

ENFORCEMENT CONSULTANTS REPORT ON
MAGNUSON-STEVENSON ACT (MSA) REAUTHORIZATION PRIORITIES AND OTHER
LEGISLATIVE MATTERS

The Enforcement Consultants (EC) reviewed and has concerns about a discussion draft of a House of Representatives bill cited as the “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act.” The EC recommends the Council seek clarity regarding the data confidentiality requirements, particularly as related to electronic monitoring (EM).

The EC’s principle concern surrounds Section 8, sub-paragraph (a), where the draft discussion bill addresses the use of EM. Sub-paragraph (a)(2) states, “Regulations under this subsection shall not include provisions authorizing use of EM for law enforcement.” The EC contends the authority to use all components of an EM system (i.e. VMS, electronic fish tickets and logbooks, camera data, etc.) is vital to the successful enforcement of existing West Coast Groundfish regulations. If adopted as drafted, the EC is concerned our ability to effectively and efficiently enforce existing regulations would be greatly compromised.

Additionally, in the “Confidentiality of Information” paragraph of Section 8, the language in sub-paragraph (b)(2) states, “Any information submitted to the Secretary, a State fisheries management agency, or a Marine Fisheries Commission by any person in compliance with the requirements of this Act, including confidential information, may only be used for purposes of fisheries management and monitoring and enforcement under this Act.” This statement appears to be in conflict with subparagraph (a)(2), as the latter quote alludes to the use of EM for enforcement, while the formerly quoted statement indicates the use of EM would not be authorized for law enforcement. The EC believes the Council should seek clarity regarding the intent of the language with regard to the use of EM for enforcement purposes.

The EC urges the Council to consider the above concerns and need for clarification in the preparation of any official correspondence with Congressional members or staff regarding this discussion draft bill.

Per NOAA policy, the NMFS OLE representatives on the EC have abstained from commenting on this proposed legislation.

PFMC
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