

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON LEGISLATIVE MATTERS

The Coastal Pelagic Species Advisory Subpanel (CPSAS) met jointly with the Coastal Pelagic Species Management Team (CPSMT), and received a briefing from Ms. Jennifer Gilden on the reauthorization of the Magnuson-Stevens Act (MSA) and other Federal legislation matters. We are providing comments on two of these items.

S 2094: VESSEL INCIDENTAL DISCHARGE ACT

The CPSAS strongly supports legislation that exempts commercial fishing vessels with regard to ballast water discharges and other discharges incidental to the normal operation of a vessel.

REAUTHORIZATION OF MAGNUSON-STEVENSONS ACT

The CPSAS had the opportunity to review Briefing Book materials, including Agenda Item C.3.a, Attachments 3 and 4. The CPSAS appreciates the extensive work that went into preparing for this agenda item, and thanks Council staff for the analyses and comparison of the Senate and House discussion drafts.

The CPSAS also considered comments submitted by Dr. Richard Parrish to Senate Commerce Subcommittee staff and comments from the California Wetfish Producers Association (Agenda Item C.3.d, Supplemental Public Comment 2); as well as a letter from the Marine Conservation Alliance (Agenda Item C.3.d, Supplemental Public Comment 3). The CPSAS supports many of the comments included in these letters and would like to highlight the following as key considerations.

Overall, the MSA has done a good job of conserving fisheries resources. Given the progress made on rebuilding stocks and the work currently underway in the Councils, the CPSAS believes significant changes to the MSA are not necessary at this time. It is important to recognize the precautionary fishery management policies now in effect, particularly the visionary management of CPS on the West Coast. The discussion drafts, especially the Senate version, create many new processes that may hinder progress already underway, or duplicate authority already provided by the MSA without adding measurable conservation value.

The CPSAS highlights the following issues of concern we believe need to be addressed and resolved in the MSA discussion drafts.

Definition of bycatch

Expansion of the definition of ‘bycatch’ in the Senate draft to include incidental catch, and any “non-targeted” fish, is problematic for CPS fisheries. CPS are fished as a complex and catches frequently include a mix of various CPS. These “incidental” catches of other CPS should not be termed “bycatch.” Virtually all of the species caught are marketed. The definition of ‘bycatch’ in HR 4742 is more reasonable as it simply encourages practical methods to avoid waste.

Depleted and depletion

The CPSAS appreciates the recognition that other forces, besides fishing, may cause natural stock declines. However, the use and definition of “depleted” and “depletion” in the reauthorization drafts will cause confusion and will require substantial clarification. The term “depletion” has an accepted scientific definition, meaning the population size (or other index of reproductive potential) as a proportion of the estimated average, or median long-term population size, with no fishing. Depletion is not directly associated with maximum sustainable yield.

Further, the term “depleted” in HR 4742, which replaces “overfished” throughout, would essentially change the definition of “overfished.” While the Senate draft maintains the existing definition of overfished as a level of fishing mortality that jeopardizes the capacity of a **fishery** to produce maximum sustainable yield (MSY), HR 4742 applies the new “depleted” term to **stocks** and **stock complexes**. The unintended consequence of this new definition, if approved, would be to downgrade many stocks to “depleted” status. At the very least, HR 4742 should mirror the definition of overfished currently found in regulations and clarify that “depleted” refers to mortality derived from sources other than fishing.

Forage Species

The CPSAS would like draw attention to the precautionary management framework the Pacific Council established for CPS, beginning more than a decade ago. The Council also has recently approved revisions to the list of authorized fisheries and fishing gear, and work is underway to protect unmanaged forage species. The Senate language regarding forage species does not accurately reflect U.S. fishery management of these species. Further, the definition of forage fish is problematic not only for CPS but many other fisheries as well. While we recognize the importance of, and need for an ecosystem-based approach to fishery management, there is no need to create additional provisions for these species. The MSA already provides ample authority to manage all fish stocks.

The CPSAS understands that MSA reauthorization is a lengthy process and there will be further modification to current language before the final legislation is approved. We would appreciate the Council’s consideration of these issues and look forward to providing more recommendations as the reauthorization process continues.

PFMC
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