

H.R. 1335 - The “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act”
Sponsor – Congressman Young (R-Alaska)

Note – information in bold indicates a provision that would affect Council operations or affect Gulf fisheries.

Section	Summary	Impacts	Relation to Other Bills
Section 2 – Definitions			
Section 3 – References			
Section 4 - Flexibility in Rebuilding Fish Stocks	<p>Would remove the term “possible” and replace it with “practicable” in the requirement in section 304 of the Act.</p> <p>Would modify the language requiring a 10-year time frame for rebuilding overfished fisheries to provide more flexibility.</p> <p>Would allow Councils to take into account environmental conditions and predator/prey relationships when developing rebuilding plans.</p> <p>Would require a schedule for reviewing overfished fisheries.</p> <p>Would allow a Council to terminate any rebuilding plan for a fishery that was initially determined to be overfished and then found not to be overfished.</p> <p>Would allow the use of alternative rebuilding strategies including harvest control rules and fishing mortality rate targets.</p> <p>Would allow the Secretary to extend emergency interim measures.</p>		
Section 5 - Modifications to the Annual Catch Limit Requirement	<p>Would allow Councils to consider changes in the ecosystem and the economic needs of the fishing communities when setting Annual Catch Limits (ACLs) and would provide exemptions to the ACL requirement.</p>		<p>S. 1403 would allow limited exemptions from the 10-year rebuilding timeframe.</p>

	<p>Would allow Councils to establish ACLs for multi-species stock complexes, allow Councils to set ACLs for up to a three year period, and allow Councils to take certain foreign activities into account when setting ACLs.</p>		
<p>Section 6 - Distinguishing Between Overfished and Depleted</p>	<p>Would replace the term “overfished” with the term “depleted” throughout the Act and add a definition of “depleted”.</p> <p>Would require the Secretary when issuing the annual report on the status of fisheries note if a stock was “depleted” as a result of something other than fishing and require that the report state whether the fishery is a target of directed fishing.</p>		
<p>Section 7 - Transparency and Public Process</p>	<p>Would require SSCs to develop the scientific advice that they provide to the Councils in a transparent manner and to allow for public involvement in the process.</p> <p>Would require Councils, to provide a Webcast, an audio recording or a live broadcast of each Council meeting and for the Council Coordination Committee meetings and require transcripts for each Council and SSC meeting be available on the Council’s website.</p> <p>Would require that the Secretary maintain these audios, videos and transcripts and make them available to the public.</p> <p>Would require that each fishery management plan, plan amendment, or proposed regulation contain a fishery impact statement which are required to assess, specify, and analyze the likely effects and impacts of the proposed action on the quality of the human</p>		<p>H.R. 1826, H.R. 3521, and S. 1403 all contain provisions relating to transparency and public process.</p>

	<p>environment, establish the content requirements for the fishery impact statements, and provide for the public access to the proposed and final statements.</p> <p>Would deem that actions taken in accordance with this section fulfill the requirements of the National Environmental Policy Act (NEPA) and all related implementing regulations.</p> <p>Would require the Secretary of Commerce, when reviewing plans or plan amendments, to evaluate the adequacy of the accompanying fishery impact statement for fully considering the environmental impacts of implementing the plan or plan amendment.</p>		
Section 8 - Limitation on Future Catch Share Programs	Would prohibit certain Councils from submitting and prohibit the Secretary from approving or implementing any new catch share program from those Councils or under a secretarial plan unless the final program has been approved in a referendum by a majority of the permit holders eligible to participate in the fishery and defines those eligible to participate.		
Section 9 - Report on Fee	Would require the Secretary to report annually – to both Congress and each of the Councils from whose fisheries fee 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.		Similar language is included in H.R. 1826.
Section 10 - Data Collection and Data Confidentiality	Would require the Secretary of Commerce to issue regulations governing the use of electronic monitoring.		Similar language is included in H.R. 1826.

	<p>Would allow the Councils, on a fishery-by-fishery basis, to incorporate electronic monitoring as an alternative tool for data collection and monitoring purposes or for compliance and enforcement purposes and replace a percentage of on-board observers and would allow Councils to conduct pilot projects.</p> <p>Would modify the existing provisions of the Act which deal with the confidentiality of data collected by fisheries managers.</p> <p>Would prohibit the Secretary from providing any vessel-specific or aggregate vessel information from a fishery that is collected for monitoring and enforcement purposes for the use by any person for coastal and marine spatial planning under Executive Order 13547 unless the Secretary determines that providing such information is important for maintaining or enhancing national security or for ensuring fishermen continued access to fishing grounds.</p> <p>Would require each Council to identify those fisheries that are considered data-poor in their region and prioritize those fisheries based on the need for up-to-date information and would allow the Secretary, subject to the availability of appropriations, to obligate up to 80 percent of the fishery fines and penalties collected under any marine resource law enforced by the Secretary to be used by States to survey or assess data-poor fisheries.</p>		
Section 11 - Cooperative Research and Management Program	Would require the Secretary to publish a plan for implementing and conducting a cooperative research and management program and		Similar language is included in H.R. 1826 and H.R. 3521

	identify and describe critical regional fishery management and research needs.		contains provisions dealing with cooperative research.
Section 12 - Council Jurisdiction for Overlapping Fisheries	Would add a liaison seat for overlapping fisheries to both the Mid-Atlantic and New England Councils.		Similar language is included in H.R. 1826.
Section 13 - Gulf of Mexico Cooperative Research and Red Snapper Management	<p>Would strike section 407 of the Act.</p> <p>Would require the Secretary to develop and implement a real-time reporting and data collection program for the Gulf of Mexico red snapper fishery using available technology and would require this to be a priority for funds received by NOAA through the Saltonstall-Kennedy Act.</p> <p>Would require the Secretary 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 and require this to be a priority for funds received by NOAA through the Saltonstall-Kennedy Act.</p> <p>Would require the Secretary 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 five years.</p> <p>Would require information gathered as a result of research funded</p>		<p>H.R. 981 would repeal section 407(d) and S. 1403 would repeal all of section 407.</p> <p>H.R. 1826 includes similar language requiring the Secretary to implement a real-time reporting program.</p> <p>H.R. 1207, H.R. 1826 and S. 1403 would require the Secretary to develop a schedule of stock assessments.</p> <p>H.R. 1826 would require the immediate use of RESTORE Act data.</p> <p>H.R. 981, H.R. 3094, and S. 55 would extend state</p>

	<p>through the RESTORE Act be incorporated as soon as possible into any stock assessments conducted after the date of enactment.</p> <p>Would extend state management out to 9 nautical miles for the Gulf of Mexico red snapper recreational sector of the fishery.</p>		jurisdiction for all fisheries.
Section 14 - North Pacific Fishery Management Clarification	Would remove a specific date that is currently in the Act regarding State management of vessels in the North Pacific region.		
Section 15 - Ensuring Consistent Management for Fisheries Throughout Their Range	Would clarify the roles of the Magnuson-Stevens Act in relation to the National Marine Sanctuaries act, the Antiquities Act and the Endangered Species Act.		
Section 16 - Limitation on Harvest in North Pacific Directed Pollock Fishery	Would 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.		
Section 17 - Recreational Fishing Data	<p>Would require the Secretary to establish partnerships with States to develop best practices for implementing State recreational fisheries programs.</p> <p>Would require the Secretary to develop guidance for best practices for administering State programs.</p> <p>Would require the Secretary to submit a biennial report to Congress on the 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.</p> <p>Would require a grant program to States to improve implementation of State recreational data collection</p>		Similar provisions are included in H.R. 981, H.R. 1826, H.R. 3094, and S. 1403.

	<p>programs.</p> <p>Would require the Secretary to enter into an agreement with the National Academy of Sciences to study the implementation of the existing recreational data collection programs and would require the Secretary to submit a report to Congress on the result of the study.</p>		
<p>Section 18 - Stock Assessments Used for Fisheries Managed Under Gulf of Mexico Council's Reef Fish Management Plan</p>	<p>Would create a new section in the Act to require the Gulf States Marine Fisheries Commission to act as the entity responsible for providing the stock assessment information for the Gulf of Mexico Fishery Management Council for fisheries managed under the Reef Fish Plan.</p> <p>Would 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.</p> <p>Would 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.</p>		<p>Similar authorization for the Gulf States Commission to undertake stock assessments is included in H.R. 981, H.R. 3094. Both S. 55 and S. 105 would transfer authority for stock assessments to the States.</p> <p>The requirement to include new sources of information is included in H.R. 981, H.R. 1207, H.R. 3521 and S. 1403.</p>
<p>Section 19. Estimation of Cost of Recovery From Fishery Resource Disaster</p>	<p>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.</p>		

<p>Section 20 – Deadline for Action on Request by Governor for Determination Regarding Fishery Resource Disaster.</p>	<p>Would require the Secretary of Commerce to make a decision regarding a disaster assistance request - submitted under the provisions of section 312(a) of the Magnuson-Stevens Act - within 90 days of receiving an estimate of the economic impact of the fishery resource disaster from the entity seeking the disaster declaration.</p>		<p>Similar language is included in H.R. 1826 and S. 1403.</p>
<p>Section 21 – Prohibition on Considering Red Snapper Killed During Removal of Oil Rigs</p>	<p>Would prohibit the Secretary of Commerce from counting red snapper mortality that is a result of the removal of offshore oil rigs against the total allowable catch and would prohibit the Secretary from counting those fish toward the quota for U.S. fishermen for the purposes of closing the fishery when the quota has been reached.</p>		
<p>Section 22 – Prohibition on Considering Fish Seized from Foreign Fishing</p>	<p>Would prohibit the Secretary of Commerce from counting any fish seized from a foreign vessel engaging in illegal fishing in the U.S. EEZ against the total allowable catch for U.S. fishermen.</p>		
<p>Section 23 – Subsistence Fishing</p>	<p>Would add new definitions to the Act and require the Governor of Alaska, when submitting nominations for the North Pacific Council, to consult with subsistence fishing interests of the State.</p> <p>Would add subsistence fishing as a qualification that could be required of Council appointees.</p> <p>Would amend the purposes section of the Act to add the promotion of subsistence fishing as a purpose of the Act.</p>		
<p>Section 24 – Inter-Sector Trading of Commercial Catch Share Allocations in the Gulf of Mexico</p>	<p>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 charter-for-hire vessel, head boat, or private</p>		

	recreational fisherman.		
Section 25 – Arctic Community Development Quota	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.		
Section 26 – Preference for Students Studying Water Resource Issues	Would require the Secretary to give preference to students studying fisheries conservation and management, water resource issues, or other relevant subjects at U.S. institutions of higher learning when hiring individuals to collect information regarding marine recreational fishing.		
Section 27 – Process for Allocation Review for South Atlantic and Gulf of Mexico Mixed-Use Fisheries	<p>Would require the Secretary to enter into an arrangement with the National Academy of Sciences to study of the South Atlantic and Gulf of Mexico mixed-use fisheries to provide guidance on criteria that could be used for allocating fishing privileges.</p> <p>Would require the study to identify sources of information that could be used to support the use of such criteria in allocation decisions and develop procedures for allocation reviews based on the guidelines and requirements developed by this section.</p> <p>Would require the South Atlantic and Gulf of Mexico Councils, within two years of the enactment of this legislation, to review the allocations of all mixed-use fisheries within their respective jurisdictions and perform subsequent reviews every three years thereafter.</p> <p>Would require that the Councils</p>		Similar language is included in H.R. 1207 and S. 1403.

	<p>consider the conservation and socioeconomic benefits of each sector in the allocation decisions for these fisheries.</p>		
<p>Section 28 – Requirements for Limited Access Privileges</p>	<p>Would amend the Act to require the Council and Secretarial to review the operations and impacts of limited access privilege programs 5 years after the implementation of the program and at a minimum every seven years thereafter to:</p> <p>determine the progress in meeting the goals; delineate the positive and negative economic effects on fishermen, processors, and coastal communities; and determining any necessary modifications of the program to meet those goals.</p>		
<p>Section 29 – Healthy Fisheries Through Better Science</p>	<p>Would require the Secretary to develop a plan to conduct stock assessments of each stock of fish for which there is a fishery management plan 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 five years.</p> <p>Would 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.</p> <p>Would 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 other specified sources.</p> <p>Would provide some flexibility for</p>	<p>The requirement that Council use all data submitted to through the stock assessment, explain why they used certain information or explain why they did not use certain information will be difficult and could lead to litigation by those whose information is not used in the assessment.</p>	<p>Similar language is included in H.R. 1207 and S. 1403.</p>

	<p>the Secretary in the above requirements.</p> <p>Would require the Secretary to issue the first stock assessment plan within two years of the enactment of this legislation.</p> <p>Would require the Secretary to develop guidelines that will facilitate greater incorporation of data, analysis and stock assessments from non-governmental sources for the use in fisheries management decisions, identify the types of data that can reliably be used as best scientific information available, and provide specific guidance for the collection of the data and for performing analyses to reduce uncertainty.</p> <p>Would 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>Would require that the Secretary and the Councils 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 if any of the data and analysis provided by these non-governmental sources is not used in a fishery conservation or management decision explain why the data or analysis was not used.</p> <p>Would require the Secretary to submit a report to Congress with respect to each fishery governed by a fishery management plan that identifies the goals the monitoring</p>		
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	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.		
Section 30 – Authorization of Appropriations	Would reauthorize the Act for five years beginning in Fiscal Year 2015 at the currently authorized level.		Similar language is included in H.R. 1826.
Section 31 – Authority to Use Alternative Fishery Management Measures	Would 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 fishery management plans, plan amendments, or proposed regulations.		Similar language is included in S. 1403.