

**H.R. 1826, the “Fishing Economy Improvement Act”**

**Sponsor – Congressman Sablan (D-CNMI)**

Introduced on April 15, 2015

Referred to the House Natural Resources Committee

**Section 1 – Short Title.**

**Section 2 – References.** – Clarifies that all amendments, unless otherwise specified, are to the Magnuson-Stevens Fishery Conservation and Management Act (Act).

**Section 3 – Amendments to Definitions.** This provision would add two new definitions to the Act. It would add a definition of “artisanal fishing” and a definition of “marine aquaculture”.

**Section 4 – Amendments to Highly Migratory Species.** This provision would require the Secretary of Commerce to ensure participation by U.S. Territories and their fishing communities in the management of highly migratory species. The provision would also make changes to the Western and Central Pacific Fisheries Convention Implementation Act to require that specific entities be appointed as Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and to clarify the terms for Commissioners.

This provision would also make changes to the uses of the Western Pacific Sustainable Fisheries Fund.

**Section 5 – Amendments Relating to Regional Fisheries Management Councils.** The bill would add one voting seat to the New England Council to provide a liaison – who is a 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 – who is a member of the New England Council - to represent the interests of fisheries under the jurisdiction of the New England Council.

This section would amend section 302 of the Act to require that each Council reflect the interests of any Indian tribes, Alaskan Natives, Pacific Insular Areas who are engaged in artisanal fishing (as defined in the bill) within the Council’s jurisdiction.

This section would require the Governor of Alaska to consult with the artisanal interests of the State before submitting names for appointment to the North Pacific Council.

This section would add the requirement that voting members of the Council be knowledgeable regarding the conservation and management or the commercial, recreational, or artisanal fishing within the Council’s jurisdiction.

This section would require that each Council minimize the amount and cost of Council member and staff travel by the use of remote electronic participation in Council meetings – including voting.

This section would require the Comptroller General of the US, within 180 days, to investigate and report to Congress on the operations of the Western Pacific Council. The report must

include a full accounting of all grant money received and distributed for the preceding 10 years and include an analysis of the deliverables and results of all funded projects as well as the involvement of Council staff in the preparation of a petition to remove Endangered Species Act protections for the green sea turtle.

**Section 6 – Transparency and Public Process.** The bill would require that Scientific and Statistical Committees (SSCs) develop the scientific advice that they are providing to the Councils in a transparent manner and to allow for public involvement in the process.

The bill would also 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.

**Section 7 – Amendments Relating to Fishery Management Plans.** The bill would require that each fishery management plan or plan amendment include a description of artisanal fishing sectors that participate in the fishery in addition to description of the commercial and recreational sectors.

The bill would extend the authorization for the State management of the Dungeness crab fishery off by the States of California, Oregon, and Washington.

**Section 8 – Improving Fisheries Data Collection.** The bill would require the Secretary of Commerce to issue guidance governing the use of electronic monitoring. The bill would require that the guidance distinguish between monitoring for data collection and research purposes and monitoring for compliance and enforcement purposes. The bill would require that the guidance also include minimum criteria, objectives, or performance standards for electronic monitoring. The bill would require the Secretary to issue the final guidance no later than 12 months after the enactment of this Act.

The bill would require that in issuing the guidance, the Secretary consult with the Councils and fishery management commissions, publish the proposed guidance, and provide an opportunity for public comment on the proposed guidance.

The bill would allow the Councils, on a fishery-by-fishery basis, consistent with the objectives and management goals of the fishery management plan and the Act, and after the final guidance is issued, 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 with electronic monitoring if the Councils and the Secretary determine that such monitoring will yield comparable data collection and compliance results.

The bill would allow Councils, prior to the issuance of the final guidance, to conduct pilot projects for the use of electronic monitoring on a fishery-by-fishery basis as long as the projects are consistent with the objectives and management goals of the fishery management plan and the Act.

The bill would also require the Secretary to work with the Councils and NGOs to develop and implement the use of video survey technologies and to expand the use of acoustic survey technologies.

### **Section 9 – Cooperative Research and Management Program.**

The bill would amend Section 318 of the Act to require the Secretary, within one 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 – including for data-poor stocks, possible projects to address the identified needs, and the estimated costs for such projects. The bill would require each Council to provide a list of research needs and a prioritization of those needs to the Secretary on an annual basis.

The bill would require that the plan be updated every five years and each update must include a description of projects that were funded during the previous five years and which management and research needs were addressed by those projects.

The bill would also 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 and satellite tracking systems such as VMS on small vessels.

The bill would rename the Fisheries Conservation and Management Fund as the “Zeke Grader Fisheries Conservation and Management Fund and would allow the Secretary to allocate funds for specific project or region if the entity that provided the funds to the Fund.

### **Section 10 – Gulf of Mexico Fisheries Cooperative Research and Red Snapper Management.**

The bill would require the Secretary of Commerce - 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 required to make this a priority for funds received by NOAA through the Saltonstall-Kennedy Act.

The bill would 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 five 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.

The bill also would require that the Science Center Director of the Southeast region 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.

**Section 11 – Recreational Fishing Data.** The bill would require the Secretary to establish partnerships with States to develop best practices for implementing State recreational fisheries programs. The bill would 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. The bill would require the Secretary to submit a biennial report to Congress 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. The bill would 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. The bill would require the Secretary, within 60 days, to enter into an agreement with the National Research Council (NRC) 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. Finally, the bill would require the Secretary to submit a report to Congress on the result of the NRC study within one year of entering into the agreement with the NRC.

**Section 12 – Marine Aquaculture.** The bill would require the Secretary of Commerce, within one year and in consultation with the Secretaries of the Army, Interior, Health and Human Services, and the Administrator of the Environmental Protection Agency, to submit a report to Congress detailing a comprehensive framework for permitting and regulating marine aquaculture operations. The report must include recommendations for making a regulatory program to be self-sustaining without appropriations. The report must also include recommendations for ensuring that marine aquaculture operations do not have adverse effects on water quality, habitat, forage, genetic diversity, and resiliency.

**Section 13 - – Shoreside Commercial Fishing Support Grants.** The bill would authorize a new grant program which would allow the Secretary of Commerce to make competitive grants to support programs that address the needs of fishing communities by providing health services, financial planning education, community response to tragedies at sea, or workforce development training. The provision would require the Secretary to conduct demographic surveys of commercial fishermen and their families to identify community needs. The provision would authorize \$8 million per year for 10 years beginning in Fiscal Year 2016.

**Section 14 – Saltonstall-Kennedy Act Reforms.** The bill would amend the Saltonstall-Kennedy Act to require that 30 percent of all funds collected by the Secretary of Agriculture from customs duties on fishery products be used for fisheries research and development projects. Current law transfers these funds to the Secretary of Commerce.

**Section 15 – Fisheries Disaster Declarations.** The bill would deem the Proclamation of State Emergency and the associated Executive Order issued by California Governor Brown to be a request for a declaration of a fishery disaster for fisheries that originate in the Central Valley Project service area and require the Secretary to make a determination on the request within 90 days of the enactment of this bill.

This section 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 a request seeking the disaster declaration.

**Section 16 – Fisheries Data Collection and Storage Modernization.** The bill would require the Secretary of Commerce, within 90 days, to enter into an agreement with the U.S. Digital Service to modernize and streamline the fishery data collection, processing, analysis, and storage systems of NMFS. The Secretary would be required to provide the Digital Service with access to all data storage systems of NMFS and to provide any other information necessary to optimize and modernize the systems. The provision would require the Secretary to implement any recommendations made by the Digital Service.

**Section 17 – Authorization of Appropriations.** The bill would reauthorize the Act for Fiscal Years 2016 through 2021 at the currently authorized level.