

**H.R. 200 - The “Strengthening Fishing Communities
and Increasing Flexibility in Fisheries Management Act”**

Sponsor – Congressman Young (R-Alaska)

Introduced on January 3, 2017

Referred to the House Natural Resources Committee

Section 1 – Short Title.

Section 2 – Definitions. This section clarifies that terms used in the bill have the same meaning as those terms are defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Section 3 – References. This section clarifies that unless otherwise specified, the amendments made by the bill are made to the MSA.

Section 4 - Flexibility in Rebuilding Fish Stocks.

Proposed Actions

Potential Impacts

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| <p>Remove the term “possible” and replace it with “practicable” in the requirement in section 304 of the Act that a rebuilding period “be as short as possible.”</p> | <p>The wording change provides the Councils with more flexibility in determining the length of a stock rebuilding period.</p> |
| <p>Remove the language requiring a 10-year time frame for rebuilding overfished/depleted fisheries and replace it with a requirement that the rebuilding timeframe be the time it would take for the fishery to rebuild without any fishing occurring plus one mean generation time except in the case that:</p> <ul style="list-style-type: none"> I. the biology of the stock, other environmental conditions, or management measures under an international agreement dictate otherwise; II. the Secretary determines that the cause of the stock being overfished/depleted is outside the jurisdiction of the Council or the rebuilding program cannot be effective only by limiting fishing activities; III. the Secretary determines that one or more components of a mixed-stock fishery is depleted but cannot be rebuilt | <p>Removal of the 10-year rebuilding mandate is a major step in restoring the flexibility needed to manage diverse fisheries. The proposed exceptions provide the Councils with flexibility for rebuilding overfished/depleted stocks. This was recognized in the establishment of regional Councils to address specific regions’ needs. The increased flexibility in this language will allow the Councils to establish rebuilding times commensurate with the biology of the species under management, in addition to consideration of other non-biological factors.</p> <p>Note: The exceptions of II – V require determination (i.e., approval) by the Secretary, rather than the scientific bodies at the regional level.</p> |

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| <p>within the timeframe without significant economic harm to the fishery or cannot be rebuilt without causing another component of the mixed-stock fishery to approach a depleted status;</p> <p>IV. the Secretary determines that recruitment, distribution, or life history of, or fishing activities for, are affected by informal transboundary agreements under which management activities outside the EEZ by another country may hinder conservation and management efforts by the US; and</p> <p>V. the Secretary determines that the stock has been affected by unusual events that make rebuilding within the specified time period improbable without significant economic harm to fishing communities.</p> | |
| <p>Allow Councils to “take into account environmental conditions including predator/prey relationships when developing rebuilding plans.”</p> | <p>Encourages the incorporation of environmental, ecosystem, and climate attributes relative to their potential impacts on rebuilding plans. Other ecological interactions besides predator/prey relationships include competition, population shifts, and environmental changes.</p> |
| <p>Require that the fishery management plan (FMP) for any fishery that is considered overfished/depleted must “specify a schedule for reviewing the rebuilding targets, evaluating environmental impacts on rebuilding progress, and evaluating the progress that is being made toward reaching the rebuilding targets.”</p> | <p>The monitoring of rebuilding plans and specifying a schedule for reviewing rebuilding targets would shift more responsibility from the agency to the Councils. Additional resources may be necessary from NMFS for stock assessment updates and re-runs. This language encourages the Council to use adaptive management principles in monitoring and, where needed, adjusting rebuilding plans.</p> |
| <p>Allow a FMP for any fishery that is considered overfished/depleted to use alternative rebuilding strategies including harvest control rules and fishing mortality rate targets.</p> | <p>Provides the Councils with flexibility to incorporate alternative rebuilding strategies but it is not clear that such strategies could be enacted in lieu of sector ACLs.</p> |
| <p>Allow a Council to terminate any rebuilding plan for a fishery that was initially determined to be overfished/depleted and then found not to be overfished/depleted within 2 years or</p> | <p>Provides the Councils with flexibility if the catch levels could be modified quickly through a framework action or an interim rule. Each Council would need to have appropriate mechanisms set up to utilize this</p> |

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| <p>within 90 days after the completion of the next stock assessment.</p> | <p>provision, such as including it in the framework procedure for each FMP.</p> |
| <p>Finally, current law allows the Secretary to implement emergency interim measures for fisheries in which overfishing is taking place. If the action is taken for a fishery under a FMP, the interim measure may only remain in place for 180 days; however, the measures may then be extended for an additional 186 days (with the extension, this allows the Secretary to implement interim measures for a year and a day). This bill would modify this authority to allow the Secretary to implement the interim measures for 1 year with the ability to extend for a 2nd year. Current law allows a Council to take up to 2 years to prepare and implement a FMP or plan amendment to address a fishery that is overfished, yet current law only allows interim measures to be implemented for 1 year (assuming the extension is granted). This provision would allow the interim measure authority to be consistent with the time period allowed for a Council to prepare and implement a rebuilding plan for a fishery identified as overfished.</p> | <p>Provides the Council with adequate time to implement an amendment to end overfishing and establish a rebuilding plan prior to expiration of associated emergency measures.</p> |

Section 5 - Modifications to the Annual Catch Limit Requirement.

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| <p>Allow Councils to consider changes in the ecosystem and the economic needs of the fishing communities when setting annual catch limits (ACLs).</p> | <p>Provides some flexibility to the Councils in setting ACLs that prevent overfishing but does not allow Councils to set an ACL at a level that allows overfishing.</p> |
| <p>Provide an exception for ecosystem component species from the requirement that Councils set an ACL for each of its managed fisheries. Ecosystem component species are defined in the bill to mean those stocks of fish that are not targeted and are caught incidentally in a fishery as long as that stock of fish is not subject to overfishing, is not approaching a condition of being overfished, and is not likely to become subject to overfishing in the absence of conservation and management measures.</p> | <p>This would provide the Councils with more flexibility to classify incidentally caught species as ecosystem component species.</p> <p>Additional clarification in the NS1 guidelines of this exemption would be helpful.</p> |

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| <p>Provide an exemption to the ACL requirement for those stocks of fish with a life cycle of approximately 1 year as long as the Secretary has determined the fishery is not subject to overfishing. It would also provide an exemption to the ACL requirement for a stock for which more than half of a single year class will complete their life cycle in less than 18 months and for which fishing mortality will have little impact on the stock.</p> | <p>The first part is current law, and would have no effect. The latter part would expand the exemptions to establish ACLs for stocks that complete their life cycle in less than 18 months and for which fishing mortality will have little impact on the stock.</p> <p>Currently, neither of these would apply to any Gulf stocks.</p> |
| <p>Allow Councils, when setting ACLs, 1) to take into account management measures under international agreements in which the US participates and, 2) in the case of an ACL developed by a Council for a species, may take into account fishing activities for that species outside the US EEZ and the life-history characteristics of the species that are not subject to the jurisdiction of the Council.</p> <p>Note: this is <u>not</u> an exception to section 302(h)(6).</p> | <p>1) The Council is not currently involved in any international agreement regarding its managed fisheries, thus no effect.</p> <p>2) This could add flexibility to the management of red snapper, which occurs off Mexico, but it is unclear how fishing activities for red snapper <i>outside</i> the US EEZ could be quantified.</p> <p>It is unclear how such information could be incorporated into the stock assessment process, from which status determination criteria (SDCs) are established, then ACLs are derived.</p> |
| <p>1) Provide an exemption to the ACL requirement if fishery management activities by another country outside the US EEZ may hinder conservation efforts by US fishermen for a fish species for which recruitment, distribution, life history, of fishing activities are transboundary and for which no informal transboundary agreements are in effect.</p> <p>2) If an ACL is developed by a Council for the a transboundary species, the ACL shall take into account fishing for the species outside the US EEZ that is not subject to the jurisdiction of the Council.</p> | <p>This provision could allow the Council to not specify an ACL for spiny lobster, if it is determined that overfishing of the species is occurring in foreign waters.</p> <p>It is not clear what is meant that if a Council develops an ACL it must take into account fishing outside the EEZ. Does that mean the ACL should be reduced by estimated foreign landings? Or, the converse? This provision could substantially affect our management of other species, such as red snapper and king mackerel whose range extends into the Mexico EEZ and for which we have no formal transboundary agreement.</p> |
| <p>Allow Councils to establish ACLs for multi-species stock complexes and allow Councils to set ACLs for up to a three year period.</p> | <p>This provision clarifies existing MSA language, ensuring flexibility in setting multi-species ACLs. The existing wording in the MSA states, “develop ACLs for each of its managed fisheries,” it does not specify that each species or stock must have its own ACL. The Council currently has single ACLs for</p> |

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| | multi-species complexes, which are managed together. |
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Note: Section 302 (h)(6) states, “annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g).”

Section 6 - Distinguishing Between Overfished and Depleted.

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| Replace the term “overfished” with the term “depleted” throughout the Act and add a definition of “depleted”. | The new definition recognizes that non-fishing impacts could result in stock biomass declines. |
| Require the Secretary when issuing the annual report on the status of fisheries to note if a stock was depleted as a result of something other than fishing. | Provides insight into ecosystem or climate impacts on stock status. |
| Require that the report state, for each fishery identified as depleted, whether the fishery is a target of directed fishing. | Identifies those depleted stocks that are actively fished. |

Section 7 - Transparency and Public Process

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| Require SSCs of the Councils to develop the scientific advice that they provide to the Councils in a transparent manner and to allow for public involvement in the process. | Our SSC meetings are open to the public and the chair will typically call on a member of the public to include comment on the record so this provision is not expected to impact meeting operations. We would probably add a “Public Comment” opportunity on our SSC agendas. |
| Require that each Council, to the extent practicable, provide a Webcast, an audio recording, or a live broadcast of each Council meeting and for the Council Coordination Committee meetings. In addition, the bill would require audio, video, searchable audio, or written transcript for each Council and SSC meeting on the Council’s website not more than 30 days after the conclusion of the meeting. The bill would require that the Secretary maintain these audios, videos, and transcripts and make them available to the public. | All Council meetings are currently webcast, transcribed, and the transcriptions are provided on the Council’s ftp site. SSC meetings are also webcast and recorded. The audio files are provided on the Council’s ftp site but meeting transcriptions are not typically produced. Thus, these would not affect the Council financially. It is not clear that these files need to be submitted to the Secretary in addition to being available on the Council website. |
| Require that each FMP, plan amendment, or proposed regulation contain a fishery impact statement (FIS), which is required to assess, specify, and analyze the likely effects and | A FIS including these components is already completed for FMPs and plan amendments. However, this would expand the requirement for a FIS to be included in framework actions, requiring some additional staff time. |

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| impacts of the proposed action on the quality of the human environment. | |
| <p>Require that each FIS describe: the purpose of the proposed action; the environmental impact of the proposed action; any adverse environmental effects which cannot be avoided should the proposed action be implemented; a reasonable range of alternatives to the proposed action; the relationship between short-term use of the fishery resources and the enhancement of long-term productivity; the cumulative conservation and management effects; and the economic and social impacts of the proposed action on participants in the fisheries affected by the proposed action, on fishing communities affected by the proposed action, on participants in fisheries conducted in adjacent areas, and on the safety of human life at sea.</p> | <p>These items and analyses are currently required by the National Environmental Policy Act (NEPA) and are included in all amendments. However, they are not all located in the FIS, which is currently a summary of the preferred alternatives and associated effects, plus the last two items which are current MSA requirements for a FIS. This essentially incorporates NEPA requirements into the MSA, and the Council's regulatory documents would need to be restructured such that the FIS incorporates most sections of current amendments and framework actions.</p> <p>This item and the following six items intend to replace NEPA requirements by inserting them into the MSA.</p> |
| <p>Require that a "substantially complete" FIS be available not less than 14 days before the beginning of the meeting at which the Council makes its final decision on the proposal.</p> <p>Require that the availability of this FIS be announced by the same methods currently used by Councils to disseminate public information and that relevant government agencies and the public be invited to comment on the FIS.</p> | <p>Given the previous item which redefines the FIS to include all NEPA components of regulatory documents, following the restructuring of regulatory documents, a "substantially complete" FIS is the document that would be made available even before final action, such as for public hearings. Some additional staff time would be needed to complete those sections of the FIS required by the MSA that are not currently completed until after final action. The 14-day requirement could place an additional burden on staff to post the final action draft by the first briefing book deadline, which is 14 days before the Council meeting.</p> |
| <p>Require that a completed FIS accompany the transmittal of a FMP or plan amendment as well as the transmittal of proposed regulations.</p> | <p>There is no impact of this provision as this is our current practice.</p> |
| <p>Require Councils, subject to approval by the Secretary, to establish criteria to determine actions or classes of actions of minor significance for which the preparation of a FIS is unnecessary and categorically excluded from the requirements of developing a FIS.</p> | <p>This requirement grants flexibility to the Councils once the established criteria are approved by the Secretary, exempting FIS's (and the associated requirements) for actions of minor significance.</p> |

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| <p>Require the Councils, subject to the approval of the Secretary, to prepare procedures for compliance with the FIS requirement that provide for timely, clear, and concise analysis that will be useful to decision makers and the public as well as reducing extraneous paperwork. These procedures may include using Council meetings to determine the scope of issues to be addressed, may include the integration of the FIS development process with preliminary and final Council decision making, and may include providing scientific, technical, and legal advice at an early stage of development of the FMP.</p> | <p>This would require the Council to prepare procedures that essentially describe the current process of decision-making under NEPA. As these procedures are currently followed to comply with NEPA, this may not involve additional impacts apart from staff time to prepare the documentation, and Council time for approval. Although the procedures must ultimately be approved by the Secretary, it is possible that the Council could incorporate additional flexibility in its regional process that is not currently afforded by NEPA.</p> |
| <p>The bill would deem that actions taken in accordance with this section fulfill the requirements of NEPA and all related implementing regulations.</p> | <p>Minimal impact on the Council as most of our amendment structure and analyses fulfill NEPA requirements.</p> |
| <p>Require the Secretary, when reviewing plans or plan amendments, to evaluate the adequacy of the accompanying FIS for fully considering the environmental impacts of implementing the plan or plan amendment.</p> | <p>This seems to put more burden on Secretarial review and replace the NEPA review. Although there would be minimal to no impacts to the Council in amendment preparation, this change could result in greater scrutiny by the Secretary, more lawsuits and possibly increased rejections of submitted amendments initially until everyone is comfortable with the new process .</p> |
| <p>Require the Secretary, upon the transmittal of proposed regulations by a Council, to immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the FMP or plan amendment and an evaluation as to whether the accompanying FIS is a basis for fully considering the environmental impacts of implementing the proposed regulations. The Secretary would be required to make a determination within 15 days of initiating any such evaluation.</p> | <p>Requires NMFS to inform the Council within 15 days of submittal of the completeness of an amendment providing a better timeline and feedback loop from the agency to the Councils.</p> |

Section 8 - Limitation on Future Catch Share Programs (Amends 303A(c)(6)(D)).

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| <p>Define the term “catch share” and create a pilot program for four Councils - the New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils under 304(c) which</p> | <p>Continues to require a referendum for a new catch share program, similar to current law. However, it is not clear that this modification removes the initial referendum requirement</p> |
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| <p>would prohibit those Councils from submitting and prohibit the Secretary from approving or implementing any new catch share program from those Councils or under a secretarial plan or amendment unless the final program has been approved in a referendum by a majority of the permit holders eligible to participate in the fishery.</p> | <p>for a commercial red snapper IFQ program. This removes the “substantially fished” criterion for participation in the referendum, and replaces it with criteria described below.</p> <p>The intention of a pilot program is not clearly defined, thus the potential impacts on the Council cannot be determined.</p> |
| <p>Clarify that for multispecies permits in the Gulf of Mexico, any permit holder with landings within the last 5 years from within the sector being considered for the catch share program and who is still active in the fishery shall be eligible to participate in the referendum.</p> | <p>In the event a new catch share program is developed, this could restrict the Council’s flexibility in determining eligibility to participate in the required referendum. Currently, only “substantial participation” is required and defining “substantial participation” is left to the Council and/or NMFS. Also, the landings requirement may prevent the Council from implementing an allocation-based programs in the charter-for hire industry based on criteria other than landings.</p> |
| <p>Clarify that if a referendum fails, it may be revised and submitted in a subsequent referendum.</p> | <p>Same as the current process.</p> |
| <p>Allow the Secretary, at the request of the New England Council, to include crew members who derive a significant portion of their livelihood from fishing to participate in a referendum for any fishery within that Council’s jurisdiction.</p> | <p>It is unclear why this proposal only applies to the New England Fishery Management Council.</p> |
| <p>Require that prior to the referendum, the Secretary must provide all eligible permit holders with a copy of the proposed program, an estimate of the costs of the program (including the costs to participants), an estimate of the amount of fish or percentage of the quota each permit holder would be allocated, and information on the schedule, procedures and eligibility criteria for the referendum.</p> | <p>Although not currently required in the MSA, a copy of the proposed program and information on the schedule, procedures, and eligibility criteria for the referendum were provided to all permit holders prior to the referenda for both Gulf IFQ programs. The remaining information would need to be calculated and included in such a future mail-out.</p> |
| <p>The bill defines “permit holder eligible to participate” in a referendum as a permit holder who has fished in at least 3 of the 5 years preceding the referendum unless sickness, injury or other unavoidable hardship prevented the permit holder from fishing.</p> | <p>In the event a new catch share program is developed, this could restrict the Council’s flexibility in determining eligibility to participate in the required referendum. Currently, there are no such requirements, and defining “substantial participation” is left to the Council and/or NMFS.</p> |

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| Clarify that the Secretary may not implement any catch share program for any fishery managed exclusively by the Secretary unless first petitioned by a majority of the permit holders eligible to participate in the fishery. | Should the Council continue developing allocation-based management programs for the for-hire industry, this would require a majority of eligible for-hire permit holders to “petition” the Secretary before implementing the program. The petition process should be clarified/defined. |
| Clarifies that the requirement for the referendum does not apply to any catch share program that is submitted to or proposed by the Secretary before the date of enactment of the bill. | No expected impacts. |
| Require the Secretary to issue regulations and provide for public comment on the referendum prior to conducting any referendum. | No expected impacts. |

Section 9 - Report on Fee.

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| Require the Secretary to report annually – to both Congress and each of the Councils from whose fisheries fees were paid - on the amount collected from each of the fisheries managed under a limited access privilege program and community development quota program and detail how the funds were spent on a fishery-by-fishery basis. | No impact on Council operations. The Council would benefit from receiving this information. |
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Section 10 - Cooperative Research and Management Program (see also Section 12).

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| Amend Section 318 of the Act to require the Secretary, within 1 year of the enactment of this Act and after consulting with the Councils, to publish a plan for implementing and conducting a cooperative research and management program. The bill would require that the plan identify and describe critical regional fishery management and research needs, possible projects to address the identified needs, and the estimated costs for such projects. | This provision would strengthen the existing Cooperative Research Program and help to improve fisheries data through cooperative research. |
| Require that the plan be updated every 5 years and each update must include a description of projects that were funded during the previous 5 years and which management and research needs were addressed by those projects. | This will increase Council and SERO staff time needed to produce the 5-year plan. |

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| <p>Amend current language to give priority to projects that use fishing vessels or acoustic or other marine technology, expand the use of electronic catch reporting programs and technology, and improve monitoring and observer coverage through the expanded use of electronic monitoring devices.</p> | <p>Would help to accelerate implementation of electronic reporting.</p> |
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Section 11 - Council Jurisdiction for Overlapping Fisheries.

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| <p>The bill would add one voting seat to the New England Council to provide a liaison – and require that this additional seat be a current member of the Mid-Atlantic Council - to represent the interests of fisheries under the jurisdiction of the Mid-Atlantic Council and add one voting seat to the Mid-Atlantic Council to provide a liaison – and require that this additional seat be a current member of the New England Council - to represent the interests of fisheries under the jurisdiction of the New England Council.</p> | <p>Not applicable to the Gulf Council.</p> |
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Section 12 - Gulf of Mexico Cooperative Research and Red Snapper Management.

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| <p>Strike Section 407 of the Act.</p> | <p>Section 407 would be replaced in entirety. This would remove the referendum requirements that apply only to the red snapper commercial catch share program, making referendum requirements consistent for any Gulf sector or fishery. It also removes the requirement for separate red snapper quotas for the commercial and recreational sectors and the corresponding closure requirement when the ACL of <i>each</i> sector is reached. The Council could reenact these provisions through regulatory action or to establish separate closure provisions for each component of the recreational sector.</p> |
| <p>Require the Secretary - in conjunction with the Gulf States, the Gulf of Mexico Council, and the charter and recreational fishing sectors - to develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology. The Secretary is</p> | <p>Requires implementation of electronic reporting for all sectors in the red snapper fishery.</p> |

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| <p>required to make this a priority for funds received by NOAA through the Saltonstall-Kennedy Act.</p> | |
| <p>See Section 10 also. Require the Secretary - in conjunction with the Gulf States, the Gulf of Mexico and the South Atlantic Councils, and the commercial, charter and recreational fishing sectors - to develop and implement a cooperative research program for fisheries in the Gulf of Mexico and the South Atlantic regions giving priority to those fisheries that are considered data poor. The Secretary would be authorized, subject to the availability of appropriations, to make funds received by NOAA from the Saltonstall-Kennedy Act available for the research for this region.</p> | <p>May improve our knowledge of data-poor species. This provision would use SK funds to target research for data limited species.</p> |
| <p>Require the Secretary, acting through the NMFS Regional Administrator of the Southeast Region to develop a schedule of stock surveys and stock assessments for the Gulf of Mexico region and the Southeast region for the 5-year period beginning on the date of enactment and for every 5-year period thereafter giving priority to those stocks that are commercially or recreationally important and ensuring that each important stock is surveyed at least once every 5 years. The Secretary is required to direct the Science Center Director of the Southeast region to implement the schedule of stock surveys and stock assessments.</p> | <p>Will require a 5-year schedule for stock surveys and stock assessments and establish a priority for those stocks for those most important commercially and recreationally.</p> |
| <p>Require that the Science Center Director of the Southeast region to ensure that the information gathered as a result of research funded through the RESTORE Act be incorporated as soon as possible into any stock assessments conducted after the date of enactment.</p> | <p>Should provide greater certainty that RESTORE research results will be available for use in stock assessments.</p> |
| <p>Extend state management out to 9 nautical miles for the Gulf of Mexico red snapper recreational sector of the fishery.</p> | <p>Creates consistent state water jurisdiction for all 5 states for the management of red snapper, but only for red snapper. This could create some issues for the public and law enforcement by having a different state-federal water boundary line for different species. May lead to continued shortened</p> |

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| | federal recreational seasons for red snapper to the extent state regulations are inconsistent and red snapper become more abundant in state waters. |
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Section 13 - North Pacific Fishery Management Clarification.

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| Remove a specific date that is currently in the Act regarding State management of vessels in the North Pacific region. | Not applicable to the Gulf Council. |
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Section 14 - Ensuring Consistent Management for Fisheries Throughout Their Range.

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| Clarify that the MSA would be the controlling fishery management authority in the case of any conflict within a national marine sanctuary or an area designated under the Antiquities Act of 1906. | This provision would give greater authority to the Councils over fisheries within a Sanctuary or National Monument so species can be managed consistently throughout their stock range. |
| Require that if any restrictions on the management of fish in the EEZ are required to implement a recovery plan under the Endangered Species Act (ESA), the restrictions would be implemented under the authorities, processes, and timelines of the MSA. | This provision would give greater authority to the Councils regarding development of management measures suitable for an ESA recovery plan, but does not modify the requirements of the ESA. |

Section 15 - Limitation on Harvest in North Pacific Directed Pollock Fishery.

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| Allow the North Pacific Council to change the harvest limitation under the American Fisheries Act for entities engaged in the directed pollock fishery as long as that percentage does not exceed 24 percent. | Not applicable to the Gulf Council. |
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Section 16 - Recreational Fishing Data.

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| Require the Secretary to establish partnerships with States to develop best practices for implementing State recreational fisheries programs. | Currently working to improve collaborations on collecting recreational fisheries data and other research needs. |
| Require the Secretary to develop guidance, in cooperation with the States, that detail best practices for administering State programs and to provide the guidance to the States. | No impact on the Gulf Council. |

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| Require the Secretary to submit a biennial report to Congress on the estimated accuracy of the Federal recreational registry program, priorities for improving recreational fishing data collection programs, and explain the use of information collected by State programs and by the Secretary. | May continue to improve collaborations on collecting recreational fisheries data and other research needs. This provision is related to the one in Section 12 requiring electronic data reporting for the recreational sector. |
| Require a grant program to States to improve implementation of State recreational data collection programs and requires the Secretary to prioritize the grants based on the ability of the grant to improve the quality and accuracy of the data collection programs. | May continue to improve collaborations on collecting recreational fisheries data. |
| Require the Secretary, within 60 days, to enter into an agreement with the National Research Council (NRC) of the National Academy of Sciences to study the implementation of the existing recreational data collection programs. The study must provide an updated assessment of recreational survey methods, an evaluation of the extent to which the 2006 NRC's recommendations have been implemented, and an examination of any limitations to the previous and current NOAA recreational data collection programs. | May continue to improve collaborations on collecting recreational fisheries data. The 2006 NRC report states, "many of this committee's recommendations apply to state surveys as well as to the MRFSS." Therefore, the study should include a review and evaluation of state recreational data collection programs as well as NMFS programs. |
| Require the Secretary to submit a report to Congress on the result of the NRC study within 1 year of entering into the agreement with the NRC. | The Council would benefit from this report and the requirement that it be completed in a timely fashion. |

Section 17 - Stock Assessments Used for Fisheries Managed under Gulf of Mexico Council's Reef Fish Management Plan.

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| Create a new section 409 in the Act that the Gulf States Marine Fisheries Commission shall conduct all fishery stock assessments used for management purposes by the Gulf of Mexico Fishery Management Council for fisheries managed under the Reef Fish Plan. | This would shift the agency responsible for completing stock assessments. The Commission currently assists in supplying data for stock assessments and assisting in improving data collection programs for private anglers and the for-hire industry Gulf-wide. The Commission would need additional resources to become the lead agency for conducting stock assessments. Such a transition should be phased in over a brief period of years. There is uncertainty how this new process would work and if it would continue to be a part of SEDAR. |
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| Require that the stock assessments incorporate fisheries survey information collected by university researchers and, to the extent practicable, use State, university, and private assets to conduct fisheries surveys. | Currently, these data sources are already considered for inclusion in SEDAR stock assessments, if provided. |
| Require that any stock assessments: incorporate fisheries surveys and other relevant information collected on and around natural and artificial reefs; emphasize constituent and stakeholder participation; contain all of the raw data used in the assessment and a description of the methods used to collect the data; and employ a transparent process that includes an independent scientific review and review by a panel of independent experts of the data and assessments. | Efforts to include data from artificial structures are continuing and the current SEDAR process provides the process outlined in this provision. SEDAR may need to continue to improve public participation. |

Section 18. Estimation of Cost of Recovery from Fishery Resource Disaster

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| This section would require the Secretary to publish the estimated cost of recovery from a fishery resource disaster within 30 days from the time the Secretary makes the disaster determination. | This could benefit the Council in the event of a disaster. |
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Section 19 – Deadline for Action on Request by Governor for Determination Regarding Fishery Resource Disaster.

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| This section would require the Secretary to make a decision regarding a disaster assistance request - submitted under the provisions of section 312(a) of the MSA - within 90 days of receiving an estimate of the economic impact of the fishery resource disaster from the entity seeking the disaster declaration. | This provision could result in quicker availability of disaster relieve to our fisheries. |
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Section 20 – Prohibition on Considering Red Snapper Killed During Removal of Oil Rigs.

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| This section would prohibit the Secretary from counting red snapper mortality that is a result of the removal of offshore oil rigs against the total allowable catch and prohibits the Secretary from counting those fish toward | Currently these fish are not counted toward quotas. In order to include this fish mortality in the stock assessments, additional information on size or age would be necessary |
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| the quota for US fishermen for the purposes of closing the fishery when the quota has been reached. | over a time period and area. Currently, these data are unavailable. |
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Section 21 – Prohibition on Considering Fish Seized from Foreign Fishing.

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| This section would prohibit the Secretary from counting any fish seized from a foreign vessel engaging in illegal fishing in the US EEZ against the total allowable catch for US fishermen. | Currently illegal fish seized from a foreign vessel is not counted against a quota (or allowable catch). |
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Section 22 – Subsistence Fishing.

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| This section defines “subsistence fishing”, “family”, and “barter” and requires the Governor of Alaska, when submitting nominations for the North Pacific Council, to consult with subsistence fishing interests of the State. In addition, the amendment would add subsistence fishing as a qualification that could be required of Council appointees (to be individuals who are knowledgeable regarding the conservation and management of commercial, recreational, or subsistence fisheries). In addition, the amendment would amend the purposes section of the Act to add the promotion of subsistence fishing as a purpose of the Act (it is a purpose of the Act “to promote domestic commercial, recreational, and subsistence fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing”). | Not applicable to the Gulf Council. |
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Section 23 – Inter-Sector Trading of Commercial Catch Share Allocations in the Gulf of Mexico.

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| This section would prohibit any commercial quota shares allocated under a catch share program in the Gulf of Mexico from being traded – by sale or lease – for use by the recreational fishing sector including any | This would reduce the Council’s flexibility in the management of catch share programs. However, this prohibition on inter-sector trading is in agreement with the Council’s current position. |
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| charter-for-hire vessel, headboat, or private recreational fisherman. | |
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Section 24 – Arctic Community Development Quota.

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| The bill would create a new Arctic Community Development Quota program and would require the North Pacific Fishery Management Council, if the Council issues a fishery management plan for the EEZ in the Arctic Ocean that makes fishery resources available for commercial harvest, to set aside no less than 10 percent of the total allowable catch as a community development quota for coastal villages located north and east of the Bering Strait. | Not applicable to the Council. |
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Section 25 – Preference for Students Studying Water Resource Issues.

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| Amend the information collection section of the MSA to require, to the extent practicable, to give preference to students studying fisheries conservation and management, water resource issues, or other relevant subjects at US institutions of higher learning when hiring individuals to collect information regarding marine recreational fishing. | This is probably already happening, especially for short-term projects. |
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Section 26 – Requirements for Limited Access Privileges (Amends Section 303A(c)(1)(G))

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| Current law requires that fisheries managed under a limited access privilege program include regular monitoring and review by the Council under which the plan was developed. The bill would amend this to require that the Council and Secretarial review be a formal and detailed review on the operations and impacts of the program performed 5 years after the implementation of the program and at a minimum every 7 years thereafter to: determine the progress in meeting the goals of the program and the Act; delineate the positive and negative economic effects on fishermen, processors, and coastal communities; and determining any necessary | Similar to current review practices but requires the Council to take action within 2 years after completion of a review. Currently the Council has no time constraint for taking action after a review is completed. This provision could place a burden on the Council given the time required for amendment development. The Council has expressed interest in combining the reviews of the two IFQ programs; this provision may complicate combining the reviews. |
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| modifications of the program to meet those goals including a formal schedule for action to be taken within 2 years. | |
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Section 27 – Healthy Fisheries through Better Science.

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| Require the Secretary, on the same schedule as required for the strategic plan already required under the Act, to develop a plan to conduct stock assessments of each stock of fish for which there is a FMP in place and then, subject to the availability of appropriations, conduct a new stock assessment for each of those stocks that has previously been assessed at least once every 5 years (or within a time frame specified by the Secretary). | Insures a stock assessment for each managed stock be conducted at least every 5 years. NMFS will probably use the assessment prioritization process to develop the stock assessment plan. The Council would benefit from more frequent stock assessments, but this would require additional resources. |
| Require the Secretary, for those stocks that have not been assessed previously, to establish a schedule for conducting an initial assessment and require the Secretary to conduct an initial stock assessment for each of those stocks within 3 years, subject to the availability of appropriations and unless the Secretary specifies a different time period. | Requires stock assessments for all managed species that have not been assessed. Most of these stocks may have to be assessed via data-poor methods. This would require more resources. |
| Require the Secretary to identify data and analyses, especially concerning recreational fishing, that would reduce uncertainty and improve the accuracy of future stock assessments and include whether such information could be provided by fishermen, fishing communities, universities, and research institutions. | Attempts to expand the use of data beyond current sources, especially incorporation of data provided by fishermen that may not currently be available. SEDAR probably already adequately incorporates university and research data. This provision may be burdensome on NMFS and would require additional resources. |
| Allows the Secretary to waive the stock assessment requirement if the Secretary determines that the assessment is not necessary and justifies that determination and publishes that determination in the Federal Register. | A loophole allowing exceptions to the above stock assessment requirements. This could allow status quo on data-poor species or to not do 5-year assessments for the smaller fisheries, potentially negating all requirements of this section. |
| Require the Secretary to issue the first stock assessment plan within two years of the enactment of this legislation. | This could benefit the Council. This would require additional resources. |
| This provision would amend one of the “Congressional Findings” in the Act. | |
| Require the Secretary within one year, in consultation with the SSC of the Councils, | Similar to above, but uses the SSC to identify new sources of data and protocols for |

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| <p>develop guidelines that will facilitate greater incorporation of data, analysis and stock assessments from non-governmental sources for the use in fisheries management decisions. The bill lists a number of sources of such data including fishermen, fishing communities, universities, and research institutions.</p> | <p>incorporation of that data into stock assessments. This path seems better than the Secretary acting alone.</p> |
| <p>Require that the guidelines: identify the types of data (especially concerning recreational fishing) that can reliably be used as best scientific information available; set standards for the collection and use of such data; provide specific guidance for the collection of the data and for performing analyses to reduce uncertainty.</p> | <p>This effort could require a significant commitment of time by our SSC and staff.</p> |
| <p>Require that the Secretary and the Councils use all of the data and analysis that meet the new guidelines in their fisheries management decisions unless the Council's SSC determines otherwise.</p> | <p>Potentially may improve stock assessments and create new methods of quantifying anecdotal data. Suggest adding "and are suitable for use."</p> |
| <p>Require that the Secretary and the Councils to explain in each fishery management decision how the data and analysis that had been provided by these non-governmental sources had been used to establish conservation and management measures and publish the explanation in the Federal Register. If any of the data and analysis provided by these non-governmental sources is not used in a fishery conservation or management decision, the Federal Register notice announcing the decision must include an explanation – developed by the SSC – why the data or analysis was not used.</p> | <p>Increases the workload of our SSC and places an unreasonably high burden on the SSC, Council, and NMFS regarding use of data that may only be marginally useful. Additional resources would be needed.</p> |
| <p>Require the Secretary to issue the guidelines within 1 year.</p> | <p>This may be a difficult timeline.</p> |
| <p>Require the Secretary, in consultation with the Councils and within 1 year, to submit a report to Congress with respect to each fishery governed by a FMP that identifies the goals the monitoring and enforcement programs, identifies the methods for accomplishing those goals, certify which methods are most cost-effective, and explains why the most cost-effective methods are not required.</p> | <p>A 1-year requirement to produce the report is a burden; 3 years would be more appropriate.</p> |

Section 28 – Authorization of Appropriations.

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| Reauthorize the Act for 5 years beginning in Fiscal Year 2018 at the currently authorized level. | It is a laborious process for Congress, but necessary for continued improvements. |
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Section 29 – Authority to Use Alternative Fishery Management Measures.

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| Allow Councils to use alternative fishery management measures in a recreational fishery or for the recreational component of a mixed-use fishery including the use of extraction rates, fishing mortality targets, and harvest control rules in developing FMPs, plan amendments, or proposed regulations. | Provides flexibility to the Council in setting harvest limits on the recreational fishery. It will be challenging to establish alternative measures for controlling recreational fishing mortality that does not involve an overall ACL. |
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