other fisheries - comments
 - v. Impacts on the ecosystem - comments
 - vi. Durability of allocation - comments
 - vii. Economic and social stability and impacts of re-allocation - comments
 - viii. Current and historical dependence on fishery - comments

- b. Recommendations on policy-driven factors for consideration in the review of goals, objectives, and outcomes of allocation decisions

D. Decision support in review of goals, objectives, and outcomes of allocation decisions (technical)

- 1. Data required for use in allocation decisions*
- 2. Applicable models and analyses for use in support for allocation decisions*
- 3. Strategies for dealing with data limitations*
- 4. Potential for improvement in decision support for allocation decisions*

E. Summary

DRAFT



NOAA FISHERIES

Science and Technology

Monitoring and estimating marine fisheries bycatch is an important part of NOAA Fisheries' efforts to sustain fisheries and recover protected species populations. The National Bycatch Report helps NOAA Fisheries monitor bycatch trends, improve stock assessments, and set fishery monitoring priorities.

Highlights

- This Update includes fish bycatch estimates for a total of 573 fish stocks nationwide, an increase from 480 stocks in the first edition.
- Alaska longline fishery seabird bycatch was 3,712 birds for 2010, compared to 6,353 birds for 2005.
- The bycatch ratio (ratio of total fishery bycatch to total fishery catch) for the Gulf of Mexico shrimp trawl fishery was 0.64 for 2010, compared to 0.76 for 2005.
- Northeast bycatch estimates were provided for 10 new protected species, including seals, bottlenose dolphins, and loons.

U.S. National Bycatch Report First Edition Update 1



Catch and bycatch on a Pacific hake vessel. Photo courtesy of Mark Lomeli, Pacific States Marine Fisheries Commission.

The First Edition of the *U.S. National Bycatch Report*, published in 2011, documented bycatch estimates, using observer data and self-reported logbook data, for all fisheries for which this information was available in 2005.

NOAA Fisheries has now released the First Edition Update 1 to the *U.S. National Bycatch Report*. This update includes species-specific bycatch estimates for species included in the first edition, as well as updated bycatch estimates for all fisheries in the first edition with some consolidation of fisheries.

This Update, as well as the First Edition of the report, is available on the NOAA Fisheries National Observer Program website: <http://www.st.nmfs.noaa.gov/observer-home/index>

Importance of Bycatch Reduction and Observers

Bycatch occurs when fishing operations discard fish or interact with marine mammals, sea turtles, protected fish species, corals, sponges, or seabirds. Bycatch can have significant biological, economic, and social impacts on fisheries. Excessive bycatch can prevent overfished stocks from rebuilding, and bycatch and gear interactions can lead to the decline of endangered marine mammals, sea turtles, seabirds, and fish and prevent their recovery. To help minimize these impacts, NOAA Fisheries monitors bycatch in U.S. fisheries through observers and other methods and subsequently estimates bycatch levels that are incorporated into stock assessments.

NOAA Fisheries is required to address bycatch reduction under several federal laws—the Magnuson-Stevens Fishery Conservation and Management Act, Endangered

Timeline for U.S. National Bycatch Reports and Updates

2011—Comprehensive Report (first edition): primarily 2005 data.

2013—Online Update (first edition update 1): primarily 2010 data.

2015—Online Update (first edition update 2): 2011-2013 data.

2017—Comprehensive Report (second edition): 2014-2015 data + synthesis of 2010-2015 data.

2019—Online Update (second edition update 1): 2016-2017 data.

2021—Online Update (second edition update 2): 2018-2019 data.

2023—Comprehensive Report (third edition): 2020-2021 data + synthesis of 2016-2021 data.



This Update reports on target landings like this large swordfish, as well as bycatch. Photo courtesy of NOAA Fisheries.

For more information:

Contact: Lee Benaka,
lee.benaka@noaa.gov

Visit:
<http://www.st.nmfs.noaa.gov/observer-home/index>

Species Act, Marine Mammal Protection Act, and U.S. National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries.

NOAA Fisheries has been using observers to collect fisheries data, including bycatch information, from 1972 to the present. In 2012, NMFS carried out observer programs in each of its regions, with 974 observers and over 83,000 sea days observed in 47 fisheries nationwide. In 2012, total federal fisheries observer funding from all sources (including industry funding) was approximately \$69 million for observer coverage and program infrastructure.



Loggerhead sea turtle exiting a trawl net. Photo courtesy of NOAA Fisheries.

National Bycatch Report Improvements

NOAA Fisheries has made several improvements since the First Edition of the report in 2011. The most notable improvement was to shorten the lag between the development and publication of bycatch estimates by approximately 3 years between the First Edition and this Update, which includes bycatch estimates based mostly on 2010 data. This Update also increased the number fish bycatch estimates from 480 to 573.

Individual regions contributed notable improvements to this Update. For example, the Northeast provided fish bycatch estimates for 29 fisheries, up from 25 fisheries in the First Edition. Alaska combined a large number of state fisheries to better reflect management and data collection systems, based on feedback from the Alaska Department of Fish and Game. The Pacific Islands added protected species bycatch estimates for the American Samoa-based longline fishery. The Southwest contributed fish bycatch estimates to this Update; the First Edition provided no bycatch estimates for that region.

Expected Improvements in Bycatch Estimates

For the next Update in 2015, NOAA Fisheries plans to include additional bycatch estimates. NOAA Fisheries plans to shorten the data lag to two years (i.e., the 2015 update will include bycatch estimates for 2011, 2012, and 2013). NOAA Fisheries also plans to increase consistency regarding how bycatch is reported nationwide.

The 2015 Update should include fish bycatch estimates for the American Samoa-based longline fishery. (This update only included protected species estimates for that fishery.) In addition, the 2015 Update may include more detailed bycatch estimates for corals and sponges.



March 21, 2014

**Statement from Eileen Sobeck, Assistant Administrator NOAA Fisheries
*Reducing bycatch remains top issue for NOAA Fisheries***

NOAA is strongly committed to reducing bycatch in U.S. fisheries. We actively monitor bycatch levels in U.S. fisheries through fisheries observers and electronic technologies. We also work directly with fishermen to develop selective fishing gears and practices to minimize bycatch.

NOAA implements regulations with regional fishery management councils as well as other stakeholders to minimize bycatch and reduce protected species interactions with fishing gear. NOAA Fisheries also carries out observer programs in each of its regions.

NOAA is, and will continue to be, proactive in the protection and conservation of marine species such as dolphins and sea turtles. For example, the agency currently manages seven marine mammal take reduction teams, which recommend bycatch reduction measures for over 30 marine mammal stocks in more than 25 commercial fisheries.

The agency evaluates these recommendations and implements regulatory requirements to achieve rigorous bycatch reduction goals as set by the Marine Mammal Protection Act. In addition, in 2012 NOAA's observer programs employed 974 observers in 47 fisheries nationwide, with over 83,000 sea days observed.

We are seeing success in reducing bycatch in U.S. fisheries. Examples include:

- Alaska longline fishing and seabird numbers down by 50 percent due to streamer lines; and
- The California drift gillnet fishery has completely eliminated beaked whale bycatch in the fishery based on NOAA Fisheries requirements to use pingers (acoustic harassment devices) as part of this fishery.
- In the West Coast groundfish bottom trawl fishery, bycatch made up 20 percent of total catch in 2010, down from 34 percent in 2005.

- End -

For more information:

U.S. National Bycatch Report: http://www.nmfs.noaa.gov/by_catch/bycatch_nationalreport.htm

NOAA Fisheries' Bycatch Reeducation Engineering program:
http://www.nmfs.noaa.gov/by_catch/bycatch_BREP.htm

DRAFT TEXT - UNIFIED COUNCILS RESPONSE TO OCEANA REPORT "WASTED CATCH"

May 8, 2014

Gib Brogan, Fisheries Campaign Manager, Oceana
1350 Connecticut Ave., NW
5th Floor
Washington, DC 20036 USA

Dear Gib:

The Regional Fishery Management Councils recently became aware of Oceana's *Wasted Catch* report ("the report" hereafter - http://oceana.org/sites/default/files/reports/Bycatch_Report_FINAL.pdf). Through actions such as time/area closures, gear modifications, bycatch caps, participation in take-reduction groups, and modifications to rules that result in regulatory bycatch, the Councils have been leaders in promoting (and requiring) bycatch reduction. At any given time there are often multiple efforts of some type at each Council tied to bycatch reduction, and non-governmental organizations (NGOs) play an essential role in the Council process as environmental advocates.

However, after comparing the report to core reference documents, the Councils are concerned that a variety of substantial errors, omissions, and organizational approaches in your *Wasted Catch* report may seriously miscommunicate bycatch information. Accordingly, we recommend that you retract the report until you have the time and/or resources to develop a better understanding of the data summarized in the report. Misinformation in reports like *Wasted Catch* undermine those productive relationships between industry, management, and NGOs that have been effective in reducing bycatch. If your goal is to accurately communicate information, and to avoid such glaring errors in the future, we strongly recommend that you subject this and similar future reports to peer review prior to publication (or at least request a collegial review from the sources you attempt to summarize).

To illustrate the kinds of issues we identified based on a quick review, some examples are provided below.

DRAFT

General

The report states that “*Bycatch is the capture of non-target fish and ocean wildlife, including what is brought to port and what is discarded at sea, dead or dying*” (p6). It would be more helpful and less confusing to have aligned your definition with the Magnuson Stevens Act, which would be all discarded fish, regardless of condition (dead or surviving discarding).

The statement that Fishery Management Plans (FMPs) are documents prepared by the National Marine Fisheries Service with advice from regional Councils (p8) is incorrect. Almost all FMPs are actually prepared by Councils with advice from NMFS and the public, and approved/implemented by NMFS. Stating that FMPs are prepared by NMFS discounts the public process that goes into an FMP, including input from stakeholders such as Oceana and highlights a lack of familiarity with the Council process. The Council process is critical to facilitate stakeholder input and this failure to accurately portray the Councils’ involvement suggests a fundamental lack of understanding about basic U.S. fishery management processes.

The report states that “Bycatch exceeds mortality limits established by law for 20 percent of the marine mammal populations in the U.S.” (p13). Bycatch and mortality of marine mammals are two different things, and this is a mismatched comparison. The correct concept is actually potential biological removal (PBR), defined under the Marine Mammal Protection Act as “the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.” Calling PBR a “mortality limit” is incorrect and misleading. The report also conflates catch and mortality when discussing turtles, even counting turtles that escape through turtle excluder devices as mortalities (see discussion in Mid-Atlantic section below). Also, as highlighted with ocean sunfish below in the Pacific Section, citing data from the National Bycatch Report without the additional information that can be found in Council/NMFS documents like Stock Assessment and Fishery Evaluation (SAFE) reports and other environmental analyses does not provide the complete picture of bycatch information (e.g. assuming all bycatch dies).

The report also states that conservation of habitat for juvenile fish would minimize bycatch (p32). This assumes that protecting habitat affects the number of discards. While this may be true, the reader is left to guess at how conserving habitat would minimize bycatch and its level of effectiveness. When such statements are made, convincing supporting evidence/references should be provided.

The mixing of international and U.S. data could create confusion given the subtitle of the report as some countries efforts towards reducing bycatch, such as the US, cannot be compared to other nation’s fisheries.

Time series data would be much more informative than even an accurate snapshot. While section titles in the report suggest some “Notable Progress,” the lack of time series information means that readers cannot interpret the snapshot data provided in terms of whether or not (or to what extent) progress has been made in reducing bycatch.

Mid-Atlantic

The report said the Mid-Atlantic Bottom Trawl Fishery consisted of vessels catching "summer flounder, scup and black sea bass as well as dogfish and skates." (p34) Depending on the kind of bycatch numbers the report referenced (fish, turtles, or marine mammals), this broad gear type actually represents many other fisheries or parts of fisheries including but not limited to scallops, croaker, squids, mackerel, bluefish, and monkfish. This issue leads to readers being very misinformed about what fishery is responsible for what bycatch (and to what degree), and also means that the listed "Yearly Numbers" of vessels and fishery values do not at all match the fleets from which the report describes bycatch numbers.

A reader would conclude that 95 vessels primarily targeting summer flounder, scup, and black sea bass (as well as dogfish and skates) cause 350 turtle deaths (there is no page number to reference but it is the page on "Mid-Atlantic Bottom Trawl Fishery"). However, even a casual reading of the primary literature leads to a different conclusion. The National Bycatch Report Update does state the average turtle interaction rate for Mid-Atlantic bottom trawl (fish and scallop) fisheries to be 353 (2005-2008 based on Warden 2011 - page 22 of http://www.st.nmfs.noaa.gov/Assets/Observer-Program/bycatch-report/NBR_FirstEditionUpdate1.pdf). However, only 110 of those are in the summer flounder, scup, and black sea bass fisheries (scallops and croaker account for most of the rest), and that 110 is composed of 60 turtles estimated caught and 50 turtles that were estimated to have interacted/escaped with turtle excluder devices (Warden 2011 - <http://nefsc.noaa.gov/publications/crd/crd1104/crd1104.pdf>). In addition, in the 2012 summer flounder, scup, and black sea bass specifications environmental assessment, it notes that for 2008-2010 there were 12 actual (versus extrapolated) observed sea turtle takes (all loggerhead) and that 10 of those were released alive (83%) and 2 (17%) were dead (<http://www.nero.noaa.gov/nero/regs/frdoc/11/11SFBSB2012SpecsEA.pdf>). Thus a more accurate (but less sensationalistic) description of the fishery would have been that turtle excluder devices appear to be reducing turtle catches in this fishery by about 45%, and of the remaining 60 turtles estimated to be caught by the fishery, most are likely released alive (83% on observed trips).

Similar fishery mischaracterizations appear to have occurred with both the marine mammal and fish bycatch parts of the "Mid-Atlantic Bottom Trawl Fishery" section, in both cases leaving readers seriously misinformed compared to the actual information in the cited reference documents.

Pacific

The report advises to replace gillnets with cleaner gears such as harpoons. Unlike documents developed by Councils that analyze biological and socio-economic impacts, the report does not reveal that harpoon gear is comparatively inefficient, and the method is considered artisanal rather than commercially viable. In other words, a harpoon fleet could not sustain the fishing community.

Unfortunately, the National Bycatch Report Update, which is extensively used in the report, lacks sufficient detail and this distorts the summaries in the report. For example, the national report uses observed individuals expanded for sampling rate, while the SAFE document for the California drift gillnet fishery also notes that 98% of the ocean sunfish (molasses) are returned alive and undamaged. The ocean sunfish catch represents 91% of the total bycatch in the California drift gillnet fishery (in individuals;

mola are large fish and probably represent an approximately similar proportion of fish bycatch by weight). The National Bycatch Report does not provide that level of detail, and the report made little effort to incorporate readily available and more detailed information on many of the fisheries and species described.

The report states that in 2010, an estimated 49 dolphins and 16 endangered sperm whales were seriously injured and killed in this (California drift net - p31) fishery and that these numbers could be underestimates because observers cover less than 20 percent of the total fishing effort and almost half the boats are never observed at all. As mentioned above, the estimates from the National Bycatch Report are expanded for sample rate, and therefore may be underestimates or overestimates. Secondly, based on the unexpanded SAFE data, one sperm whale was killed and one was released alive; none were classified as unknown or damaged. The report appears to have expanded both sperm whale encounters by the sampling rate to arrive at 16, but to classify them all as dead or seriously injured is erroneous. Further, while the report cited the SAFE document as its source for sampling rate, it overlooked the more detailed data in the SAFE document that could have more accurately characterized the fishery.

Western Pacific

The report omits U.S. purse seine fisheries operating primarily in the Western and Central Pacific, which make a considerable number of sets on fish aggregating devices (FADs). FAD sets are known to have significant bycatch of juvenile bigeye tuna, and a range of other non-target pelagic species, most of which are all discarded. Some of the discarded species are valuable food fishes caught in Pacific Islands troll fisheries. The issue of purse seine bycatch and its impact on the food security of the Pacific Islands has been raised as a research topic at the Western and Central Pacific Fisheries Commission (WCPFC) Science Committee.

The tacit assumption that bycatch leads to depletion of stocks is naïve and uninformed, and should not be applied uniformly to all species in a stock complex. For example, some bycatch species in the Hawaii longline fishery are showing marked increases in abundance (e.g., lancetfish, sickle pomfret, escolar and snake mackerel). Such changes may result from the complex interaction of fisheries across different trophic levels and climate variability impacts on the sub-tropical ocean ecosystem.

The report identifies longline fisheries as one of the three “harmful” gear types. However, longline fisheries, with sufficient gear modification and monitoring can be a ‘clean’ gear, as demonstrated by the Hawaii longline fishery. The Hawaii longline fishery has shown how seabird and sea turtle interactions can be reduced by over 90% with relatively simple gear and fishing technology modifications. Green sea turtle interactions have also been significantly reduced in the American Samoa longline fishery simply by positioning all hooks to fish at depths greater than 100 m. Furthermore, not all longline fisheries pose a threat to sharks. The American Samoa longline fishery has a small shark bycatch of less than 5%, while the shark bycatch in the Hawaii longline fishery has been reduced by approximately 50% and approximately 98% of sharks are released alive.

The Hawaii fishery is now recognized globally as the benchmark for environmentally responsible pelagic longline fisheries. Its turtle and seabird technologies have been adopted by two Pacific tuna regional

fishery management organizations (WCPFC & Inter-American Tropical Tuna Commission). Further, WCPFC has adopted the swordfish sea turtle interaction rate from the Hawaiian fishery as the minimum standard against which other shallow set long fisheries are evaluated.

The comments in the report regarding the increased loggerhead take limit in the Hawaii longline swordfish fishery are completely erroneous. The report argues that turtle take limits were increased despite “compelling evidence of continued decline”, and NMFS should act according to the best and most recent scientific evidence. In reality, the North Pacific loggerhead nesting population has shown a dramatic sustained recovery of the population since the late 1990s with over 14,000 nests laid annually in Japan in recent years. Furthermore, the increased take limits have been evaluated using a new climate-forcing model, which concluded that the interactions are unlikely to have significant impacts on the long-term population trend. Such conclusion should not come as a surprise given that the fishery has only had on average less than eight loggerhead interactions per year since 2004 (with 100% observer coverage), all of which released alive and most of them being juveniles. NMFS acted on the best available science when it increased the number of sea turtles allowed to be taken by the Hawaii swordfish fishery, as opposed to the outdated references cited by the authors of the report.

New England

The summary of discards for the Northeast bottom trawl fishery (page 32) and the New England and Mid-Atlantic gillnet fishery (page 36) contains a number of statements that are misleading to the reader. The placement of halibut as the first target species for the bottom trawl fishery is a misrepresentation as current regulations allow vessels to only land one halibut per trip.

The reference provided for bottom trawl observer coverage level of 22% is incorrect; it can only be assumed that the authors meant to reference the “Summary of Analyses conducted to determine At-Sea Monitoring Requirements for Multispecies Sectors FY2013” (http://www.nero.noaa.gov/ro/fso/reports/Sectors/ASM/FY2013_Multispecies_Sector_ASM_Requirements_Summary.pdf), which refers to an at-sea monitoring coverage of 22% providing reliable estimation of catch based on a coefficient of variation precision standard of 30%. If this is indeed the appropriate source, it is important to note that this report refers only to the New England multispecies fisheries and not the Northeast bottom trawl fishery as implied in the report.

The report references the U.S. National Bycatch Report and provides an estimate of 350 sea turtle mortalities in the New England and Mid-Atlantic gillnet fisheries. This is a misrepresentation of the data as it implies 100% of the turtles are killed; the legend for the referenced table indicates that the bycatch estimate includes both mortalities and individuals released alive and does not distinguish between the two.

In the "Problems" sidebar in the northeast bottom trawl fishery (p32), too many sea turtle mortalities are said to occur. According to the Endangered Species Act Section 7 Consultation for 2013, there was one interaction with a sea turtle within the Gulf of Maine/Georges Bank region for trawl gear (zero for gillnet) in the provided analyses. As noted in the Consultation, interactions with sea turtles in this region are

unlikely because sea temperatures are colder than those preferred by sea turtles. It is unclear why this is included as one of the problems for the northeast bottom trawl fishery.

The report states that shrinking quotas encourage discarding (p32); the logic used to construct this statement is not intuitive and should be further explained. If available quotas, and subsequently fishing opportunities, are reduced it is unclear how this could increase bycatch. In a recent management action (Framework 48 to the Multispecies Fishery Management Plan), the minimum fish size of a number of groundfish species was reduced in order to reduce regulatory discards; this was done at a time of decreasing groundfish quotas. In addition, the alternative (not reducing quotas when science suggests we should) would seem untenable.

The report states that the discarding of millions of skates in the bottom trawl fishery will likely cause a change to the population and the ecosystem, however, no supporting reference is provided. Recent research, incorporated into management by NEFMC (Framework 2 to the Northeast Skate Complex), indicated that discard mortality rates for 3 of the 7 skate species in the Northeast Skate Complex was lower than the assumed 50% for trawl gear; smooth skate increased to 60%. Winter and little skates are the most abundant skate species in the Northeast region. Discard mortality rate estimates for winter and little skates were determined to be 9% and 22% respectively (Mandelman et al. 2013).

Gulf of Mexico

Estimates that shrimp bycatch is 10 pounds for every pound caught (page 23 and page 24) neglect to include the efforts to reduce bycatch since the 1990's (when this ratio was estimated). Since the implementation of many management measures, bycatch estimates have been reduced to somewhere between 4:1 and 6.5:1, and, just as importantly, reduction efforts are still ongoing (http://www.st.nmfs.noaa.gov/Assets/Observer-Program/bycatch-report/Table_4.1.pdf; Oceana, 2014 page 24).

Turtle Excluder Devices (TEDs) are required in all shrimp otter trawls in the Gulf of Mexico (with the exception for royal red shrimp trawls in depths exceeding 100 meters). The statement "fisherman who are required to use Turtle Excluder Devices frequently install them incorrectly or intentionally tie them shut, leading the government to underestimate the number of sea turtles killed each year" (p30) lacks a citation and misleads the reader. The only report cited regarding compliance is an Oceana-produced report (Oceana, 2011, with a dead link provided). In direct contradiction, NMFS found that 75% of inspected vessels were fully compliant with TEDs and that those that were non-compliant were because of the angle of the TED. None of the vessels had its TED sewn shut (http://sero.nmfs.noaa.gov/protected_resources/sea_turtles/documents/shrimp_biological_opinion_2014.pdf). The NMFS 2014 biological opinion also concluded that the continued implementation of the sea turtle conservation regulations applicable to shrimp trawling was not likely to jeopardize the continued existence of listed sea turtles, sturgeon, or sawfish.

Using the NMFS bycatch report, there were an estimated 6,199 turtle mortalities in 2010, an order of magnitude (10 times) lower than described in the report, which also fails to include the latest permit numbers, which have declined in recent years. In the Gulf of Mexico, federally permitted shrimp vessels

are fewer than 1,500 and approximately one third of the fleet have electronic logbook monitors so that effort can be more accurately estimated.

On page 19, there is no delineation that the bycatch estimates of dusky sharks is based on bycatch values spanning 4 years from the NMFS bycatch report.

The statement that the southeast snapper-grouper longline fishery “likely” causes “significant mortalities” to sea turtles (p28) is false; sea turtles were not listed as heavily affected by the southeast snapper-grouper bottom longline fishery.

The report also fails to recognize that the NMFS southeast region has been conducting an independent statistical review of the Gulf of Mexico Reef Fish Observer program and has increased at sea observer coverage. The claim of a 66% discard rate in the bottom longline fishery is not validated by the NMFS 2014 national bycatch report, which does not present a bycatch ratio or percentage; these values could not be estimated because landings are reported as pounds, and bycatch are reported as individuals.

Conclusion

As monitoring and technology improves, almost every fishery will have opportunities to examine and/or reduce bycatch in the future. The Councils in no way suggest otherwise, and look forward to working with fishery participants and interested parties to reduce bycatch. However, misinformation will only distract from actual conservation needs and efforts. While we acknowledge that there are no laws requiring Oceana reports to accurately represent the best available scientific information or to undergo peer review, to do so would be in the best interest of all involved parties. This is why we suggest that you retract the report until it is reviewed and improved.

Impacts of climate change on marine fisheries

East Coast Climate Change and Fisheries Governance Workshop

March 2014

Washington, D. C.

Jon Hare

NOAA Fisheries, Northeast Fisheries Science Center

Introduction

- Jon Hare, NOAA Fisheries
- Worked in Caribbean, Gulf of Mexico, Southeast U.S. and Northeast U.S.
- Currently oversee oceanography programs in Northeast
- Director, NOAA Narragansett Laboratory



Outline

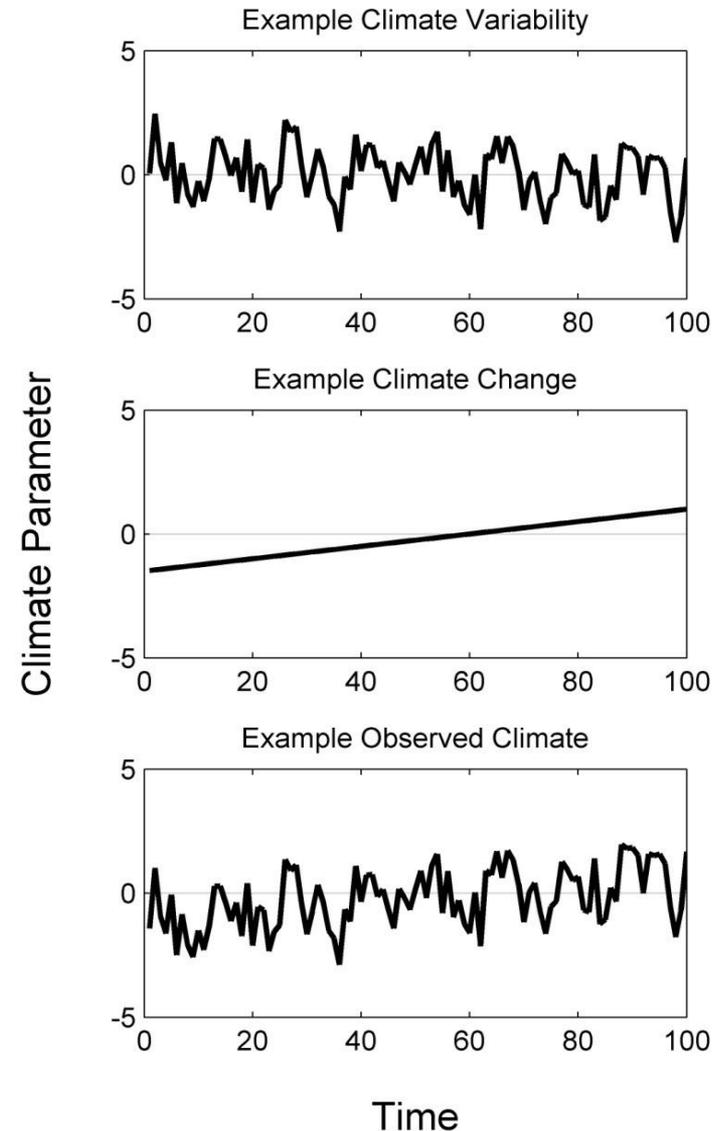
- Climate Variability and Climate Change
- Past and Future Climate States
- Impacts on Fishery Resources
- Conclusions



Many examples are from Northeast

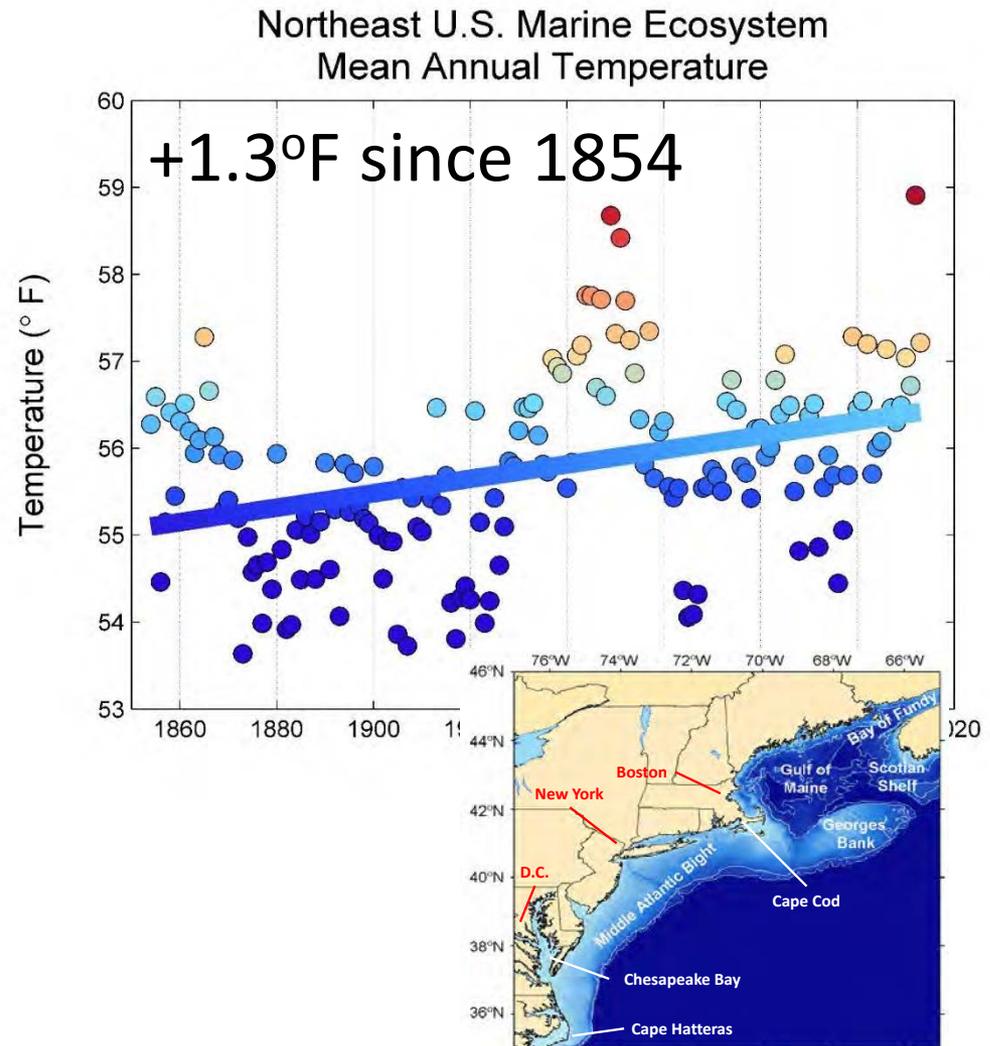
Climate Variability and Climate Change

- Important difference “climate change” vs “climate variability”
- Climate variability – natural variability within the climate system
- Climate change – long term change in the climate system



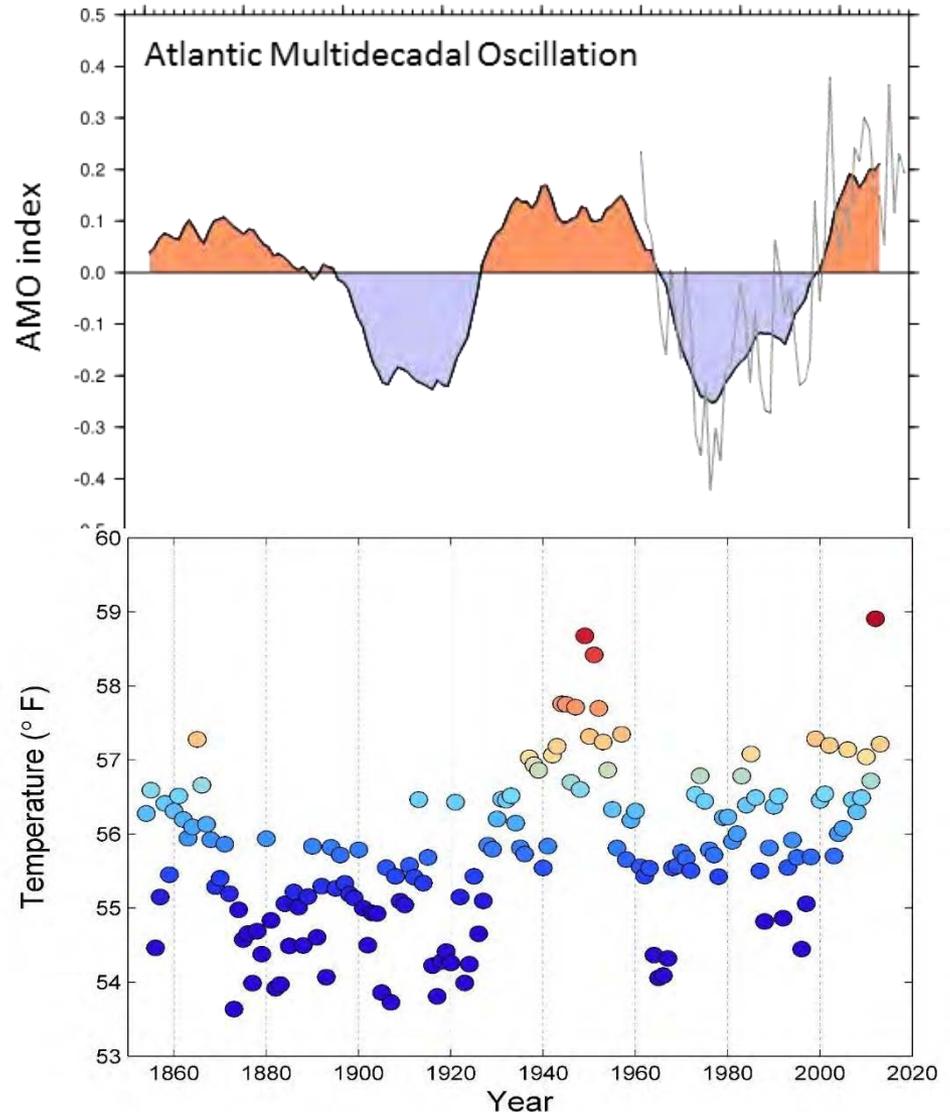
Climate Variability and Climate Change

- Climate variability – natural variability within the climate system
- Climate change – change in the climate system



Climate Variability and Climate Change

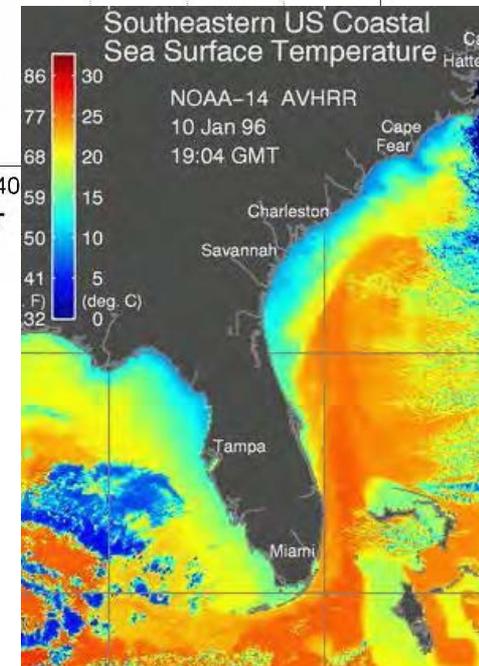
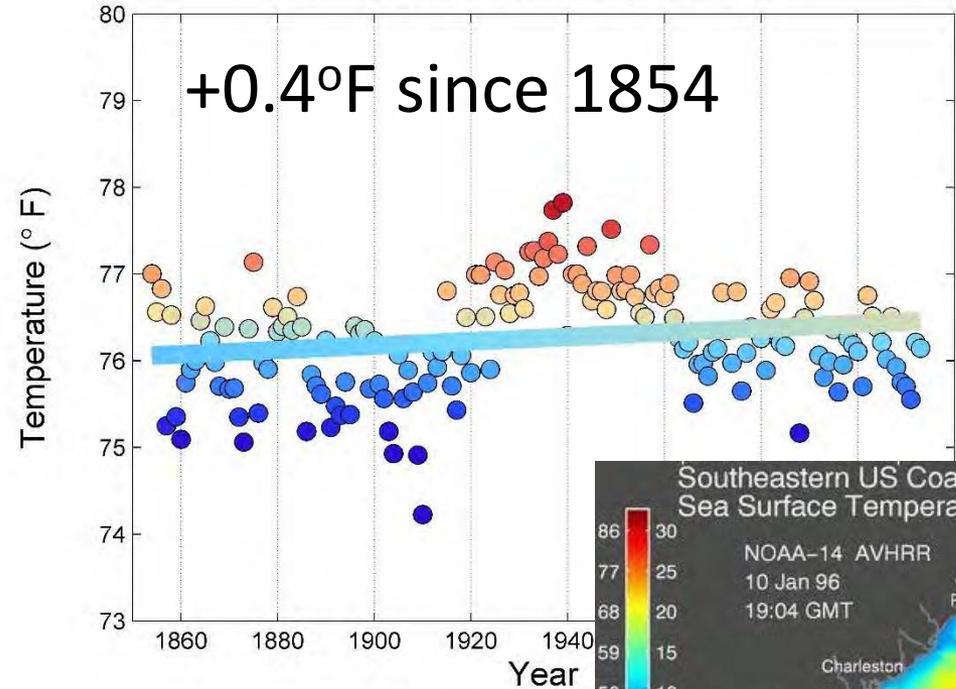
- Interannual variability
- Atlantic Multidecadal Oscillation
- North Atlantic Oscillation



Climate Variability and Climate Change

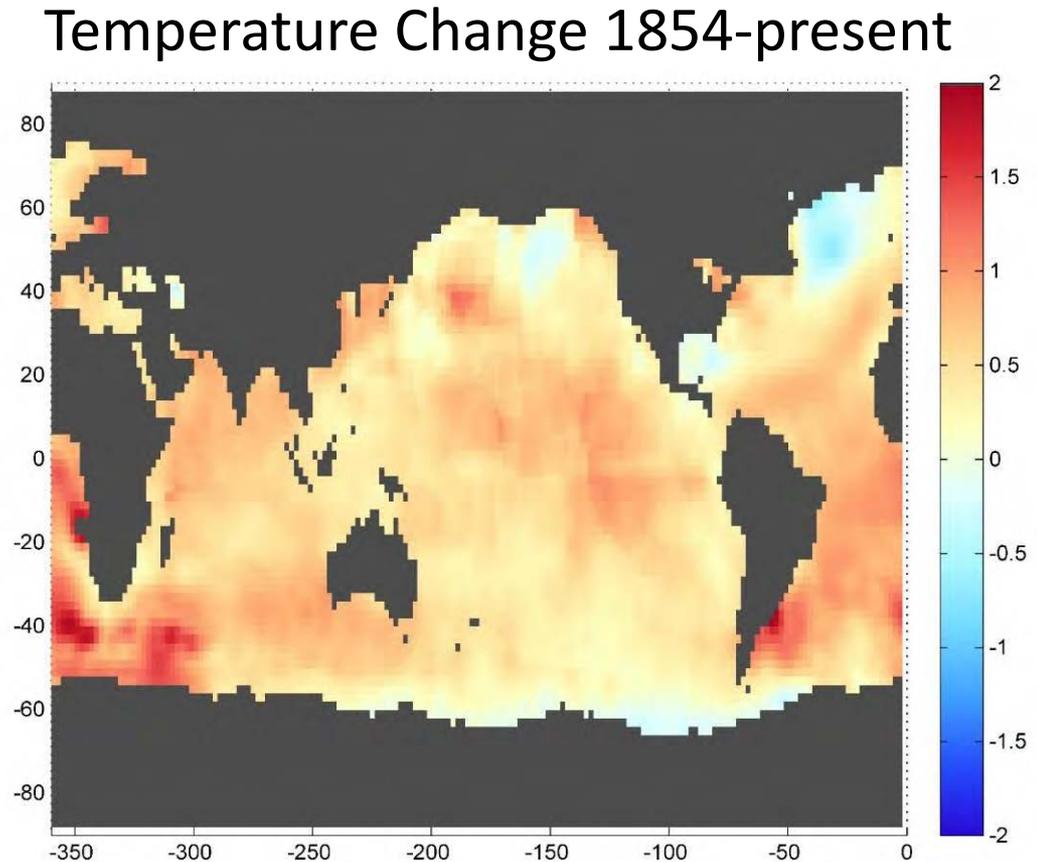
- Climate (Regional) variability;
Southeast warming much less than in Northeast
- Climate change – change in the climate system

Southeast U.S. Marine Ecosystem
Mean Annual Temperature



Climate Variability and Climate Change

- Scale of climate variability and change relatively large
- Consistent over 100s-1000s km
- Differences across Cape Hatteras boundary

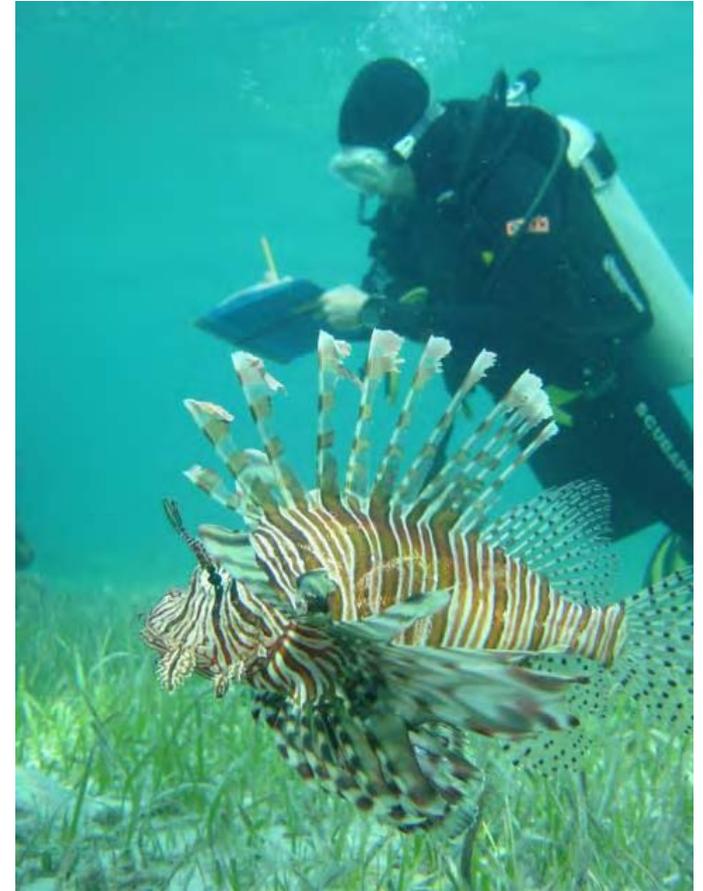


Questions?



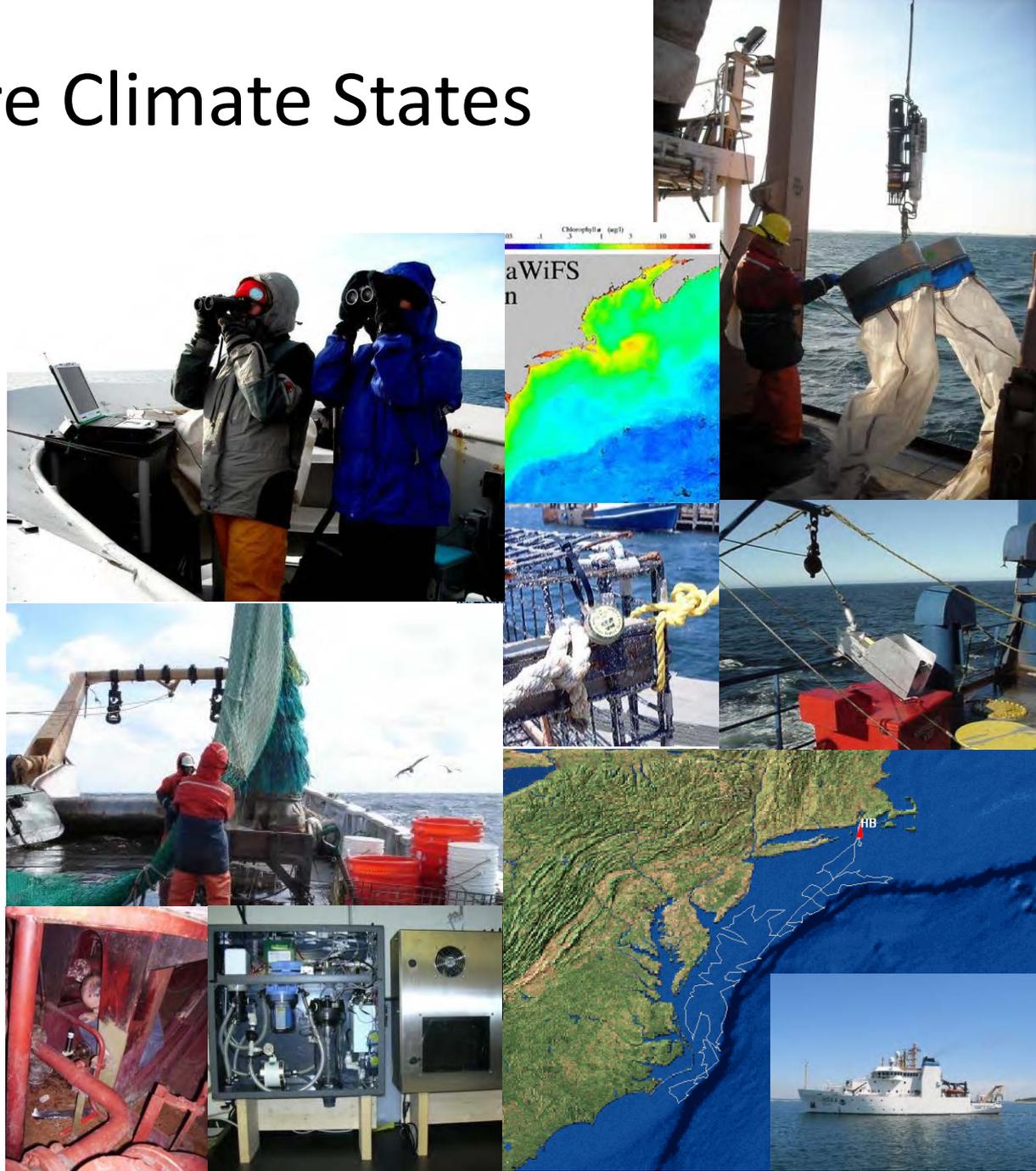
Outline

- Climate Variability and Climate Change
- Past and Future Climate States
- Impacts on Fishery Resources
- Conclusions



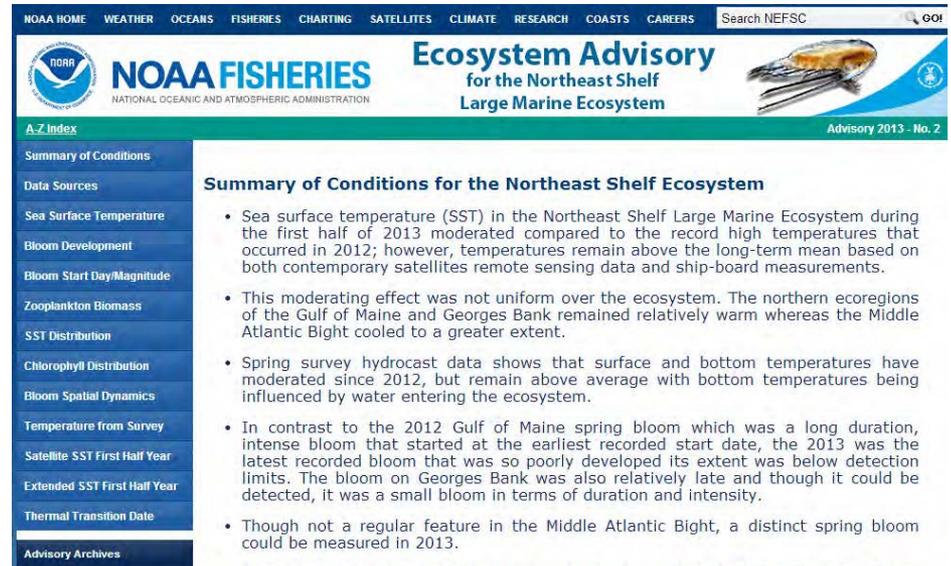
Past and Future Climate States

- Past and current states are based on observations (many NMFS obs are now at risk of ending)



Past and Future Climate States

- Much of the information is from NEFSC Ecosystem Status Report and Ecosystem Advisories
- Ecosystem Assessment Program (NEFSC)



The screenshot shows the NOAA Fisheries website interface. At the top, there is a navigation bar with links for NOAA HOME, WEATHER, OCEANS, FISHERIES, CHARTING, SATELLITES, CLIMATE, RESEARCH, COASTS, CAREERS, and a search bar for NEFSC. The main header features the NOAA Fisheries logo and the text "Ecosystem Advisory for the Northeast Shelf Large Marine Ecosystem" with a small image of a fish. Below the header is a green bar with "A-Z Index" and "Advisory 2013 - No. 2". A left sidebar contains a list of menu items: Summary of Conditions, Data Sources, Sea Surface Temperature, Bloom Development, Bloom Start Day/Magnitude, Zooplankton Biomass, SST Distribution, Chlorophyll Distribution, Bloom Spatial Dynamics, Temperature from Survey, Satellite SST First Half Year, Extended SST First Half Year, Thermal Transition Date, and Advisory Archives. The main content area is titled "Summary of Conditions for the Northeast Shelf Ecosystem" and contains a bulleted list of findings from the 2013 survey.

Summary of Conditions for the Northeast Shelf Ecosystem

- Sea surface temperature (SST) in the Northeast Shelf Large Marine Ecosystem during the first half of 2013 moderated compared to the record high temperatures that occurred in 2012; however, temperatures remain above the long-term mean based on both contemporary satellites remote sensing data and ship-board measurements.
- This moderating effect was not uniform over the ecosystem. The northern ecoregions of the Gulf of Maine and Georges Bank remained relatively warm whereas the Middle Atlantic Bight cooled to a greater extent.
- Spring survey hydrocast data shows that surface and bottom temperatures have moderated since 2012, but remain above average with bottom temperatures being influenced by water entering the ecosystem.
- In contrast to the 2012 Gulf of Maine spring bloom which was a long duration, intense bloom that started at the earliest recorded start date, the 2013 was the latest recorded bloom that was so poorly developed its extent was below detection limits. The bloom on Georges Bank was also relatively late and though it could be detected, it was a small bloom in terms of duration and intensity.
- Though not a regular feature in the Middle Atlantic Bight, a distinct spring bloom could be measured in 2013.

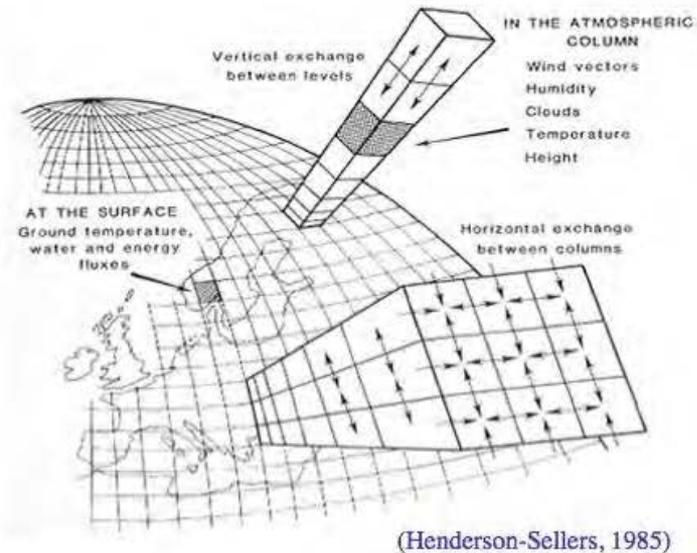
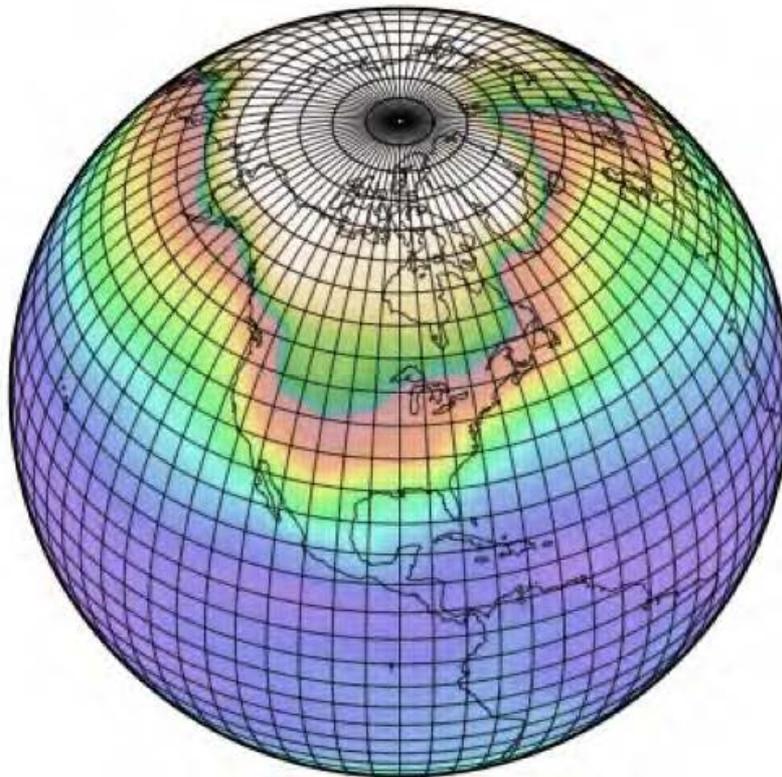
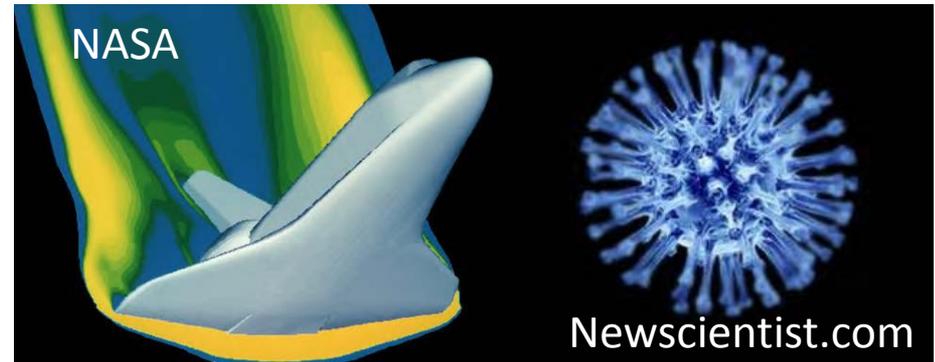


Northeast Fisheries Science Center Reference Document 12-07

Ecosystem Status Report
for the Northeast Shelf Large Marine
Ecosystem - 2011

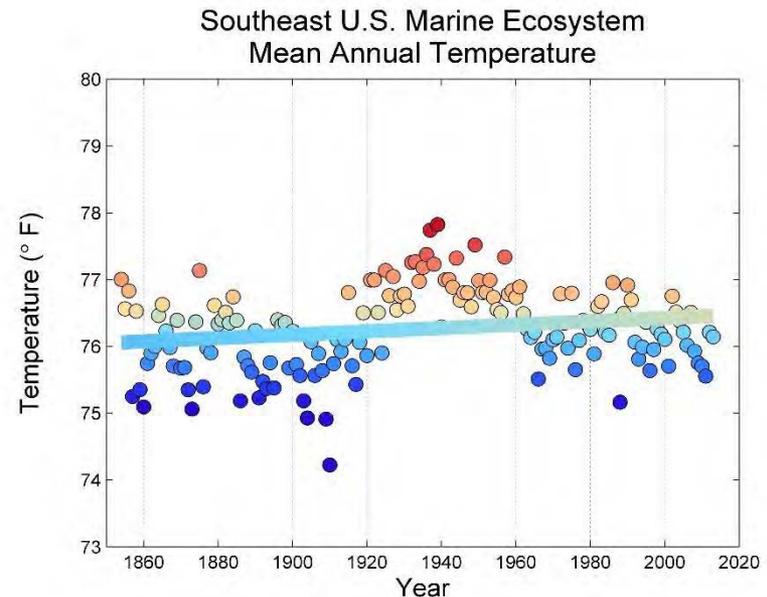
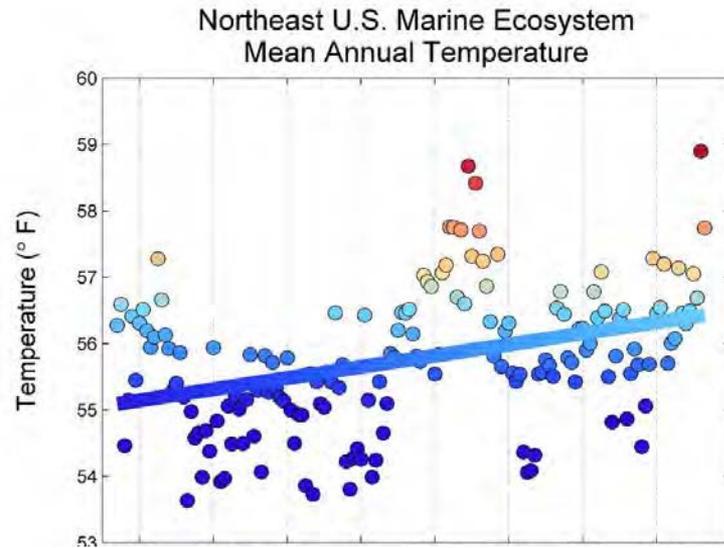
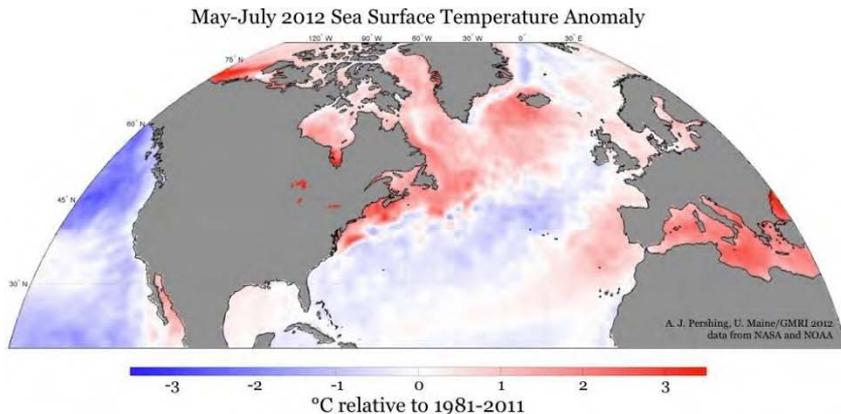
Past and Future Climate States

- Future states simulated with models



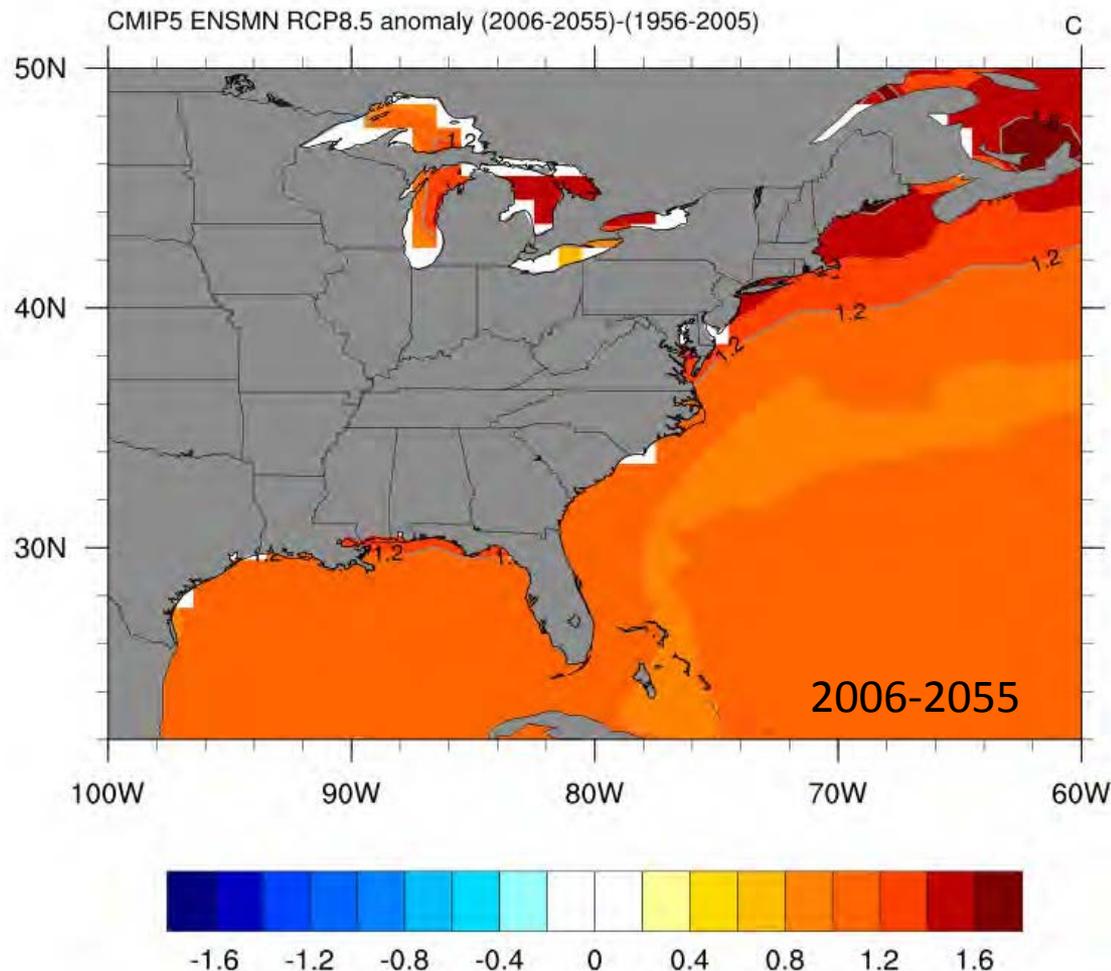
Past and Future Climate States

- Since 1960
- Warming in NE
- Constant in SE
- 2012 warmest on record in NE



Past and Future Climate States

Climate projections – Surface Temperature



- Increase 1.3°F in past
- Increase ~1-2°F in coming decades

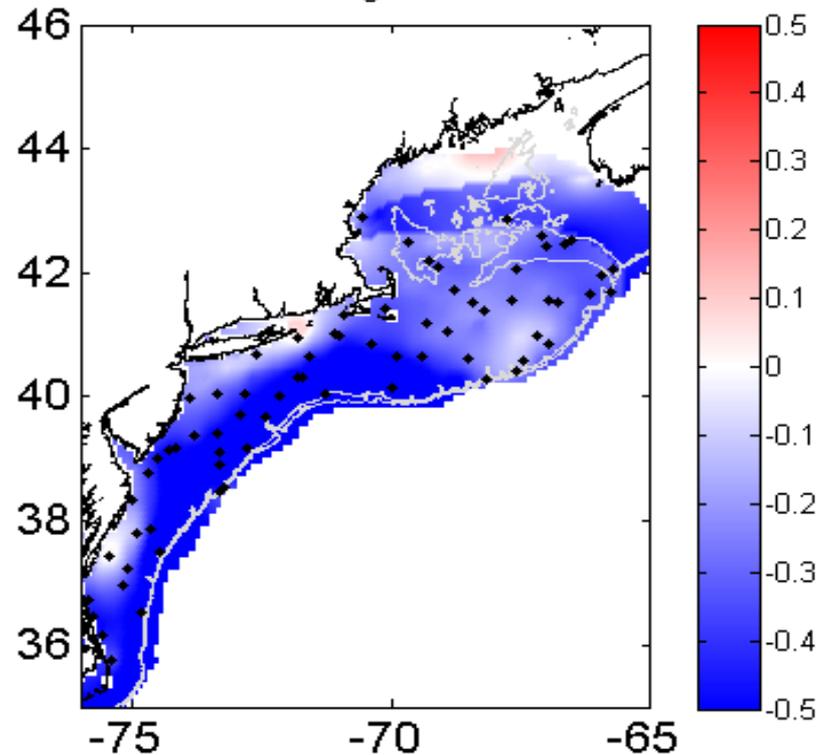
Jamie Scott & Mike Alexander –
NOAA OAR ESRL

<http://www.esrl.noaa.gov/psd/ipcc/ocn/>

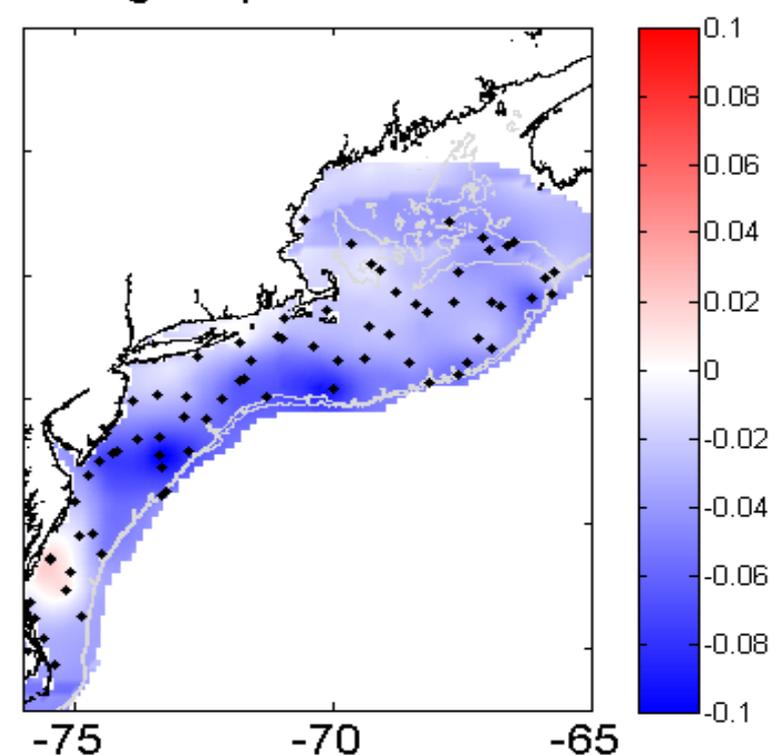
Past and Future Climate States

- Ocean acidification is occurring
- Regional and seasonal variability

Change in Ω_{arag} 1980 to 2009

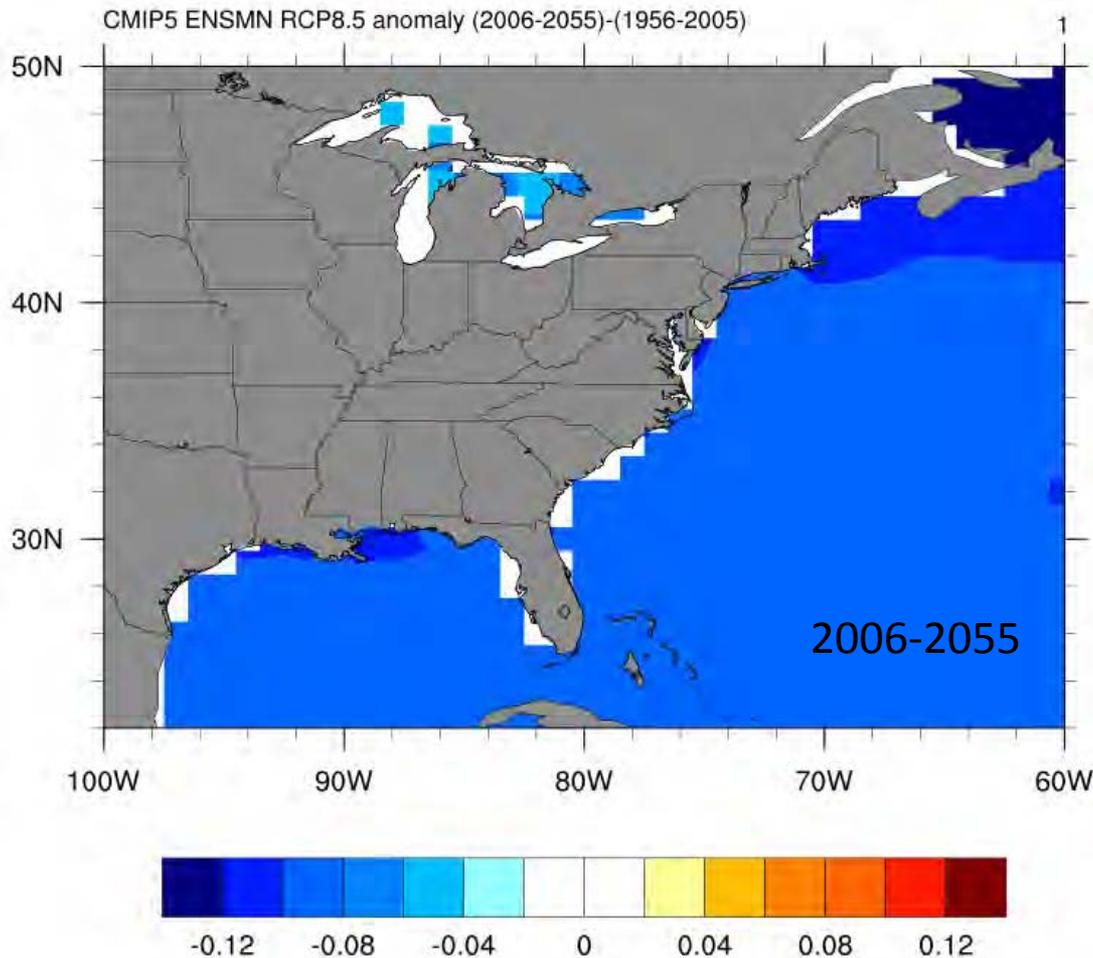


Change in pH 1980 to 2009



Past and Future Climate States

Climate projections – Ocean Acidification



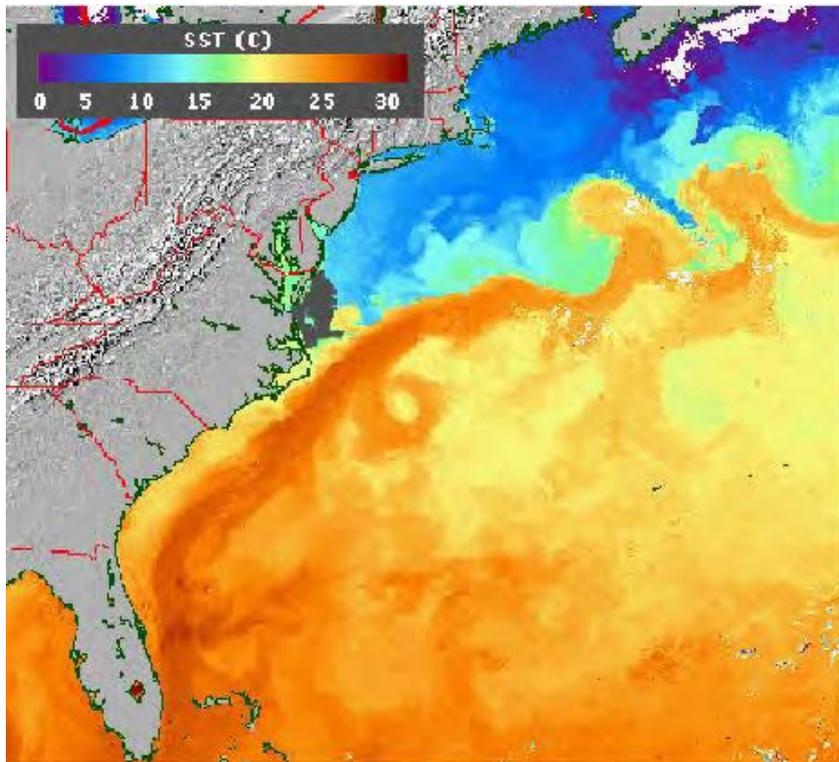
- Decrease 0.036 pH units since 1980
- Decrease of ~0.08 pH units in coming decades

Jamie Scott & Mike Alexander –
NOAA OAR ESRL

<http://www.esrl.noaa.gov/psd/ipcc/ocn/>

Past and Future Climate States

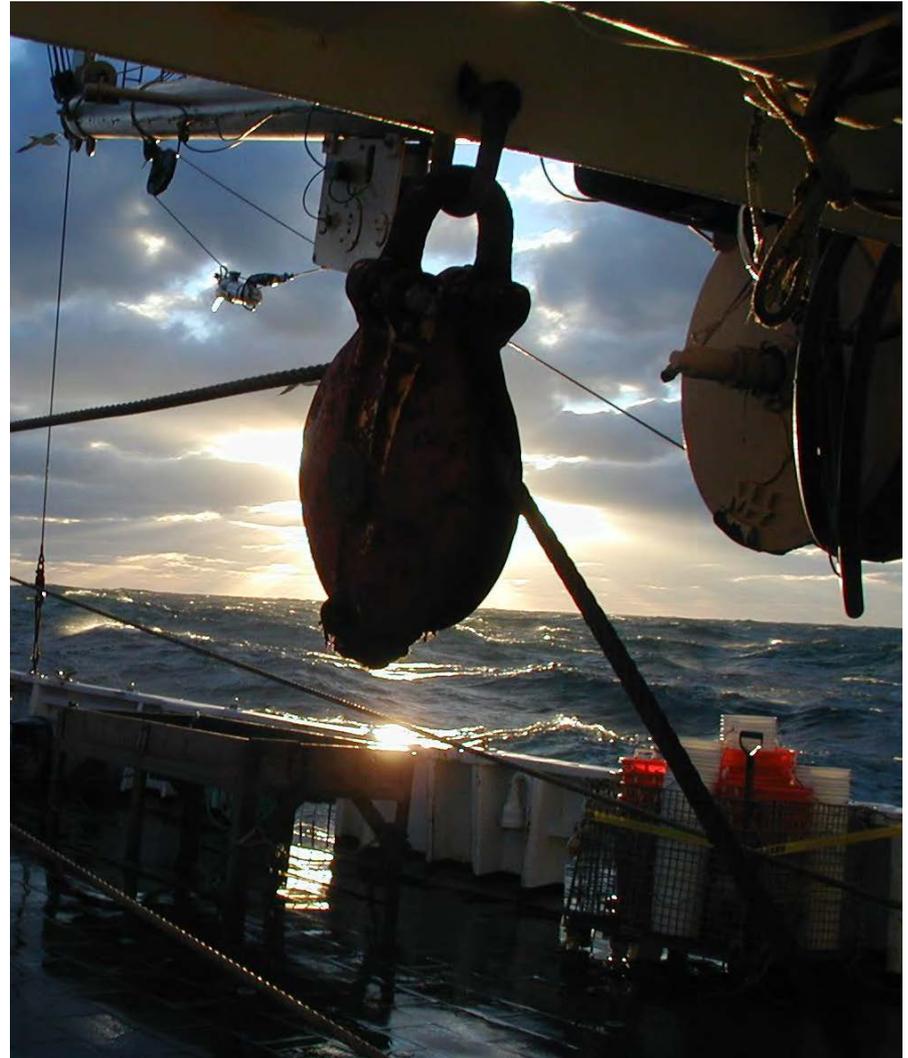
- Physical ecosystem is variable and changing over the long-term



- Salinity
- Ocean acidification
- Wind patterns
- Precipitation
- Streamflow
- Lake ice out
- Nutrients
- Sea level rise
- And more

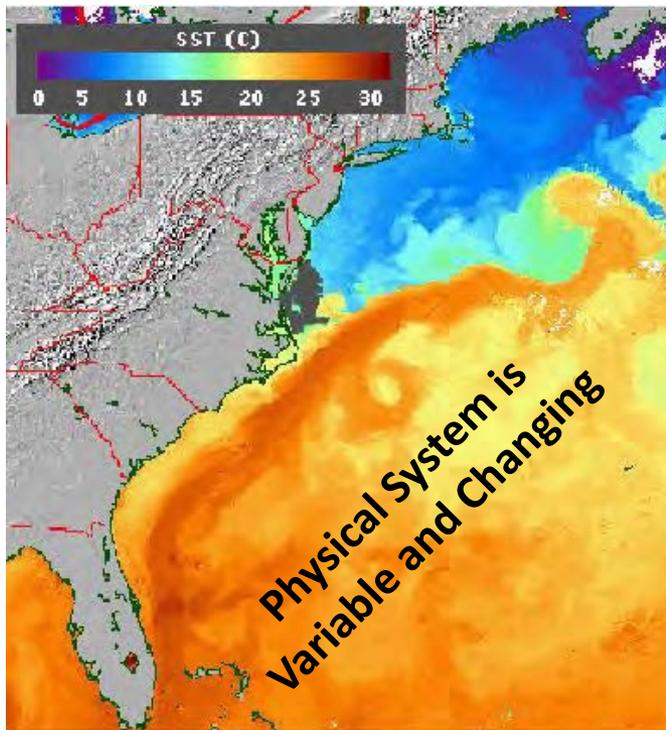
Outline

- Climate Variability and Climate Change
- Past and Future Climate States
- Impacts on Fishery Resources
- Conclusions



Impacts on Fishery Resources

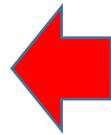
Population – individuals of same species, living in the same geographical area, with capability of interbreeding



1. Abundance
2. Density
3. Dispersion
4. Distribution
5. Demographics (age, sex, etc)
6. Population Growth Rate (births, deaths)
7. Connectivity (immigration, emigration)

Impacts on Fishery Resources

Stock - a group of individuals for which population parameters can be meaningfully estimated for specific management applications

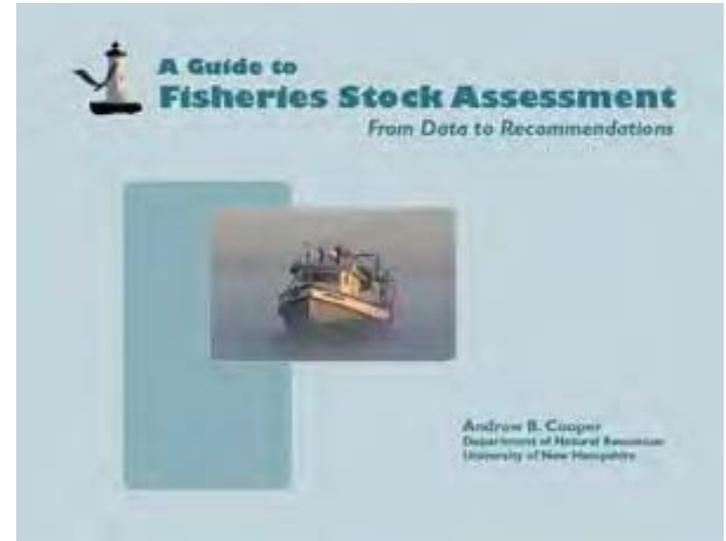


1. Abundance
2. Density
3. Dispersion
4. Distribution
5. Demographics (age, sex, etc)
6. Population Growth Rate (births, deaths)
7. Connectivity (immigration, emigration)

Changes in populations will cause changes in fisheries

Impacts on Fishery Resources

- Traditional stock assessments: only external factor affecting a stock (S) is fishing (F)
- Climate effects integrated in population properties (R, G, Ma, M)



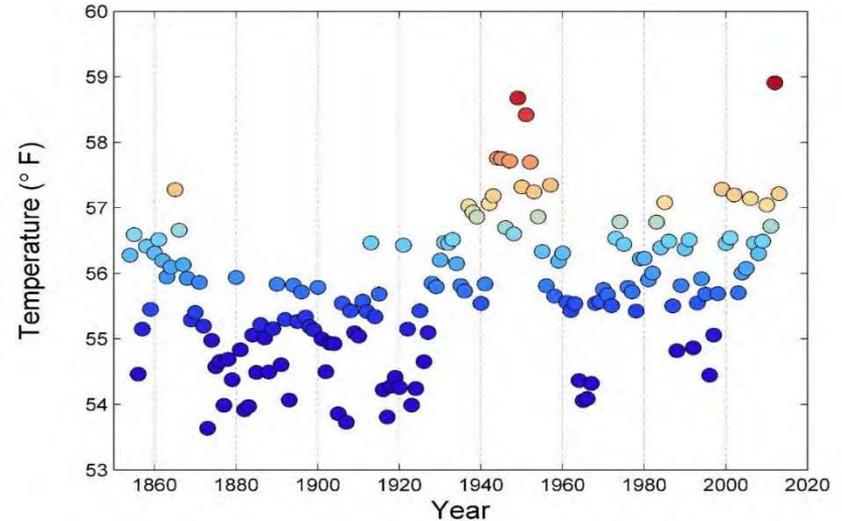
$$S_{R,G,Ma,M} \approx f\left(\frac{1}{F}\right)$$

As F increases, S decreases

As F decreases, S increases

Impacts on Fishery Resources

- Traditional stock assessments:
 - climate effects integrated over hindcast
 - stationary over forecast
- Climate is random with no trend

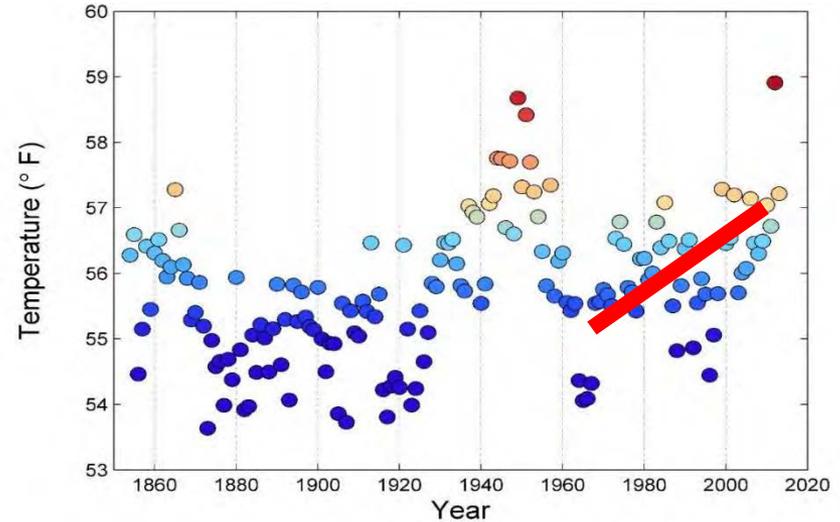


$$S_{R,G,Ma,M} \approx f\left(\frac{1}{F}\right) + \varepsilon_C$$

Impacts on Fishery Resources

- Traditional stock assessments:
 - climate effects interwater over hindcast
 - stationary over forecast
- Climate is random with no trend

Climate is changing & climate is variable on decadal scale



$$S_{R,G,Ma,M} \approx f\left(\frac{1}{F}\right) + g(C)$$

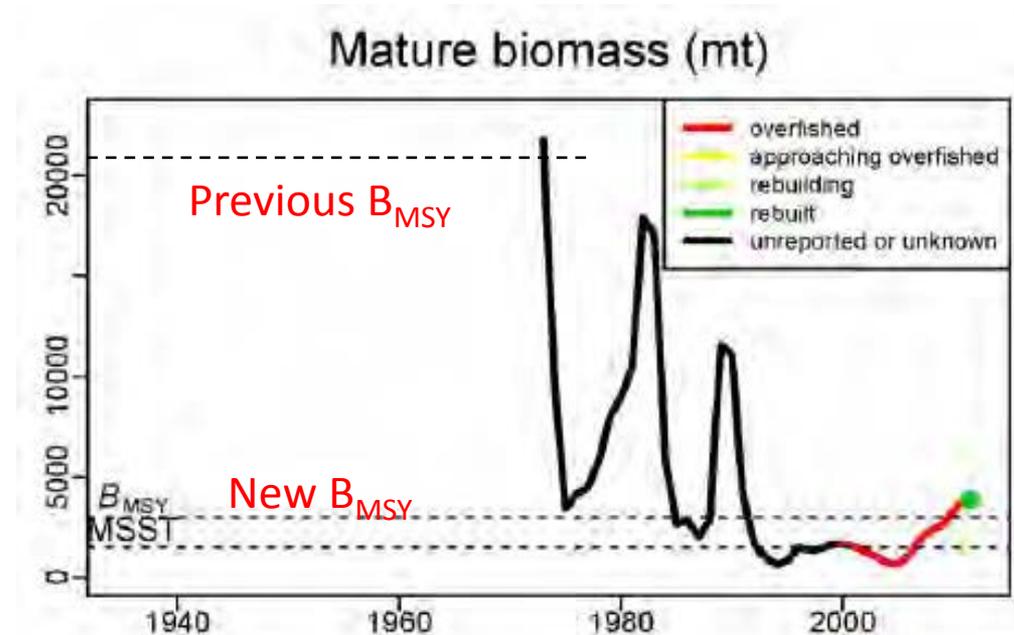
Impacts on Fishery Resources

- Changes in stock productivity (R, G, Mat, Fec)
- Changes in distribution (stock definition; catchability)
- Changes in species interactions (natural mortality, growth)



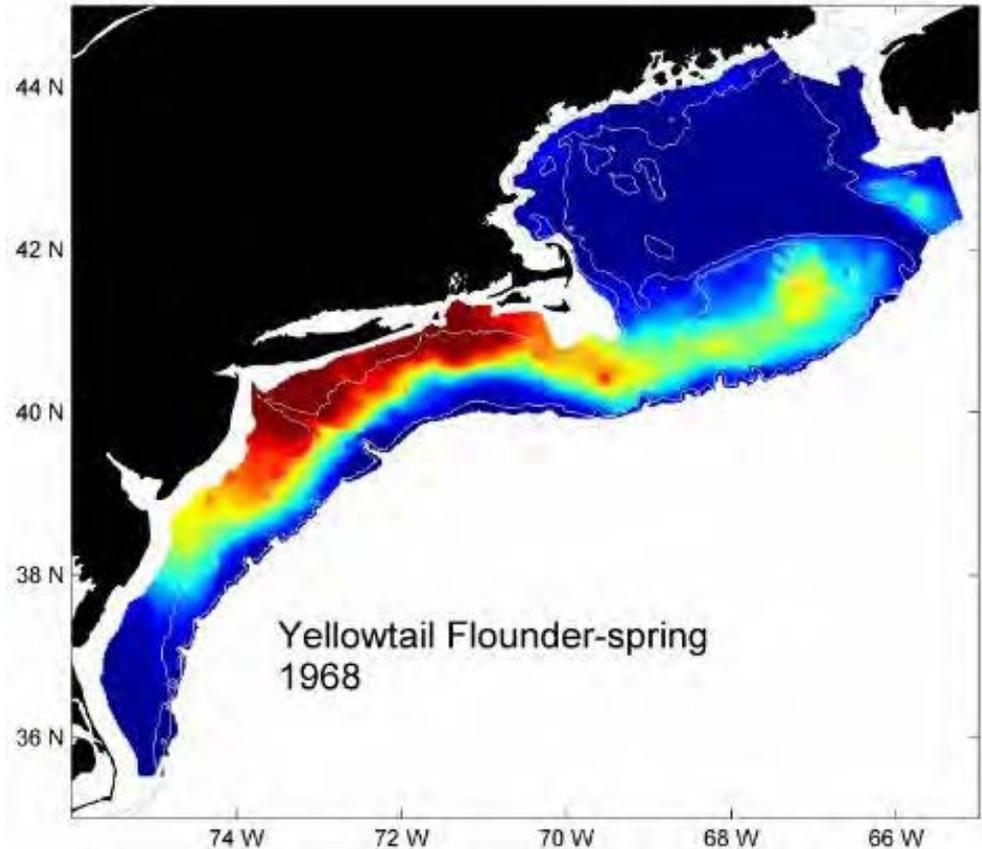
Impacts on Fishery Resources

- Changes in stock productivity
- Southern New England yellowtail
- Reduced R associated with cold pool or regime shift



Impacts on Fishery Resources

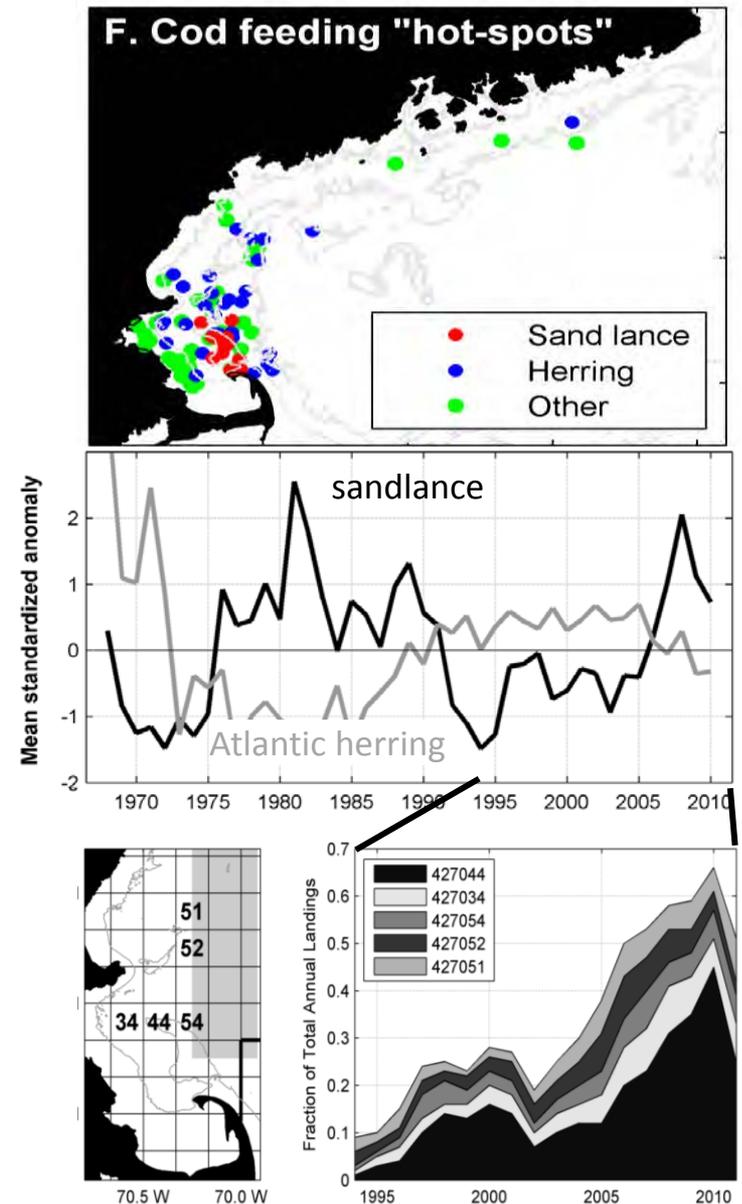
- Changes in distribution
- Stock boundaries / catchability
- 24 of 36 fish stocks shifted poleward / deeper (Nye et al. 2009)



<http://www.int-res.com/abstracts/meps/v393/p111-129/>
<http://www.nefsc.noaa.gov/epd/ocean/MainPage/ioos.html>

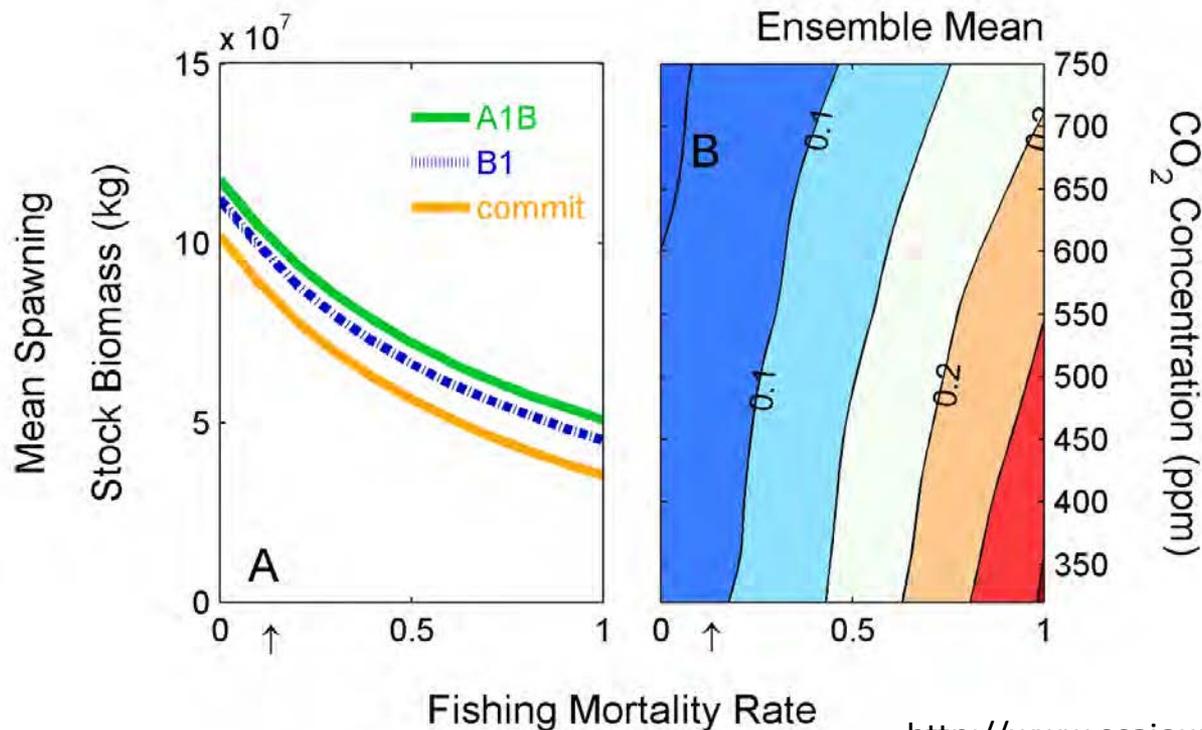
Impacts on Fishery Resources

- Changes in trophic interactions
- Cod changing distribution as a result of shift in prey (not necessarily climate related but ...)



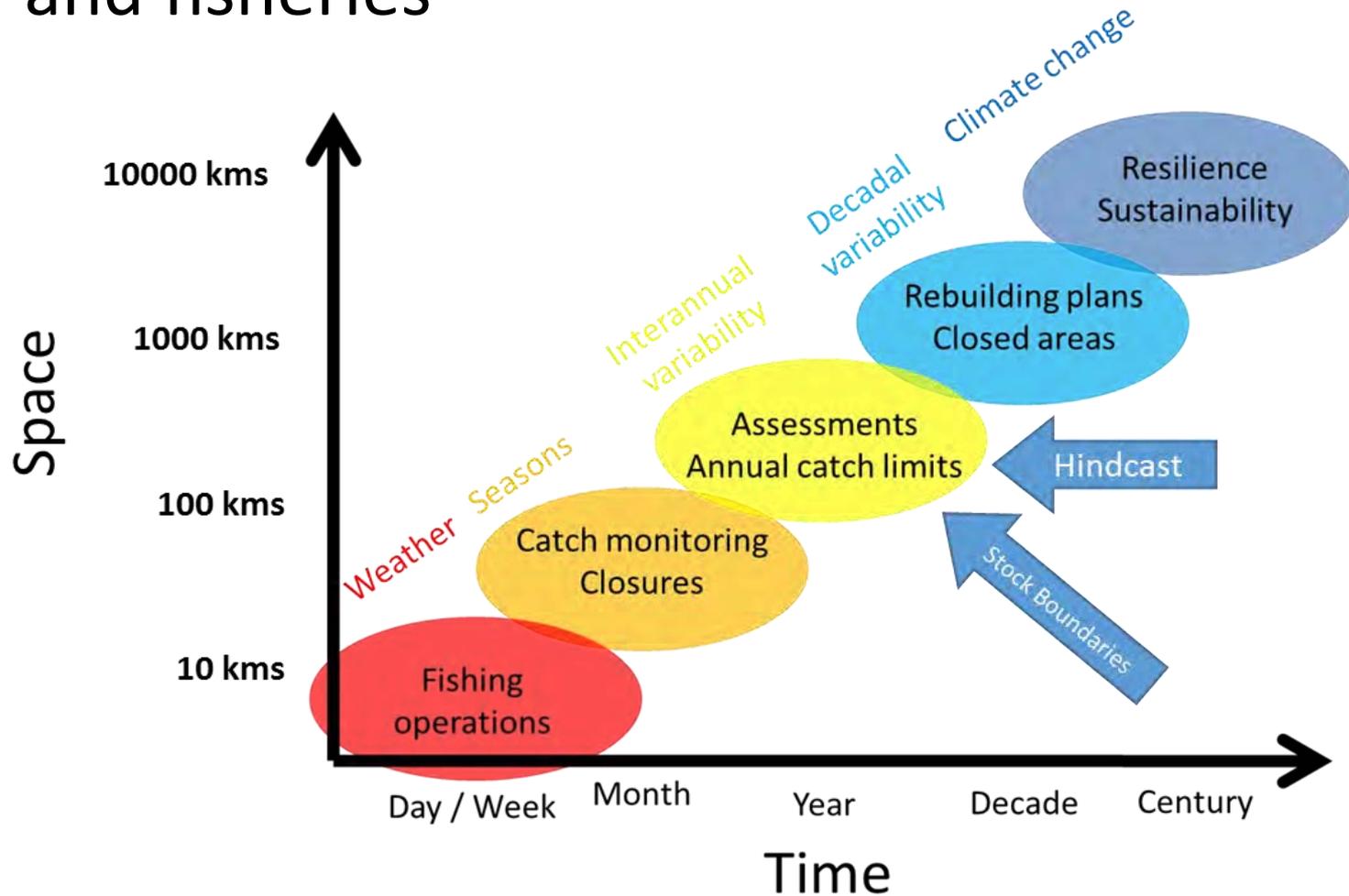
Impacts on Fishery Resources

- Not only climate change; not only fishing
- Croaker biomass dependent on both fishing and climate



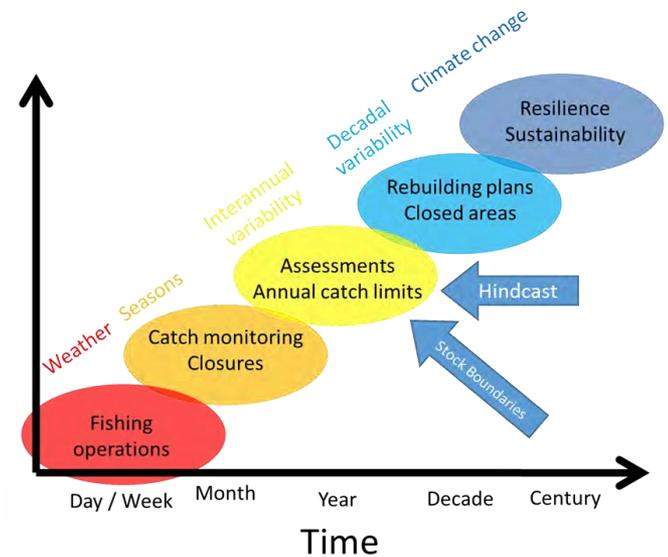
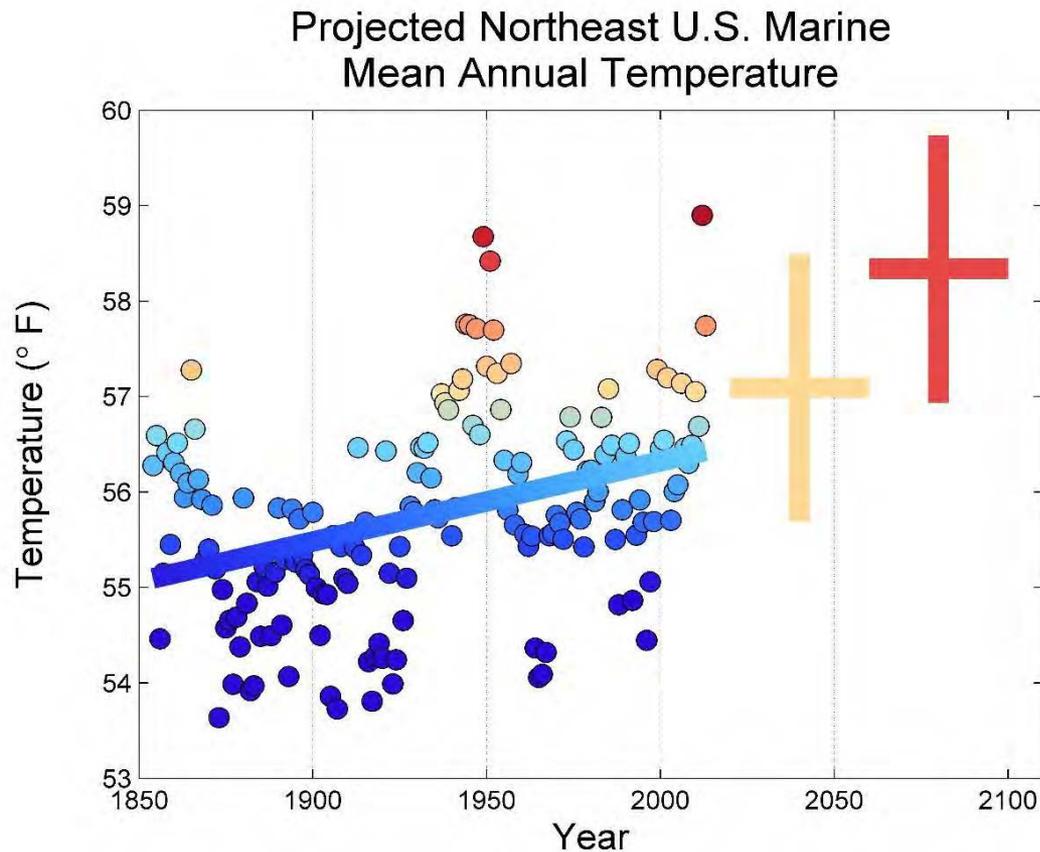
Impacts on Fishery Resources

- Interactions between climate and fisheries

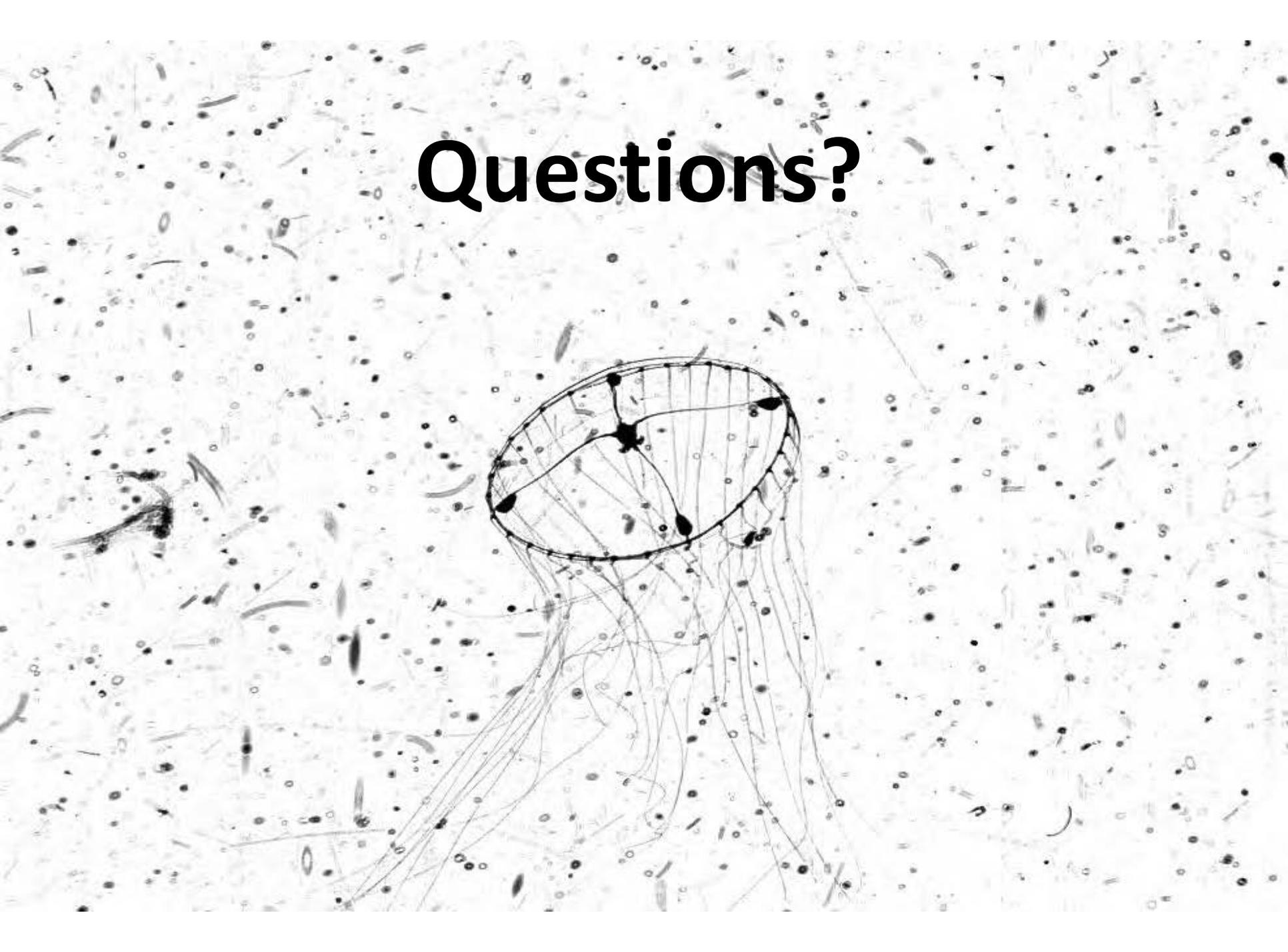


Impacts on Fishery Resources

- Climate change and variability are not just future issues; past, present and future



Questions?



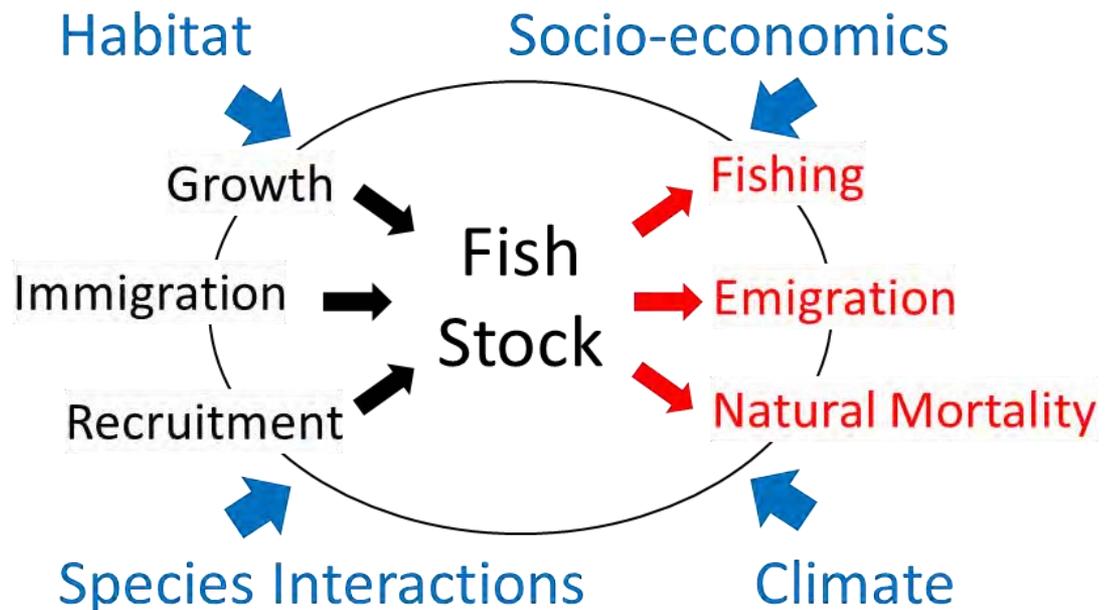
Outline

- Climate Variability and Climate Change
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Conclusions

- Reference points are not static
- Stock boundaries are not fixed
- Trophic interactions and community make-up are changing
- Multiple stressors (not all fishing, not all climate)



Conclusions

Steps forward:

- Coupled fisheries dynamic – climate models
- Coupled distribution – climate models
- Vulnerability assessment
- Outreach

Quantitative

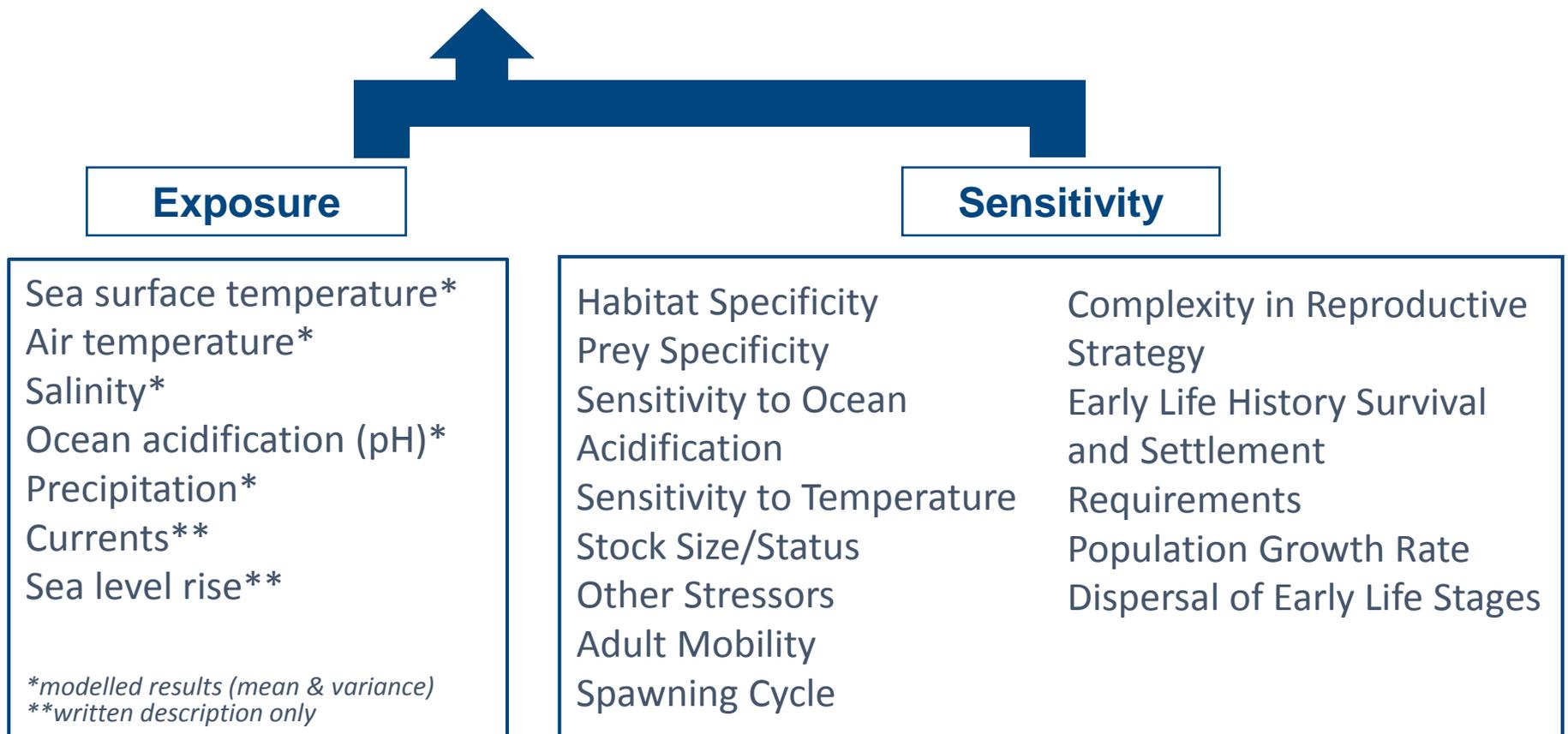
- Atlantic cod
- Atlantic croaker
- River herring
- Cusk
- Others

Qualitative

e.g., this talk

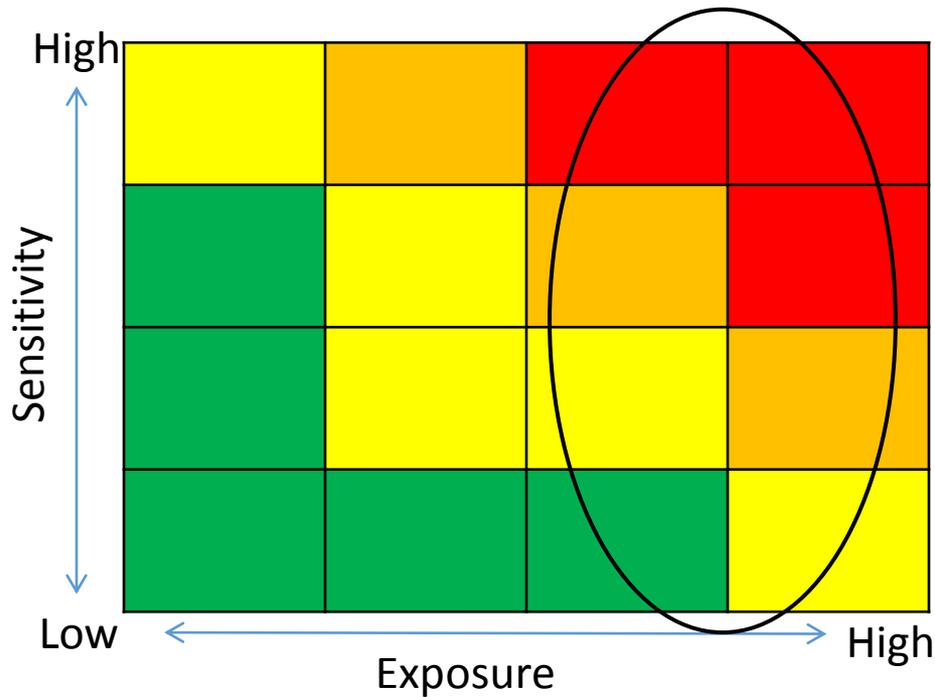
Conclusions

Northeast Fisheries Climate Vulnerability Assessment (79 species)



Conclusions

Northeast Fisheries Climate Vulnerability Assessment (79 species)



- Exposure to climate change of all species is moderately high to high
- Sensitivity higher for diadromous and shellfish; lower for groundfish and pelagics

Questions?



Chris Melrose (NEFSC)

Climate Change and East Coast Fisheries

Management and Governance
Workshop Overview



MID-ATLANTIC | FISHERY
MANAGEMENT
COUNCIL

FISHERIES

Leadership &
Sustainability

FORUM

Participation

- East Coast Councils
- ASMFC
- NOAA Fisheries –
HQ, GARFO, SERO, NEFSC
- DFO Newfoundland
- NGOs

Rapid Assessments

- Impacts
- Management
- Governance

Challenges

- Uncertainty
- Productivity changes
- Spatial and temporal changes
- Ocean Acidification
- Implementation delay

Scenarios

- Misread signals
- Jurisdictional disconnects
- Late management response
- Management gaps
- Erosion of management effectiveness
- New bycatch and “choke” species

Solutions

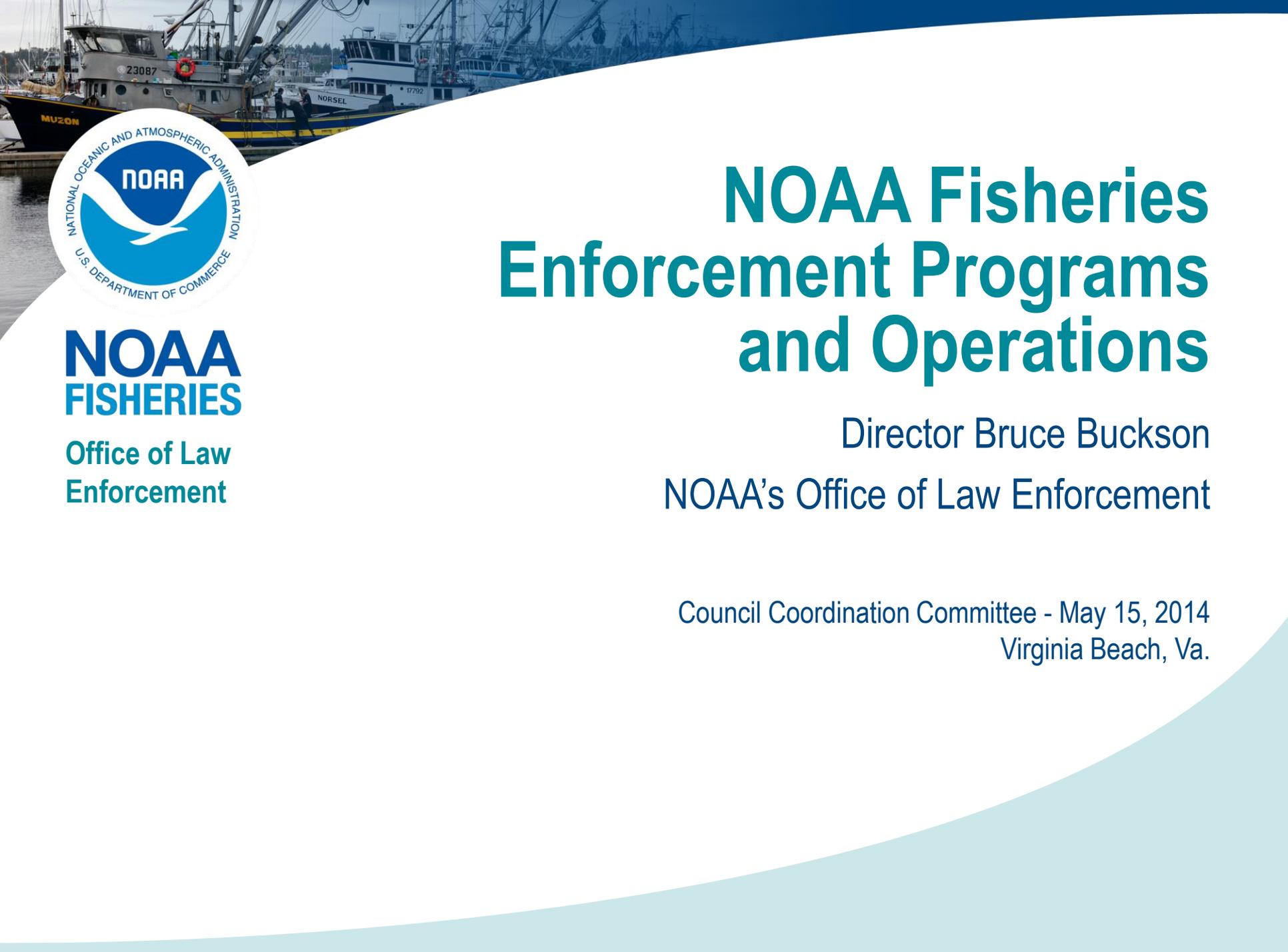
- Adapt representation in decisions
- Consider climate dynamics
- Develop new decision-support tools
- Use EBFM
- Size, diversity, and flexibility of fleet
- Improved data collection
- Regulatory streamlining

Managing Climate-ready Fisheries: Takeaways

- Root cause of impacts
- “Not a normal day”
- Uncertainty – manage and reduce
- Coordination
- Flexibility, adaptability, timeliness



Thank You!

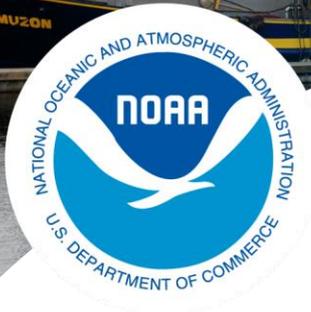


NOAA Fisheries Enforcement Programs and Operations

Director Bruce Buckson

NOAA's Office of Law Enforcement

Council Coordination Committee - May 15, 2014
Virginia Beach, Va.



**NOAA
FISHERIES**

Office of Law
Enforcement

OLE Divisions



Matt Brown



Alaska



Bill Pickering



Pacific Islands



West Coast

Southeast

Northeast



Bill Giles



Tracy Dunn



Caribbean Islands

Logan Gregory

Headquarters in Silver Spring, MD

Five Divisions co-located with Regional Offices (NE, SE, AK, WC, and PI)

53 field offices throughout the United States and U.S. territories

96 Special Agents - 27 Enforcement Officers - 73 Support Staff

Office of Law Enforcement

- Mission statement
 - Mission and goals team recommended, “The mission of NOAA’s Office of Law Enforcement is to **protect global marine resources by enforcing domestic laws and international treaties and obligations** dedicated to **protecting wildlife and their natural habitat** for the use and enjoyment of future generations.”
 - NOTE: OLE is the **only federal law enforcement agency fully dedicated to federal fisheries enforcement.**

About us

- The Office for Law Enforcement has a mission across all NOAA lines as a matrix program.
- The Office of General Counsel Enforcement Section is the primary legal partner of OLE and prosecutes civil cases.
- The Department of Justice and U.S. Attorney's Offices are the legal advisors and prosecutorial partners in criminal matters.
- U.S. Coast Guard is our primary federal enforcement partner.

Federal partnerships

U.S. Coast Guard
27 JEA State & U.S. Territory Partners
U.S. Fish & Wildlife Service
U.S. Customs & Border Protection
U.S. Marshals Service
Federal Bureau of Investigation
Bureau of Alcohol, Tobacco & Firearms
Drug Enforcement Administration
Food & Drug Administration
U.S. Department of Justice
U.S. Attorney's Offices



State partnerships



Joint Enforcement Agreements with 27 coastal states and U.S. territories

Alabama, Alaska, American Samoa, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Oregon, Rhode Island, South Carolina, Texas, Virginia, Guam, Northern Mariana Islands, US Virgin Islands and Washington

OLE priorities for 2014 - 2015

- Establish our Enforcement Officers Program
 - EO Supervisors hired
 - Vacancy Announcement issued for new EOs.
- Combat IUU Fishing
 - CTAP MOU
 - Interpol
 - International Partnerships
- VMS
VMS Program

May 2012 Workforce Analysis & Staffing Plan

- Staffing Plan
 - The plan will substantially change the composition of OLE's workforce, in part by decreasing the percentage of the workforce that are special agents and increasing the percent that are uniformed enforcement officers who are on the docks helping with compliance and inspecting, and on the water monitoring and patrolling.
 - These and other changes will improve our ability to ensure compliance with the law by combining focused and effective criminal enforcement with more extensive compliance assistance, monitoring, patrols, and inspections.

Cooperative fisheries enforcement to implement international treaties and obligations

- Investigation of IUU fishing activity and trafficking in illegal fish and fish product
- Fisheries Enforcement Capacity Building
- RFMO Participation
- Port State Measures and other IUU-related legislation
- NOAA “Level the Playing Field” Plan 2012



Vessel Monitoring System

- Operational Since 1994
- 4,500 active vessels equipped with VMS
- Active in 20 fisheries nationwide
- 7 active monitoring locations
 - HQ
 - NE
 - SE
 - AK (Juneau and Kodiak)
 - NW
 - PI
- 5 type-approved mobile transmitters



Office of Law Enforcement – NOAA Fisheries

Questions/Comments?



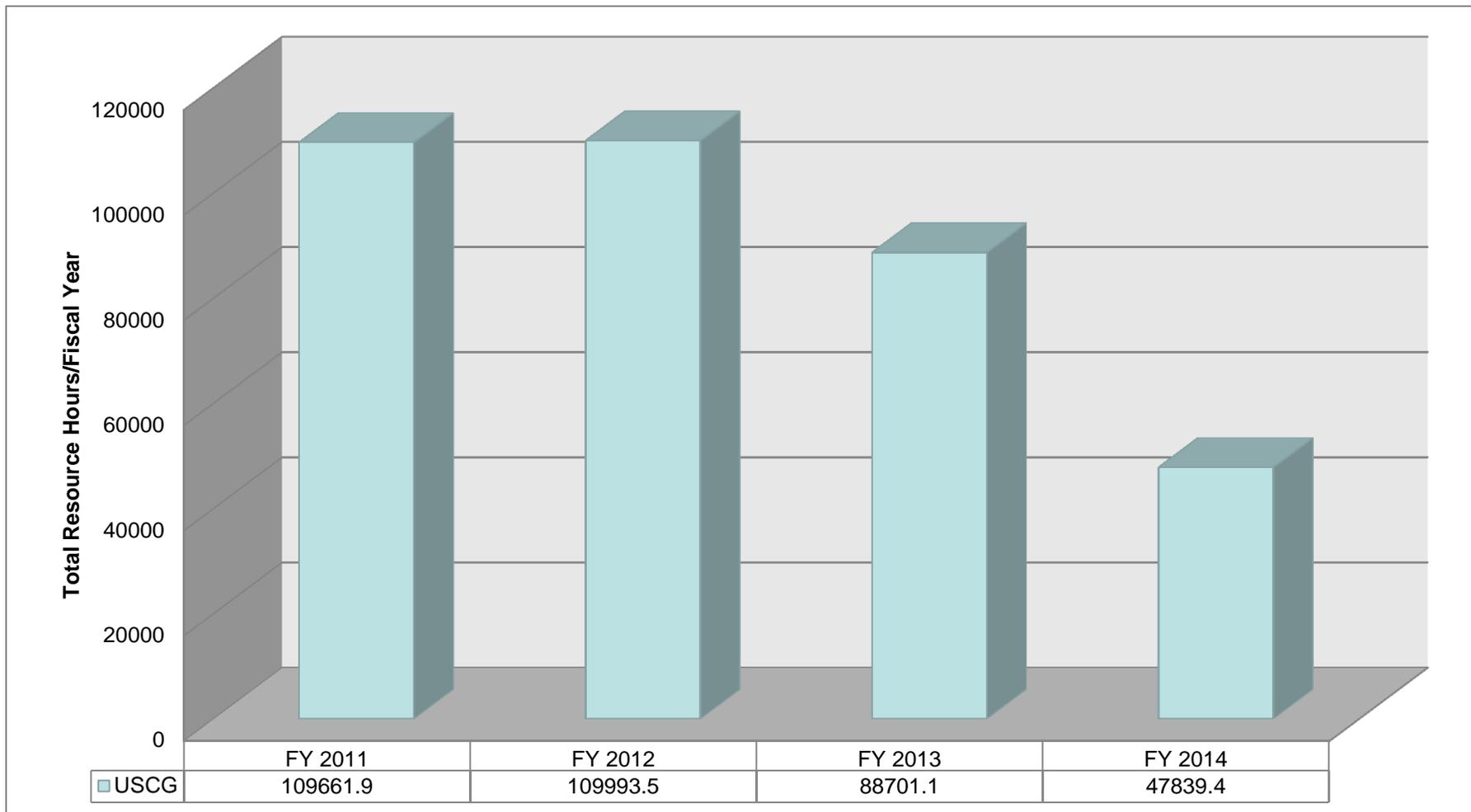
US Coast Guard
Living Marine Resources



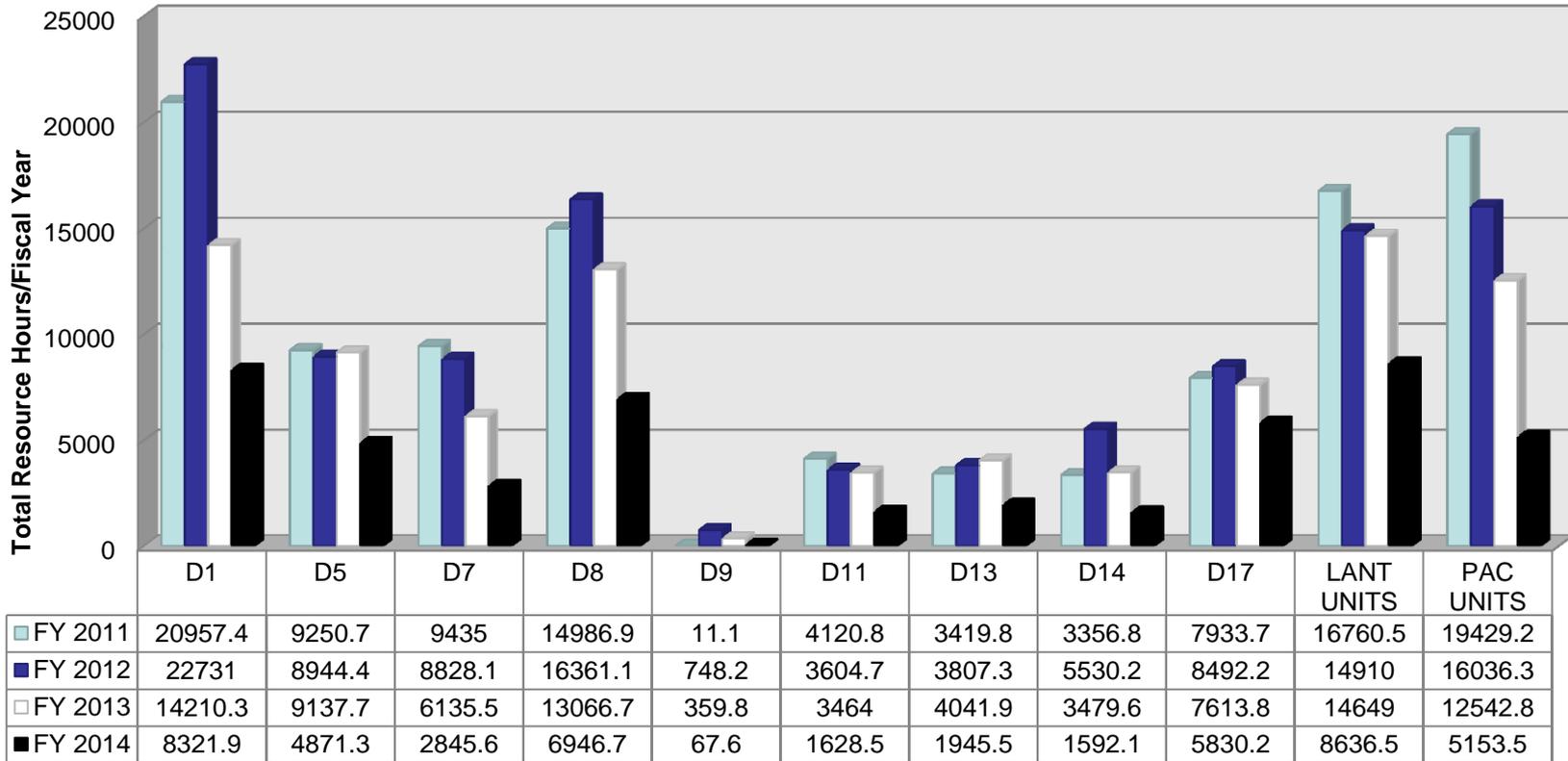
U. S. Coast Guard Living Marine Resources Enforcement

CDR Daniel Schaeffer
CG-MLE-4

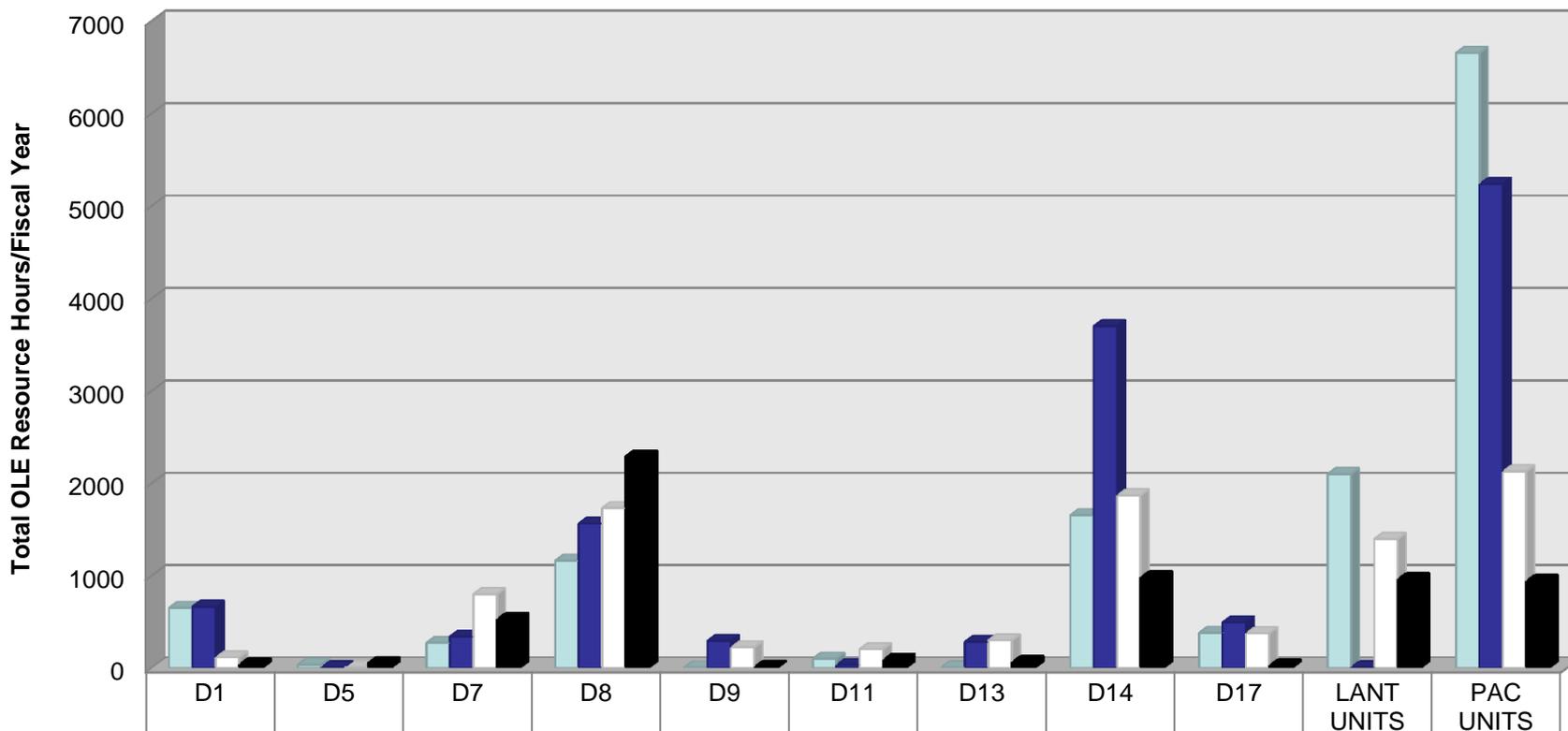
LMR&OLE Resource Hours



Total Resource Hour Use by District



OLE Resource Hours



	D1	D5	D7	D8	D9	D11	D13	D14	D17	LANT UNITS	PAC UNITS
FY 2011	649.9	34.2	271.8	1161.6	3.2	99.8	7.3	1653.8	379.6	2099.5	6654.2
FY 2012	663.2	8.3	339.5	1562.9	292.5	31.4	282.8	3701	491.7	7.4	5237.6
FY 2013	115.1	7.6	798.1	1730.9	223.1	202.7	298.4	1869.7	374.6	1396.3	2128.3
FY 2014	39.4	51.5	528.5	2290.4	12.8	88.1	64.5	982.5	27.8	962.6	942.7



Questions???



**Terms of Reference for
Fisheries Management Best Practices Workshop
August 19 – 21, 2014**

Purpose

Conduct a workshop of NMFS and Council staff to inform the development of revised Operational Guidelines and to enhance the Magnuson-Stevens Fishery Conservation and Management Act (MSA) fishery management process by identifying nationally adopted approaches and processes as well as transferable, scalable, or adaptable best practices, challenges, and solutions among and across regions.

Background

In 2013, the Inspector General (IG) recommended that NOAA Fisheries finalize the draft Operational Guidelines (OG). The IG report noted that “Without the guidelines, expectations that should be clearly defined and communicated early on—such as responsibility between NMFS and the FMCs for preparation of documents supporting fishery management decisions and designation of which reports need to be produced by which entity and with what frequency (e.g., Stock Assessment and Fishery Evaluation reports and fishery performance reports)—may not be stated and understood.” Further, “...communicating and documenting processes and expectations should give NOAA a better opportunity to identify necessary tasks and ensure they are appropriately assigned and completed.”

In response to the IG report, NOAA indicated that it did not plan to finalize the 2005 draft version of revised operational guidelines (NOAA Audit Action Plan 3/15/13) and stated that instead, “NOAA plans to review and assess the experiences of NMFS Regions, NOAA GC, and Councils including identifying the best practices and considering additional opportunities for increasing streamlining and transparency in the fishery management process. NOAA will develop new guidelines based on this review, and consistent with agency resources, will identify any additional opportunities for further streamlining and increasing transparency and will work to improve current procedures and requirements. NOAA will complete this review and revision in close coordination with the Regional Councils.”

Since May 2013, a working group consisting of NMFS staff and a Subcommittee of the CCC has worked to identify objectives for the revised operational guidelines and identify alternatives for achieving those objectives. The working group identified 4 alternatives based on the approaches used in the 1997 Operational Guidelines, the 2005 draft revised Operational Guidelines, the 2013 Policy Directive on NEPA, and a new approach that would build on successes from previous approaches, weave together good tools and guidance without being overly prescriptive, and provide one-stop shopping for guidance on integrating all OALs. In support of these efforts, the CCC subcommittee worked with the councils to prepare a draft table to describe the existing decision making process used by each Council.

In February, 2014, the CCC considered the 4 alternatives and expressed a preference for the 4th alternative. However, many gaps remain in the body of that alternative and a need exists for detailed input from front line staff who have a working knowledge of the MSA regulatory procedures. The working group discussed the benefits of convening a National Workshop to build on the Subcommittee’s initial comparative work, to identify common challenges, and strategies for success which could further inform the development of Operational Guidelines. The councils and agency may also want to consider a process for continuous improvement among councils and the Agency at the regional and national level.

Objectives for the Workshop

- Identify common challenges;
- Discuss the value of, and process for, identifying and applying best practices;
- Consider best practices in use and important flexibilities to maintain;
- Identify opportunities to improve process and transparency of process;
- Develop an objective map of the process (high level; adapt 1997 phases and/or 2005 table)
- Identify next steps and potential strategies for continuous improvement
- Provide NMFS concrete direction to begin drafting Operational Guidelines

Participants

The total number of participants will be 25-30 people and should include experienced representatives from each of the following:

- NMFS HQ
- NMFS Regional Offices
- FMC staff
- NOAA GC

Potential Topics

Top points of difference from RFMC Comparison Matrix:

Council Operations and Management Processes

- Public hearing use and organization
- Use of committees: Consistency and Function
- Scoping/Background documents: Preparation and Terminology
- Development of purpose and need and alternatives
- Review and revision of initial drafts
- Dissemination and public consumption of documents for Council action

Council, NMFS, and NOAA General Counsel Efficiency and Transparency

- Improving timeline and identification of problems/issues for Council action
- Improving timeline from Council final action to implementation of regulations
- Frontloading: Do Council and NMFS staff meet early in the process to identify concerns/pitfalls (i.e., action planning or frontloading)? Is there an Action Plan developed before an analysis is prepared?
- Performing integrated analyses; reviews/analyses required by different laws/Eos
- Standard templates: useful for analyses or for transparency to public
- Executive Summaries: useful for analyses or for transparency to public

Short and Long Term Strategic Planning for Fisheries Management

- Is there strategic planning regarding timing and tasking of issues?
- Does the Council have long term strategic plan or vision statement?

Products Needed in Advance of Workshop (all Products due by July 18, 2014)

- Draft Table of Contents for Revised Operational Guidelines
- Reports on Topics identified by CCC (e.g., development of documentation; interactions between Councils and regional offices)

- Finalized Comparative Table of Council Processes
- Best practices literature
- Others to be specified by CCC [What materials/report/documents/examples do we need to move the process forward]

Outputs

Recommendations pertaining to OGs and other forms of sharing information
Next steps for supporting follow-through on workshop outcomes
Process for promoting and achieving continuous improvement

Terms of Reference for the Council Coordination Committee

(May 10, 2013)

1. Establishment. Under Section 302(l) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Councils may establish a Council Coordination Committee (CCC). The CCC consists of the chairs, vice chairs, and executive directors of each of the eight Councils, or other Council members or staff, in order to discuss issue of relevance to all Councils, including issues related to the implementation of the Act. Neither NOAA Fisheries (NMFS), NOAA General Counsel, nor any other Federal entity is a formal member of the CCC, and, therefore, the procedures described in this Terms of Reference apply regardless of whether federal personnel are present. Under the MSA Section 302(i), CCC meetings are held to the same procedural standards as any Council meeting.

2. Membership. The CCC consists of three members from each of the regional Councils: the Chair, a Vice-chair, and the Executive Director, or their respective proxies. Councils with more than one Vice-chair will need to determine who participates on the CCC for a given meeting. Only Council staff or Council members may serve as proxies. Work groups or subcommittees may be established to address particular issues, and include members from the CCC, other Council members, Council staff, and NMFS staff with expertise as necessary.

(a) Scientific Coordination Subcommittee (SCS). The SCS will consist of the Chairs from each of the Regional Council Scientific and Statistical Committees (SSCs), or their respective proxies. The function of the SCS is to plan and conduct meetings or workshops to discuss scientific issues of national importance based on terms of reference or topics provided by the CCC. The SCS will be chaired by the SSC Chair (or designee) on an *ad hoc*, rotational basis, as determined by the CCC. Approval for national meetings or workshops of the SSCs will occur at the interim CCC meeting (see 3(b) below).

3. Organization. The CCC will be directed by the Chair and Vice-chair of the Council that is hosting the annual CCC meeting during that calendar year (January 1 through December 31). Councils with more than one Vice-chair will need to determine who will be the CCC Vice-chair in the year when they host the CCC meeting.

(a) Rules of Order. Roberts Rules of Order will be used to conduct business when a decision or recommendation of the CCC is needed. The CCC will operate by consensus whenever possible. Any member of the CCC can make a motion, but each Council will be limited to one vote, made by the chair of each Council (or vice-chair/proxy). Motions approved by the CCC reflect the opinions of the collective CCC, but are not binding on any individual Council. However, these decisions can be made on behalf of all of the regional Councils on a case by case basis, depending on the issue or vote at hand. The responsibility to follow-through on CCC actions, and to represent the CCC in general, falls upon the host Council for that particular calendar year.

(b) Meetings. The CCC will normally meet twice per year. Generally, an interim meeting is held early in the calendar year to discuss budgets and other pressing matters and is hosted by NMFS in Washington, D.C. The primary, annual CCC meeting is hosted, on a revolving basis, by one of

the Councils, normally in later spring or early summer. The CCC Chair for that calendar year may call other meetings as necessary. NMFS, in consultation with the CCC Chair, may schedule periodic conference calls with the CCC to discuss issues of immediate concern.

Emergency meetings shall be held at the call of the CCC chair. The CCC shall strive to announce meetings two years in advance.

(c) **Agenda.** For the primary, annual meeting, a draft agenda will be prepared in advance by the host Council and will be distributed to the other Councils and NMFS for review and comment. In the case of the interim meeting, NMFS will develop a draft agenda for review and comment by the Councils. Timely notice of the interim and annual meetings, including the agenda, will be provided, and such notice will be published in the Federal Register.

(d) **Availability of Documents.** The CCC will make documents relevant to the CCC meeting available to the public as follows:

i) When possible, all presentations and handouts will be posted to the NMFS or CCC website before the agenda item is discussed and updated as necessary following the meeting.

ii) Presentations and handouts that are not posted to the NMFS or CCC website in advance of the meeting, should, if possible, be made available in hard copy for the public at the meeting.

iii) For ease of public access and ensuring compliance with IT requirements, the NMFS or CCC website will be the official repository of CCC meeting documents.

iv) Agenda, presentations, handouts, and associated documents will be maintained on the NMFS or CCC website for at least 5 years.

(e) **Meeting Minutes.** MSA Section 302(i) requires detailed minutes of each meeting, except for any closed session, to be kept and made available to the public. The host of the meeting will provide the detailed minutes to include a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed within a reasonable period of time following the meeting. If desired, the host may choose to provide a transcript of the meeting in lieu of detailed minutes. CCC meeting agendas, materials, and meeting minutes or transcripts will be available on the NMFS or CCC website.

(f) **Public Participation.** CCC meetings will be open to the public and public comment will be permitted at the discretion of the Chair. Public comment will be accepted at the beginning of the meeting, not to exceed 30 minutes. Written comments will be encouraged on agenda items, and if received will be placed in the briefing materials.

(g) **Closed Sessions.** The CCC may hold closed sessions for limited purposes, with or without a Federal presence, as consistent with MSA Section 302(i)(3) and codified at 50 CFR 600.135(c). In summary, the CCC should follow the guidance listed below when closing sessions to the public:

i) CCC sessions may be closed to discuss those items specified in MSA Section 302(i)(3) and 50 CFR 600.135(c), i.e., national security, employment, litigation and internal administrative matters.

ii) Discussion of issues and associated actions that do not qualify to be closed (i.e., that affect the public) must be made in public.

iii) A closed meeting must be noticed as part of an agenda of the main meeting, except for brief closures allowed under MSA Section 302(i)(3)(B).

iv) Before closing a meeting or portion thereof, the CCC should consult with NOAA General Counsel to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings.

4. Functions. In accordance with MSA Section 302 (i), the CCC is exempt from the requirements of the Federal Advisory Committee Act (FACA). As such, the CCC's can provide recommendations from leadership of the eight regional fishery management Councils to the Federal Government (usually to the Secretary of Commerce through NMFS). The CCC has adopted the following statement with regards to making recommendations:

“The CCC is established in the MSA to discuss issues of relevance to all Councils, including issues related to the implementation of this Act. Although all Councils adhere to the same MSA and national standards, the eight regional Councils often have differing regional priorities, needs, experiences, attitudes, relationships, and philosophies regarding fisheries management. It is important that NMFS and the public are aware of these differences. In addressing requests by NMFS, the CCC should consider whether the regional input from a Council is more appropriate than a collective response from the CCC. The development of a CCC response or position does not foreclose individual Councils from developing responses or positions that may differ from the CCC. The CCC respects the importance of regional perspectives, and will not diminish their importance.”

Status of the Creation of the National Scientific and Statistical Committee

Draft date: February 06, 2014

At the Council Coordinating Committee Meeting held at the Kohala Coast, Hawaii on May 1 to 3, 2012, the CCC made the following recommendations:

“Recognizing the importance and benefits in the creation of the National SSC Working Group:

1. The CCC recommends the creation of a National SSC whose membership would be comprised of the eight SSC Chairs (or their designees) and a senior NMFS staff as an ex-officio member. Technical support for this committee will be provided by personnel from the NMFS Office of Science and Technology and Council staff;
2. The CCC recommends the development of Standard Operating Practices and Procedures (SOPPS) which would govern the operations of the National SSC and terms of reference to direct its activities;
3. The National SSC would be tasked with the development of a prospectus for proposed Working Groups and topics for future National SSC Workshops in consultation with the CCC. These proposals would be reviewed and approved by the CCC as part of the specification of Terms of Reference (TOR) and could be sponsored by one of the Councils or brought to NMFS for consideration for sponsorship.

The membership of national WGs approved by the CCC would be populated based on nominations from each Council's SSC (maximum of one SSC member per Council) and one member from NMFS. The Chair of the WG would be appointed by the National SSC (selected from the WG roster). The WG would submit a final report to the CCC which would include recommendations to address the TOR. The final report may be subject to external peer review, the level of which would be determined on a case by case basis based on agreement between the CCC and NMFS. Following peer review of the WG report, the report would be published as a NMFS Technical Memorandum, or other appropriate mechanism, such that it meets the requirements for formal national technical guidance to the Councils.”

The CCC sent a letter to NMFS requesting for the establishment of the National SSC Steering Committee (Appendix 1). In a response received in August 21, 2012, NMFS recommended that the National SSC be established as a subcommittee of the CCC and Terms of Reference for the National SSC be also established (Appendix 2). Council staff then developed a draft Terms of Reference (Appendix 3) which was sent to the CCC for comments during the October 2013 Webinar meeting. The draft TOR was sent to the respective Councils for comments.

During the National SSC Workshop V conference call held on November 13, 2013, the workshop steering committee discussed and provided comments on the draft TOR. The draft needs additional work and more time to vet through each Council's SSC. There were some concerns about the structure as well as the procedures in terms of peer-review. The steering committee considers the first draft as the ground rules rather than the actual "charge" for establishing the National SSC Steering Committee. Richard Seagraves and John Boreman are currently working on the "charge" document which will be sent out to the SSCs for comments. Once the "charge" document and topics for the National SSC Workshop V are approved by the CCC at its Winter Meeting, then the draft TOR will be used for planning the workshop.

May 29, 2012

Samuel D. Rauch
Acting Assistant Administrator of Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Springs, MD 20910

Dear Sam:

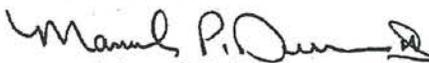
The convening of a National Scientific and Statistical Committee (National SSC) was a recommendation of the second conference in the series, Managing Our Nations Fisheries in 2005. The National SSC and its working groups have provided guidance on national fishery management issues, particularly those dealing with Acceptable Biological Catches, ecosystem based management, and optimum yield in a catch limit management setting. Unfortunately, the quality products and recommendations of the National SSC *ad hoc* working groups did not constitute formal technical guidance, as they were neither formally commissioned by the Council Coordination Committee nor National Marine Fisheries Service.

As such, the CCC recommends the creation of a National SSC whose membership would be comprised of the eight SSC Chairs (or their designees) and a senior NMFS staff as an ex-officio member. Technical support for this committee would be provided by personnel from the NMFS Office of Science and Technology and Council staff. A Standard Operating Practices and Procedures (SOPP) should be developed that would govern the operations of the National SSC and Terms of Reference (TOR) to direct its activities. The National SSC would be tasked with the development of a prospectus for proposed Working Groups and topics for future National SSC Workshops in consultation with the CCC. These proposals would be reviewed and approved by the CCC as part of the specification of the TOR and could be sponsored by one of the Councils or brought to NMFS for consideration for sponsorship.

The membership of national WGs approved by the CCC would be based on nominations from each Council's SSC (maximum of one SSC member per Council) and one member from NMFS. The Chair of the WG would be appointed by the National SSC (selected from the WG roster). The WG would submit a final report to the CCC that would include recommendations to address the TOR. The final report may be subject to external peer review, the level of which would be determined on a case-by-case basis, based on agreement between the CCC and NMFS. Following peer review of the WG report, the report would be published as a NMFS Technical Memorandum, or other appropriate mechanism, such that it meets the requirements for formal national technical guidance to the Councils.

Thank you and we look forward to your response and action on this matter.

Sincerely,


Manuel P. Duenas
Chairman



AUG 15 2012



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

WESPAC

AUG 21 P3:53

RECEIVED

Mr. Manuel P. Duenas
Chairman
Western Pacific Fishery Management Council
1164 Bishop Street
Honolulu, HI 96813

Dear Mr. Duenas:

Thank you for your letter on behalf of the Council Coordination Committee (CCC) requesting the formation of a National Scientific and Statistical Committee (National SSC). We agree that a National SSC could provide coordination of best practices among the Councils' SSCs, help establish topics for future national SSC workshops, and recommend creation of specific topical working groups. The National SSC could also serve as a pathway for improved communication with NOAA's National Marine Fisheries Service (NMFS) fishery science program.

We recommend that a National SSC be established as a subcommittee of the CCC, and that the CCC establish Terms of Reference for the National SSC rather than separate SOPPs. The CCC can revise its Terms of Reference to formally establish the National SSC, specify the role of the SSC, and detail how the CCC expects to engage with the National SSC. This process is similar to the way Council SSCs are organized and would accomplish the same objective. We would be interested in participating in the development of these Terms of Reference, including ensuring that they satisfy the requirements of the Federal Advisory Committee Act and any other legal requirements.

We are pleased that the CCC is interested in having a senior NMFS scientist serve as an ex-officio member of the National SSC. The new NMFS Lead Scientist for Stock Assessments is expected to be selected soon and would be an ideal candidate for this role with the National SSC.

Your letter describes a process by which the results of National SSC working group results could be reviewed, published, and then considered as best practices. Rather than respond specifically to the proposed process now, let us take that up as we develop and review the draft TORs. In particular, we should work together to clarify the level of review needed for a document to serve as a statement of best practices among the SSCs, versus the more extensive review and approval required for more formal technical guidance.

I appreciate your interest in this matter and look forward to continued engagement between the Councils and NMFS on the important science issues affecting marine fisheries.

Sincerely,

Samuel D. Rauch III
Deputy Assistant Administrator
for Regulatory Programs,
performing the functions and duties of the
Assistant Administrator for Fisheries

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



TERMS OF REFERENCE FOR THE NATIONAL SCIENTIFIC AND STATISTICAL COMMITTEE

1. Establishment. In May 1-3, 2013, the Council Coordinating Committee recommended the creation of the National Scientific and Statistical Committee. The National SSC shall discuss scientific issue of relevance to all Councils and provide scientific guidance to the CCC.

2. Membership. The National SSC consists of the SSC chairs of the eight regional Fishery Management Councils and two SSC members that will support their respective SSC chairs (or other SSC designated members). A senior NMFS staff (NMFS-OST?) shall act as an ex-officio member. Technical support shall be provided by NMFS Office of Science and Technology and by Council staff.

National Working Groups may be formed that will work on specific topic of national relevance. The membership of national WGs approved by the CCC would be populated based on nominations from each Council's SSC (maximum of one SSC member per Council) and one member from NMFS. The Chair of the WG would be appointed by the National SSC (selected from the WG roster)

3. Organization. The National SSC will be directed by the Chair of the SSC that is hosting the National CCC meeting during that calendar year (January 1 through December 31)

(a) Rules of order. The National SSC will operate by consensus whenever possible. Scientific discussions will be carried out during the meeting and the discussion points will be captured by rapporteurs assigned by the National SSC Chair. Any recommendations will be summarized by the rapporteurs and will be presented to the body for final consideration prior to transmittal to the CCC. If no consensus is reached then the recommendation shall reflect the ones of majority and shall describe the concern and issues raised by the non-agreeing member.

(b) Meetings. The meetings of the National SSC will be at the request of the CCC. The meetings will be done as the need arise when scientific issues emerge of national significance. The recommendation for calling the National SSC meeting will be done at the late spring or early summer CCC meeting. The SSC of the host of the next CCC will be the chair of the National SSC. The terms of reference for the National SSC will be provided by the CCC. The meeting will be organized by the hosting CCC member in coordination with NMFS-OST. The meeting will be held during late fall to winter prior to the interim meeting of the CCC. Preliminary findings will be presented to the CCC at its interim meeting and final recommendations will be presented at the formal CCC meeting.

(c) Agenda. The agenda will be based on the terms-of-reference. The SSC chair, and Council staff of the host CCC, and NMFS-OST will be in charge of drafting the agenda. A series of

conference call will be convened in coordination with the Council staff of other RFMC in order to finalize the agenda. This will also be the case if a National Working Group will be formed.

(d) *Minutes.* A written summary of each meeting will be prepared as appropriate by the host council or NMFS, and will be made available to the public on the all-Council website (www.fisherycouncils.org). The National SSC Chair will certify the accuracy of the report and will be presented to the CCC chairman for approval prior to public release.

(f) *Public participation.* The National SSC meetings will be open to the public and public comment will be permitted at the discretion of the Chair. Public comment will be accepted at the beginning of the meeting, not to exceed 30 minutes. Written comments will be encouraged on agenda items, and if received will be placed in the briefing materials.

4. Advise Process. The National SSC advice will be based on a peer-reviewed Working Group report. Once the CCC recommends convening the National SSC the following advice process shall take place:

- National SSC receives a request for advice from the CCC.
- National SCC Working Groups shall collect data, make assessments and draft a first scientific/technical response to the request.
- The reports of all expert groups preparing the basis for National SSC advice are peer-reviewed by a group of independent experts.
- The National SSC Working Group report together with the reviews is used to formulate the scientific recommendations to the CCC.
- A draft recommendation prepared by the National SSC will be discussed and finally approved by the body and will be transmitted to the CCC chair.

Additional points for discussion and advice from General Counsel

5. FACA

6. Revise the CCC TOR to incorporate authority to create advisory bodies like National SSC

7. Draft guidelines and authorities for the CCC advisory bodies

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National SSC Workshop V (draft v3b)

Host: TBD

Location: TBD

Overall Theme: Providing ABC specifications in the face of uncertainty

Subthemes:

1. Setting ABCs in data poor/model resistant situations
2. Incorporating variable and changing climate and ecosystem conditions (including spatial management and habitat considerations) into ABC specifications¹

¹ Topics under subtheme 2 will be discussed both individually and, where appropriate, in relation to subtheme 1



**NOAA
FISHERIES**

Implementing an Assessment Prioritization Process

**Richard D. Methot Jr.
Science Advisor for Stock Assessments**

**Briefing for
Council Coordination Committee
Virginia Beach, VA
May 15, 2014**



NOAA FISHERIES

Recent History of Prioritization Project

- **Presented to CCC in February 2014 and released for Council and public comment , with May 1 due date**
- **Subsequent phone conference with ASMFC and meetings with S. Atlantic SSC and with Northeast Regional Coordination Council**



Comments Received From:

- **Formal response:**
 - **Gulf Mexico FMC**
 - **Ocean Conservancy**
 - **Four individuals**
- **Draft comments, with full response under development:**
 - **NRCC**
 - **S. Atlantic SSC**
 - **ASMFC**



Comment Summary

- **General support for a prioritization process**
- **General support for more update assessments vs. full benchmarks**
- **Support for using fishery value, not weight, as basis for importance**
- **Clarification needed on relative role of NMFS vs. Councils in implementation**
- **Support for use of less complete assessments for lower priority stocks; e.g. data-limited methods**



Some Concerns

- **Some want to see prototype implementation before being able to comment further**
- **Flexibility to adapt to changing conditions may be limited**
- **Politics may still trump the proposed process**
- **Process may de-emphasize some current good assessments that are protecting stocks from overfishing**
- **Workload of implementation can detract from assessment efforts**
- **Surveys and data collection need attention too**



Some Implementation Ideas

- **Should measure recreational importance as value, not weight**
- **Role of Productivity-Susceptibility Analysis was supported by one and questioned by another; needs resources to do this work**
- **Need good indicators (Rumble Strips) in between less frequent assessments**
- **Coordination of assessments for associated species has merit**
- **Database needs more information on performance of past assessments**
- **Tiered assessment needs should be coordinated with management needs for non-target stocks**
- **Management strategy evaluation and risk analysis are tools to make a prioritization system more quantitative; i.e. what is the marginal value of conducting each assessment?**



Updated Short-Term Implementation Steps

- 1. Create database of needed information as an added table in the Species Information System – summer 2014;**
 - a) Major step is creating fishery importance scores**
- 2. Edit document using comments received and to clarify roles of SSCs and Councils and Commissions – summer 2014;**
- 3. Prototype prioritization system in at least one region – fall 2014; propose Northeast and Pacific west coast**
- 4. Discuss with National SSC – fall 2014;**
- 5. Present updated approach to CCC – first opportunity**
- 6. Make database available to groups charged with setting priorities for regional assessments – winter 2015**



NOAA
FISHERIES

PROJECT UPDATE

Electronic Technologies: Regional Implementation Plan Development Process

to the Council Coordination Committee

George Lapointe

15 May 2014

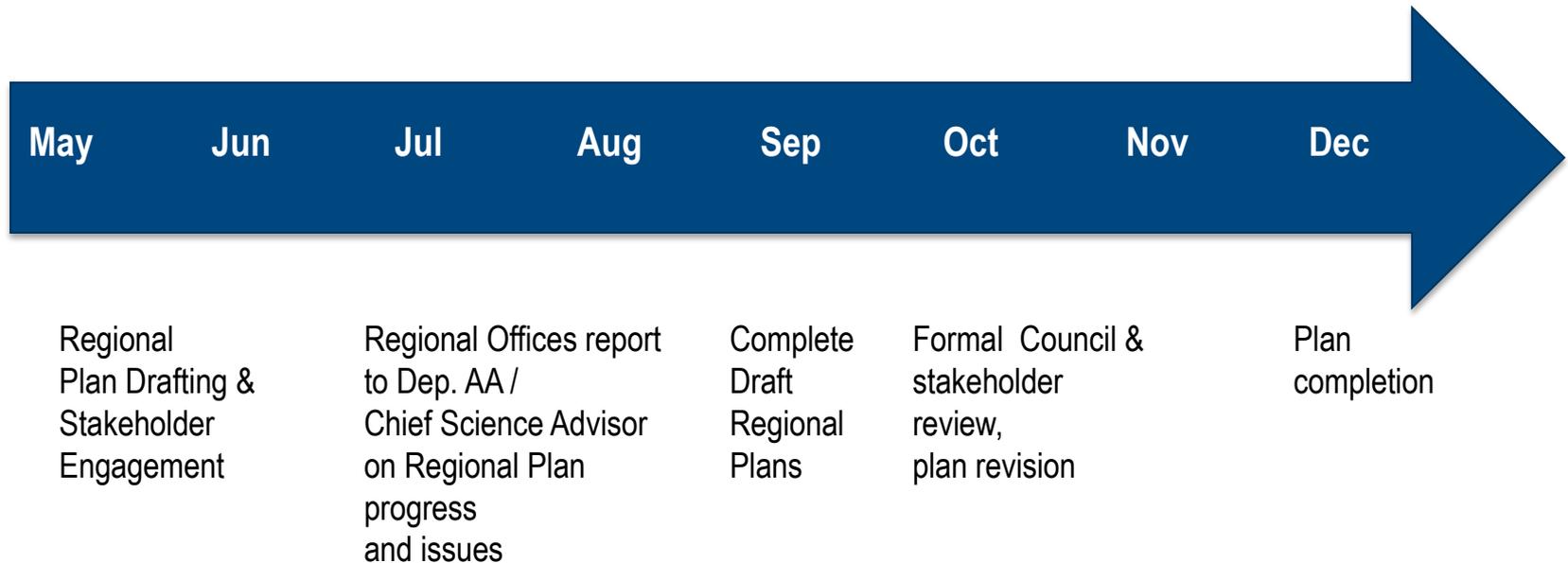
Regional Implementation Plans

- Goal – to establish operational, cost effective EM / ER systems in each region, and with Atlantic HMS
- Contents of Regional Electronic Technology Implementation Plans
 - Objective of monitoring program
 - Technological capabilities
 - Evaluation or comparison of costs
 - Funding for regional plan implementation
 - Industry cost share
 - Regulatory Changes needed
 - Proposed evaluation methods

Regional Implementation Plans, cont.

- List of fisheries suitable for implementation of EM and ER
- Regionally specific means to resolve technical / scientific, budgetary, process obstacles to implementing ET systems

Timeline and Milestones to plan completion in 2014



Regional Implementation Plans need early Council, stakeholder input

Implementation of this policy will rely on Regional Offices initiating consultations and deliberations with their respective Councils on the consideration and design as appropriate of fishery dependent data collection programs that utilize electronic technologies for each Federal fishery

Activities to Inform Regional Implementation Plans

- Consultations with Regional offices, Centers, Councils, stakeholders
- National EM workshop
- Progress in each region



Pacific Island Region

- Electronic Reporting
 - Archipelago specific approaches needed
 - Hawaii – has ER capability
 - Other archipelagos – need technology solution that works at shore
- Electronic Monitoring
 - Pelagic longline fishery? Longer term

Alaska Region

- Strategic Plan for EM/ER in the North Pacific
 - Integrating Monitoring Technology into the North Pacific Fisheries Dependent Data Collection Program
- Electronic reporting
 - Partnership with State of Alaska
 - Largely in place
- Electronic monitoring
 - In place in 3 fisheries
 - Proposed rule to expand EM for at-sea scales to all trawl and longline vessels
 - Southeast Alaska fixed gear & Bering Sea trawl
 - Research leading to implementation

West Coast Region

- Electronic Reporting
- Electronic Monitoring
 - Groundfish
 - Whiting
 - Fixed Gear
 - Bottom Trawl

Southeast Regional Office

- 3 Council regions
- Electronic Reporting
 - GMFMC, CFMC, SAFMC areas
 - Commercial
 - Recreational
- Electronic Monitoring
 - Longer term

Greater Atlantic Region

- Electronic Reporting
 - eVTRs are a reporting option
 - Interest in fishery wide application in NEFMC, MAFMC areas
- Data system modernization
- Electronic Monitoring
 - Regional EM workshop, 7-8 May
 - To help develop EM objectives
 - Groundfish sectors
 - Focus of NEFMC
 - Objectives not established
 - Herring
 - Interest, low level of activity
 - Scallop
 - Interest, low level of activity

Atlantic Highly Migratory Species

- Electronic Reporting
 - Recreational landings by phone/web – in place
 - Commercial handgear by phone/web – Jan 2015
 - Longline vessels via their VMS – Jan 2015
- Electronic Monitoring
 - Longline fishery – Jan 2015
 - Regulations early fall 2014

Summary Questions / Issues

- Degree of consistency among regional plans
- Council and stakeholder engagement needed
- Fisheries = fisheries, sectors, sub-sectors
- Non tech issues important, e.g. infrastructure, costs, staffing, etc
- Funding, cost share
- Consider looking ahead beyond current issues. 5 years? 7 years?
- Consider implementation target dates

Questions / Comments?

Contact Information:
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(207) 557-4970