

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON
MAGNUSON-STEVENSON ACT REAUTHORIZATION PRIORITIES AND OTHER
LEGISLATION ACTIVITIES

The Highly Migratory Species Advisory Subpanel (HMSAS) is very concerned that the Council has moved forward on the important issue of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) reauthorization without giving the HMSAS a chance to give input on Federal legislation that regulates our fishing opportunity. We are hoping in the future that the Council will allow our Advisory Panel to organize a conference call or some method to advise the Council if funds are not available to bring us to the Council discussion for issues of this importance.

Specifically to the MSFCMA reauthorization, the HMSAS advises that some of the issues from the Western Pacific Fishery Management Council were missed by our Council and are very important to our fishery survival. They are:

- The MSFCMA should direct the Secretary to identify nations that are not compliant with Regional Fishery Management Organization measures and take steps to impose trade sanctions on those nations in accordance with existing MSFCMA provisions such as 16 U.S.C. 1826b “High Seas Driftnet Fisheries Enforcement Act.”
- Prioritize enforcement by government agencies in the U.S. Exclusive Economic Zone and adjacent high seas.
- Redirect a portion of Saltonstall-Kennedy funds to support fisheries development and cooperative research.
- The MSFCMA should contain language that would prevent reductions of US fisheries catch and effort limits if other countries cannot demonstrate compliance with existing international conservation and management measures.
- “All fisheries-related marine mammal and other protected species conservation and management measures be promulgated through the MSFCMA process, to ensure such measures are consistent with Fishery Management Plans and the National Standards.”
- “Restoration of the primacy of the MSFCMA for managing marine resources: any measures under other statutes that may restrict fishing (Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), National Marine Sanctuaries Act (NMSFCMA), Migratory Bird Treaty Act (MBTA), Antiquities Act, Executive Orders, etc.), should be implemented under the authority of the MSFCMA and in accordance with processes and time schedules required under the MSFCMA.”

The HMSAS has concerns with the following Council “Priority Matters” as identified by Dr. McIsaac’s testimony to the US Senate Committee on January 30, 2014:

- Concerning “Implement stricter imported seafood labeling requirements in the US market,” the HMSAS notes that this issue is better handled by other Federal agencies such as the U.S. Food and Drug Administration and US Department of Agriculture.
- On the “Matter” of the Council having an Inter-American Tropical Tuna Commission designated Commissioner, the HMSAS advises that this issue would be better dealt with through Antigua Convention implementing legislation.

The HMSAS advises that the following matters identified as lower priority by Dr. McIsaac’s testimony are particularly important to the HMS fisherman:

- “Better align and streamline the National Environmental Policy Act (NEPA) & MSFCMA section 304(i).”
- “Provide flexibility in requirements and qualifications for observers” including electronic monitoring so that fishing efforts are not impeded.
- “Amend MSFCMA language to change “vessels” to “vessel” in the illegal, unreported, and unregulated section.”

Lastly, the HMSAS would like the Council to request that the West Coast Region is added to the other US regions that are required to have a fishermen referendum passed by a majority before catch shares are imposed on any particular fishing sector.

PFMC
03/11/14