

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON
LEGISLATIVE MATTERS

Because the Highly Migratory Species Advisory Subpanel (HMSAS) understands that the draft report of the Legislative Committee on the draft amendments to the Magnuson-Stevens Act (MSA) Reauthorization Bill will not be final until after the HMSAS adjourns on June 21, 2014, the HMSAS has commented on Agenda Item C.3.a, Attachment 4, June 2014. The HMSAS would like to focus on the two pending bills (HR 4742 and S. Discussion Draft BEGICH) as they are compared in Council document “Agenda Item C.3.a, Attachment 4, June 2014.”

1. Rebuilding Time Lines: The Senate version states that rebuilding time lines shall be as short as possible; however, the HMSAS favors much more flexible approach as set out in the House version.
2. Electronic Monitoring: Neither House and Senate versions set forth a minimum for the size of a vessel before it can be required to carry VMS and this should be included. The HMSAS suggests only vessels greater than 24 meters in length should be required to carry VMS.
3. Electronic Monitoring: The Senate version makes provisions for the Councils to review fishery management plans (FMPs) to determine where electronic monitoring can be used instead of human observers and the HMSAS favors this provision.
4. Data Poor Species: The House and Senate versions combined seem to provide that Councils shall identify data-poor fisheries and prioritize them for the U.S. Secretary of Commerce, who will then develop a plan to conduct stock assessments as soon as possible. The HMSAS favors giving this provision emphasis.
5. Enforcement Penalties: Section 404(e) of the House version provides that a portion of penalty monies collected be used for data poor fisheries and cooperative research, and the HMSAS strongly favors this provision. The Senate version indicates such monies should be used to increase enforcement and also would raise the maximum penalty from \$100,000 to \$180,000 and the HMSAS strongly opposes such provisions.
6. Other Changes:
 1. The Senate version calls for the Council Scientific and Statistical Committees to develop guidelines for the greater use of data from non-governmental sources, including fishermen, fishing communities, universities, and research institutions so that some of this data could be used as the best scientific information available and the HMSAS favors this provision.
 2. The Senate version provides authority for the Councils to use alternative fisheries management measures in recreational fisheries. The HMSAS favors this.
 3. The House version requires Federal-state partnerships to develop best practices for implementing recreational fishery data collection programs and create a grant program to improve these programs, as well as requiring the National Research Council to study recreational data survey methods. The HMSAS favors this.

7. Referendum Before Imposition of Catch Share Programs: The House version would amend the MSA Section 303A Limited Access Privilege Programs, section (c)(6)(D) to provide for a referendum before the Secretary can approve or implement a catch share program coming from certain Councils. The HMSAS strongly recommends that such a provision include the Pacific Council. Some Council members may believe that the Council has already decided against such referendums; however, that was only in the context of the trawl rationalization program.

Finally, the HMSAS would like to thank the Pacific Council staff for their tremendous job in preparing the Legislative Committee briefing documents and taking the time to brief the HMSAS.

PFMC
06/22/14