

LEGISLATIVE COMMITTEE REPORT

The Legislative Committee (LC) met June 13, 2005. The Committee discussed the positions of the Regional Fishery Management Council Chairs on reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the draft administration positions on reauthorization, and some proposed legislation to rationalize the shore-based whiting industry.

The LC discussed the differences in Council and Regional Council Chairs positions, and noted the following:

There is nothing in the proposal which would provide exclusive fishery resource management authority in the MSA and exclude such authority from the National Marine Sanctuaries Act. Much of the discussion centered around management for maximum sustainable yield (MSY), while there is no definition of MSY in the MSA. Developing estimates of MSY for species like coral and non-managed species, such as biogenic substrate, would be problematic. It was noted that there is no reference to MSY management in the Sanctuaries Act at the present time. The LC supported the Regional Council Chairs position, but recommended clarification of the issues.

The LC noted the terms “interim rules” and “emergency rules” in the Council Chairs positions document appear to be addressing the same procedure to put a rule in effect for a period of 180 days, with the ability to extend for an additional 180 days, if the Council is acting to prepare an FMP, FMP amendment, or a proposed regulations.

The LC noted NOAA General Council had advised against new framework actions and recommended specific language permitting such actions be included in MSA reauthorization.

The LC heard a brief report on developing legislation to establish a dedicated access privilege program for the shore-based whiting fishery from Mr. Dave Jincks. There was concern expressed for the implications of a legislative mandate on Council and NMFS regional staff, and a suggestion that a request for funds be included in the potential legislation to allow some of the work to be contracted out. There was also concern expressed for the lack of analysis that would normally occur if such a program occurred through the Council process.

The LC indicated it would need a longer meeting in September to more fully address reauthorization of the MSA.

Committee Recommendations:

1. Include provisions for framework actions in reauthorization of the Magnuson-Stevens Act.

PFMC
06/17/05