

108TH CONGRESS  
1ST SESSION

# H. R. 1024

To establish in the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. SAXTON introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To establish in the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. HIGHLY MIGRATORY SPECIES BYCATCH MOR-**  
4 **TALITY REDUCTION RESEARCH PROGRAM.**

5 (a) ESTABLISHMENT OF A PROGRAM.—(1) There is  
6 established within the National Marine Fisheries Service  
7 a pelagic longline highly migratory species bycatch and  
8 mortality reduction research program. The Program shall

1 be developed by a design team established by the Secretary  
2 of Commerce. The Program design shall be submitted to  
3 the Secretary no later than 120 days after the first meet-  
4 ing of the design team and shall include a statistically sig-  
5 nificant recommendation for the level of observer coverage  
6 on pelagic longline fishing vessels that is necessary to  
7 monitor the fishery effectively and participate in the re-  
8 search program. The design team shall be available as a  
9 resource to the Secretary throughout the research and the  
10 development of the recommendations.

11 (2) The program shall identify and test a variety of  
12 pelagic longline fishing gear configurations and uses and  
13 determine which of those configurations and uses are the  
14 most effective in reducing highly migratory species mor-  
15 tality. The program shall place an emphasis on deter-  
16 mining the gear configurations and uses that are the most  
17 effective in reducing blue and white marlin mortality in  
18 the exclusive economic zone of the United States in the  
19 Atlantic Ocean. The program shall also include a provision  
20 for observers to be placed on pelagic longline fishing ves-  
21 sels for the purposes of monitoring the fishery and partici-  
22 pating in the research program.

23 (3) The highly migratory species program shall con-  
24 duct research to determine the impact of existing time and  
25 area closures designed to reduce the bycatch of longline

1 vessels. The program shall focus on whether existing clo-  
2 sures should be modified to decrease bycatch by longline  
3 vessels and shall determine what adjustments to the exist-  
4 ing boundaries and temporal constraints should be made  
5 as a result of any research. Any vessel participating in  
6 the program shall be provided an observer by the National  
7 Marine Fisheries Service. The full cost of the observer and  
8 any incidental costs to the vessel as a result of being in-  
9 cluded in the research program shall be paid for by the  
10 National Marine Fisheries Service. The National Marine  
11 Fisheries Service may authorize, without notice and com-  
12 ment, scientific research permits authorizing a vessel to  
13 enter and fish in any closed area in the Atlantic Ocean  
14 so long as there is 100 percent observer coverage and the  
15 activities of the vessel are in furtherance of the research  
16 program. Access to any closed area may be granted only  
17 after consideration of the scientific need for access.

18 (b) DESIGN TEAM.—(1) Knowledgeable members of  
19 the pelagic longline fishing sector, the recreational billfish  
20 and tuna sector, and the conservation community, along  
21 with scientists associated with each such entity, shall be  
22 appointed by the Secretary to the program design team.  
23 Each of the sectors shall to the extent practicable be fairly  
24 represented on the design team. The design team shall not  
25 exceed nine members only one of which may be an em-

1 ployee of the Federal Government. The design team shall  
2 select a chairman and establish its own rules of operation.  
3 Each member of the design team who is not employed by  
4 the Federal Government shall be compensated in the man-  
5 ner provided for members of a Fishery Management Coun-  
6 cil under section 302(d) of the Magnuson-Stevens Fishery  
7 Conservation and Management Act (16 U.S.C. 1852(d)).

8 (2) The design team shall not be considered to be  
9 an advisory committee for the purposes of the Federal Ad-  
10 visory Committee Act (5 U.S.C. App.), but shall hold its  
11 deliberations in meetings for which prior notice is pub-  
12 lished in the Federal Register and that are open to the  
13 public.

14 (c) MID-ATLANTIC CONSERVATION ZONE FOR HIGH-  
15 LY MIGRATORY SPECIES.—Section 304(g) of the Magnu-  
16 son-Stevens Fishery Conservation and Management Act  
17 (16 U.S.C. 1854(g)) is amended by adding at the end the  
18 following:

19 “(3) MID-ATLANTIC CONSERVATION ZONE FOR  
20 HIGHLY MIGRATORY SPECIES.—

21 “(A) No person shall engage in pelagic  
22 longline fishing—

23 “(i) in the lower mid-Atlantic Con-  
24 servation Zone in the period beginning Au-

1                   gust 15 and ending October 1 each year;  
2                   or

3                   “(ii) in the upper mid-Atlantic Con-  
4                   servation Zone in the period beginning  
5                   July 15 and ending September 1 each  
6                   year.

7                   “(B) In this paragraph the term ‘lower  
8                   mid-Atlantic Conservation Zone’ means the  
9                   area that is enclosed by a series of geodesics  
10                  connecting in succession the points at the fol-  
11                  lowing coordinates:

12                  “(i) 36 degrees 30 minutes north lati-  
13                  tude, 75 degrees 0 minutes west longitude.

14                  “(ii) 37 degrees 0 minutes north lati-  
15                  tude, 75 degrees 0 minutes west longitude.

16                  “(iii) 38 degrees 0 minutes north lati-  
17                  tude, 74 degrees 0 minutes west longitude.

18                  “(iv) 38 degrees 0 minutes north lati-  
19                  tude, 73 degrees 0 minutes west longitude.

20                  “(v) 37 degrees 0 minutes north lati-  
21                  tude, 74 degrees 0 minutes west longitude.

22                  “(vi) 36 degrees 30 minutes north  
23                  latitude, 75 degrees 0 minutes west lon-  
24                  gitude.

1           “(C) In this paragraph the term ‘upper  
2           mid-Atlantic Conservation Zone’ means the  
3           area that is enclosed by a series of geodesics  
4           connecting in succession the points at the fol-  
5           lowing coordinates:

6                   “(i) 38 degrees 0 minutes north lati-  
7                   tude, 74 degrees 0 minutes west longitude.

8                   “(ii) 40 degrees 0 minutes north lati-  
9                   tude, 72 degrees 0 minutes west longitude.

10                   “(iii) 39 degrees 0 minutes north lati-  
11                   tude, 72 degrees 0 minutes west longitude.

12                   “(iv) 38 degrees 0 minutes north lati-  
13                   tude, 73 degrees 0 minutes west longitude.

14                   “(v) 38 degrees 0 minutes north lati-  
15                   tude, 74 degrees 0 minutes west longitude.

16           “(D) This paragraph shall not apply after  
17           the end of the 4-year period beginning on the  
18           date of the enactment of this paragraph.”.

19           (d) REPORT TO CONGRESS.—The Secretary of Com-  
20           merce shall submit to the Committee on Resources of the  
21           House of Representatives and the Committee on Com-  
22           merce, Science, and Transportation of the Senate—

23                   (1) an interim report of the findings of the re-  
24                   search conducted under this section within two years  
25                   after the date of enactment of this Act; and

1           (2) a final report with the necessary regulatory  
2 documents to initiate implementation of any adjust-  
3 ments to time and area closures, gear configura-  
4 tions, or fishing techniques warranted as a result of  
5 the research.

6           (e) AUTHORIZATION OF APPROPRIATIONS.—For re-  
7 search under this section there is authorized to be appro-  
8 priated to the Secretary of Commerce \$5,000,000 for fis-  
9 cal years 2004 through 2008.

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