

GROUND FISH ADVISORY SUBPANEL REPORT ON  
MANAGING OUR NATION'S FISHERIES 3 CONFERENCE FOLLOW-UPS AND  
UNRELATED LEGISLATIVE MATTERS

The Groundfish Advisory Subpanel (GAP) received a presentation from Ms. Jennifer Gilden on reports from the Managing Our Nation's Fisheries conference (MONF3), held in Washington, D.C., in May, and other legislative issues.

**MONF3/Magnuson-Stevens Act reauthorization priorities**

Regarding the MONF3 conference, the GAP references Attachment H.1.a, Attachment 2, "Preliminary Staff Compilation of Possible Magnuson-Stevens Act Reauthorization Priorities for Consideration by the Pacific Council." We modified that table to list the Legislative Committee's (LC) draft priorities (Note: the committee may have changed these priorities after the GAP received Ms. Gilden's report) and the GAP's suggested priorities, for easy reference. The GAP used the Legislative Committee's draft priority list of "high," "low," and "further analysis" for our prioritization. We realize the LC has since changed their recommendations to "keep," "drop" and "further analysis."

Two items on that report require further explanation:

1. The GAP suggests revising the Magnuson-Stevens Fishery Conservation and Management Act. (MSA) Section 304 to take out all references to times for rebuilding in Section 304. It is clear Councils have obligations to rebuild any stocks considered overfished, period. The GAP agrees with the Scientific and Statistical Committee (SSC) report that rebuilding time requirements should depend solely on the biology of the stock.
26. The GAP is somewhat confused about this recommendation as it goes far beyond what has been suggested to address the 9<sup>th</sup> Circuit Court decision on rebuilding. Under MONF3 Session 1, there should be a recommendation to modify Section 304 of the MSA by changing "as short as possible" to "as short as practicable." We further suggest this section of Attachment 2 should be eliminated because as worded would initiate more problems and is entirely inaccurate. Instead, the language from H.1.a, Attachment 1, "Matrix of Findings from MONF3" should be substituted. It reads: "Address social and economic issues (e.g., 'possible' to 'practicable'); MSA Section 304(e)(4)(A)(i)."

The GAP notes Rep. Peter DeFazio, D-Ore., mentioned the practicality of this change (based on witness testimony) during a House Natural Resources Committee hearing on Magnuson-Stevens Act reauthorization earlier this week. If the suggestion in item No. 1 is not adopted, this would be another option to make the rebuilding timeframes more flexible and ease the effects of overfished species on fishing communities.

The GAP also understands the LC, in its draft comments, prioritized the Council requesting a seat on the Inter-American Tropical Tuna Commission. At this time, the GAP has no comment, as this is not a groundfish-related issue.

## **Legislative Issues**

### *Buyback Loan Refinance Legislation*

The GAP encourages the Council to provide feedback on S. 1275 and H.R. 2646 – the Revitalizing the Economy of Fisheries in the Pacific Act (or “REFI Pacific Act”) bills that have been introduced in both chambers of Congress. The bills are essentially identical and refinance the buyback loan that has been in place since 2003. The bills extend the length of the loan (to 45 years from implementation of the new loan), reduce the interest rate to Treasury plus zero (current loan is just under 7 percent; current treasury rate is 3.85 percent) and reduce the cap on annual landings fee to 3 percent (currently at 5 percent of annual ex-vessel price).

All of these changes will benefit the trawl fleet as well as the other sub loans (i.e., Oregon and Washington Dungeness crab, California and Washington shrimp) by making the loan payments more affordable. The loan has been upside down since inception, in part due to an 18-month lag in promulgating the payment regulations that caused more than \$4 million in additional interest to be tagged onto the loan at the onset. The groundfish fleet still owes more than it originally borrowed, despite making payments of upwards of \$20 million on the loan.

The GAP encourages the Council to support the legislation and include the following points in any correspondence that is sent to Congress:

- The Pacific Council supports the refinancing of the current buyback loan;
- Costs associated with participating in the catch share fishery continue to increase and are threatening the competitiveness and profitability of many trawl fishing businesses;
- Taking advantage of lower interest rates and refinancing the loan will make the payments more affordable to trawl and other taxed fishery participants, which will help ensure a successful catch share fishery that is sustainable for fisheries and the fishing industry; and
- Requiring a referendum to refinance the loan is not required by law; this seems to be a waste of resources and will likely cause a delay in implementation, which would unnecessarily exacerbate the problem.

### *Revise observer coverage training requirements in Magnuson-Stevens Act reauthorization*

The GAP requests the Council support revision of observer training requirements. Presently, high observer costs and the inability to even get observers in some cases threaten the long-term viability of the trawl fishery and processors and communities that rely on it. One of the factors driving high observer costs is the relatively small observer pool, which is driven in part by the observer training requirements and the interpretation of those requirements by the West Coast Groundfish Observer Program.

GROUND FISH ADVISORY SUBPANEL RECOMMENDATIONS OF  
POSSIBLE MAGNUSON-STEVENSONS ACT REAUTHORIZATION PRIORITIES  
FOR CONSIDERATION BY THE PACIFIC COUNCIL

	<b>Topic for MSA Reauthorization</b>	<b>Legislative Committee Priority (draft)</b>	<b>GAP Priority</b>
	<b>MONF3 Session 1</b> – Improving Fishery Management Essentials: Annual Catch Limit Science and Implementation Issues, Including Managing “Data-Limited” Stocks; Rebuilding Program Requirements and Timelines; International Fisheries Management: Leveling the Playing Field		
1	Revise rebuilding time requirements: Always set $T_{MAX}$ equal to $T_{MIN}$ plus one mean generation	Further analysis	*See GAP report
2	Stocks later determined never overfished should not be held to rebuilding provisions	KEEP	HIGH
3	Include a transboundary stock rebuilding exception	Further analysis	HIGH
4	Include a viable mixed stock exception	Further analysis	HIGH
5	Clarify <del>Congressional intent</del> <sup>criteria</sup> regarding needs of fishing communities	Further analysis	Further analysis
6	Extend annual species exemption to short-lived species	Further analysis	Further analysis
7	Include a carryover exception to allow ACLs to be exceeded in order to carry over surplus and deficit harvest from one year to the next, provided there is a finding from the SSC that such a carryover provision will have negligible biological impacts	KEEP	HIGH
8	Explicitly promote use of adaptive management approaches, particularly for data-poor species where the precautionary approach limits information on stock performance under higher catch rates	KEEP	Further analysis
9	Broaden <del>trade sanctions domestically</del> <sup>ability</sup> to address non-compliance with RFMO measures	KEEP	Further analysis
10	Consider a national sustainable seafood certification program for U.S. fisheries that meet the 10 MSA national standards	DROP	LOW
11	Implement stricter imported seafood labeling requirements in the US market	Further analysis	Further analysis

Topic for MSA Reauthorization	Legislative Committee Priority (draft)	GAP Priority
<b>MONF3 Session 2</b> – Advancing Ecosystem-Based Management, Overarching Findings Assessing Ecosystem Effects and Integrating to Climate Change; Forage Fish Management; Integrating Habitat Considerations: Opportunities and Impediments		
12 Address rebuilding requirements when environmental conditions may be a predominant factor in a stock’s decline	KEEP	HIGH
13 Link ecosystem-based management scales to fisheries management and governance (e.g., Revise National Standard 3 (Management Unit))	DROP	LOW
14 Consider a national standard for habitat: “Minimize adverse impacts on essential fish habitat to the extent practicable”	Further analysis	LOW
15 Establish a new national standard to ensure adequate forage base	DROP	LOW
16 Require explicit consideration of the impact of forage fish to the ecosystem and fishing communities to inform OY and ACL decisions	Further analysis	LOW
17 Prohibit new <del>forage</del> -fisheries until scientific and management evaluations are conducted	KEEP	LOW
18 Strengthen EFH consultation process and ensure compliance with, and effectiveness of, existing laws and recommendations	Further analysis	LOW

Topic for MSA Reauthorization	Legislative Committee Priority (draft)	GAP Priority
<b>MONF3 Session 3 - Providing Fishing Community Stability: Recreational and Subsistence Fishery Connections; Integrating Community Protection, Jobs Emphasis, and Domestic Seafood Quality Assurance; Assessment and Integration of Social and Economic Tradeoffs</b>		
19 Modify Council process to improve participation of small-scale and community sectors, e.g., State Fisheries Improvement Projects, National Fish & Wildlife Foundation-funded projects	Further analysis	Further analysis
20 Expand cooperative research between fishing community and scientists. This promotes buy-in, empowers fishermen, and can be more cost-effective	KEEP	HIGH
21 Notwithstanding confidentiality protections of Section 402(b)(1)-(3): in the public interest the following may be publicly reported even if it results in the release of information on a single harvesting or processing company <ul style="list-style-type: none"> <li>● total volume (weight) catch/discards/landings of a species or stock caught in a particular fishery</li> <li>● total volume (weight) catch/discards/landings of a species or stock caught by a particular sector</li> <li>● total volume (weight) of a species or stock landed at a particular port</li> <li>● economic impact estimates for a community based on landings of a species or stock at a particular port</li> <li>● total volume (weight) catch/discards/landings of a species or stock caught within any area 100 square nautical miles or larger</li> </ul>	KEEP	LOW
22 Define subsistence fishing in the MSA, and expand recognition of tribes and indigenous people engaged in subsistence fishing	Further analysis	Further analysis

<b>Topic for MSA Reauthorization</b>	<b>Legislative Committee Priority (draft)</b>	<b>GAP Priority</b>
<b>Other</b>		
23 Make a distinction between “overfishing” (a measure of fishing rate) and “overfished” (a measure of abundance)	KEEP	HIGH
24 Replace the term “overfished” with “depleted” to account for non-fishing causes of stock size below MMST	KEEP	HIGH
25 Amend MSA to change “vessels” to “vessel” in the IUU certification section	KEEP	HIGH
26 Replace the term “practicable” with “practical” and “possible” where appropriate	Further analysis	HIGH *See GAP report