

HR 1431 IH

109th CONGRESS

1st Session

H. R. 1431

To amend the Magnuson-Stevens Fishery Conservation and Management Act to modify requirements for the appointment and training of members of Regional Fishery Management Councils, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 17, 2005

Mr. RAHALL (for himself, Mr. FARR, Mr. KIND, Mr. LEACH, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to modify requirements for the appointment and training of members of Regional Fishery Management Councils, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Fisheries Science and Management Enhancement Act of 2005'.

SEC. 2. VOTING MEMBERS OF REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Appointment of Members- Section 302(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)) is amended as follows:

(1) In paragraph (1)(A) by adding at the end the following: 'Such official shall represent the interests of the general public of such State.'

(2) In paragraph (2)--

(A) in subparagraph (A)--

(i) in the first sentence by inserting before the period the following: ', and must not have been found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have

committed an act prohibited by subparagraph (D), (E), (F), (H), (I), or (L) of section 307(1) or section 307(2).'; and

(ii) in the second sentence by striking 'Fishery Conservation Amendments of 1990' and inserting 'Fisheries Science and Management Enhancement Act of 2005';

(B) in subparagraph (B)--

(i) in the first sentence by striking 'of the active' and inserting 'among the active';

(ii) by striking the period at the end of the first sentence and inserting the following: 'and representatives of the public interest in marine fish conservation who are knowledgeable regarding the conservation and management of the fishery resources of the geographic area concerned. Such representatives of the public interest in marine conservation may not include individuals who derive any of their annual income from commercial or recreational fishing or who are employed by any person who derives any of their annual income from commercial or recreational fishing.'; and

(iii) by striking 'Merchant Marine and Fisheries' and inserting 'Resources'; and

(C) in subparagraph (C)--

(i) in the second sentence by inserting 'and representatives of conservation organizations' after 'commercial and recreational fishing interests';

(ii) by striking the third sentence and inserting the following: 'Each list shall consist of a broad slate of candidates for each vacancy, shall include at least two representatives from each of the commercial fishing industry sector, the recreational fishing sector, and the marine fish conservation public interest sector, and shall consist solely of individuals who are knowledgeable regarding the conservation and management of the fishery resources of the geographical area concerned. Candidates from the marine fish conservation public interest sector may not derive any of their annual income from fishing and may not be employed by anyone who derives any of their annual income from commercial or recreational fishing.'; and

(iii) in the fifth sentence (after the amendment made by clause (ii) of this subparagraph) by striking 'such requirements' and inserting 'the requirements of subparagraph (A)'.

(3) In paragraph (3)--

(A) by striking '1986' and inserting '2005'; and

(B) by striking 'consecutive' each place it appears.

(4) In paragraph (6) by striking 'section 307(1)(O)' and inserting 'subparagraph (D), (E),

(F), (H), (I), (L), or (O) of section 307(1) or section 307(2)'

(b) Training of Appointed Members-

(1) IN GENERAL- Section 302(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)) is amended by adding at the end the following:

`(7) TRAINING OF APPOINTED MEMBERS-

`(A) IN GENERAL- The Secretary shall provide to each member of a Council appointed by the Secretary under this subsection, by not later than 6 months after the date the member is first appointed, training in matters relating to the functions of the Council, including--

`(i) fishery science and basic fish stock assessment;

`(ii) basic instruction in ecological principles;

`(iii) social science and fishery economics;

`(iv) the requirements of this Act, the National Environmental Policy Act of 1969, chapter 5 of title 5, United States Code (popularly known as the Administrative Procedures Act), and other relevant statutes or regulations;

`(v) conflict of interest policies that apply to Council members; and

`(vi) the public process for developing fishery management plans.

`(B) RESTRICTION ON VOTING- A member of a Council to whom the Secretary is required to provide training under this paragraph may not vote on any decision of the Council before the date the member completes such training.

`(C) TRAINING AVAILABLE TO THE PUBLIC- The Secretary may provide training offered under this paragraph, or comparable training, to interested members of the public.'

(2) APPLICATION TO CURRENT MEMBERS-

(A) REQUIREMENT TO PROVIDE TRAINING UPON REQUEST- The Secretary of Commerce is not required to provide training under the amendment made by paragraph (1) to a member of a Regional Fishery Management Council appointed before the date of the enactment of this Act, unless such member requests such training. Upon such a request, the Secretary shall provide such training within 6 months after the date of the request.

(B) RESTRICTION ON VOTING NOT APPLICABLE- Subparagraph (B) of paragraph (7) of section 307(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)), as amended by this subsection, shall not apply to a member of a Regional Fishery Management Council to whom the Secretary is required to provide training under subparagraph (A) of this paragraph.

SEC. 3. REGIONAL FISHERY MANAGEMENT COUNCIL COMMITTEES AND PANELS.

(a) Science and Statistical Committees- Section 302(g)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(g)(1)) is amended to read as follows:

“(1) SCIENCE AND STATISTICAL COMMITTEES-

“(A) REQUIREMENT TO ESTABLISH- Each Council shall establish and maintain a science and statistical committee to assist the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan. The members of the science and statistical committee shall consist of qualified Federal, State, academic, or independent scientists, and shall be appointed and paid a stipend by the Secretary.

“(B) ESTABLISHMENT OF FISHERY AND MARINE SCIENCE SUBCOMMITTEE- Each science and statistical committee established by a Council under this paragraph shall include a fishery and marine science subcommittee that--

“(i) is composed of members of the science and statistical committee who have demonstrated scientific expertise in fishery biological science or marine ecology; and

“(ii) includes balanced representation of both such disciplines on the subcommittee.

“(C) FUNCTIONS OF FISHERY AND MARINE SCIENCE SUBCOMMITTEE- In the development by a Council of any fishery management plan or amendment to a fishery management plan, and in the taking by a Council of any other action that prescribes an authorized fishing mortality level or rate, the fishery and marine science subcommittee of the Council shall--

“(i) based on the best scientific information available, determine for the Council--

“(I) biological catch (including bycatch) limits, including annual limits, that will prevent overfishing, rebuild overfished stocks, achieve, on a continuing basis, the optimum yield for such fishery, and that consider predator-prey relationships and other ecological factors;

“(II) specific habitat types and areas in need of protection from the adverse effects of fishing identified pursuant to section 303(a)(7); and

“(III) any additional protections required for species under the Council's jurisdiction that are listed as threatened species or endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);

“(ii) allow an opportunity for public input on the development of the subcommittee's determinations and create a public record of such input and the

subcommittee's response to such input;

`(iii) publish its determinations in the Federal Register; and

`(iv) review all conservation and management measures developed by the Council to determine whether such measures are at least as stringent as the subcommittee's determinations made under clause (i).

`(D) RECOMMENDATIONS- Each fishery and marine science subcommittee may recommend to the associated Council conservation and management measures that are based on and consistent with the determinations made by the subcommittee under subparagraph (C)(i).'

(b) Effect of Decisions and Recommendations- Section 302(g)(5) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(g)(5)) is amended by inserting ` , except decisions and recommendations made by the fisheries and marine science subcommittees of the science and statistical committees pursuant to paragraph (1)(C)(i),' after `under this subsection'.

(c) Effect of Decisions and Recommendations- Section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(g)) is amended by adding at the end the following:

`(6) For the purposes of this subsection, the term `qualified Federal, State, academic, or independent scientists' means individuals who--

`(A) through publication of peer-reviewed scientific literature and academic training, have--

`(i) demonstrated scientific expertise in fisheries science or marine ecology; or

`(ii) demonstrated expertise in economics or social science as it relates to fisheries management; and

`(B) have no direct financial interest, or are not employed by any person with a direct financial interest, in any fishery.'

(d) Disclosure of Financial Interest and Recusal- Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(j)) is amended by striking paragraphs (6) and (7) and inserting the following:

`(6) PROHIBITION ON VOTING-

`(A) PROHIBITION- An affected individual shall not vote on a Council decision that would have an effect on a financial interest that the individual is required to disclose under paragraph (2).

`(B) DETERMINATION OF EFFECT ON FINANCIAL INTEREST- At the request of an affected individual or a member of the public, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have an effect on the financial interest

of an affected individual referred to in subparagraph (A).

`(C) REVIEW OF DETERMINATION- Any Council member or member of the public may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B), within 10 days after such determination. Such review shall be completed within 30 days after receipt of the request.

`(D) TREATMENT OF DECISION MADE PENDING REVIEW- If the Council makes a decision before the Secretary has completed a review under subparagraph (C), the eventual ruling by the Secretary in the review shall be treated as a cause for invalidation or reconsideration by the Secretary of such decision, if the Secretary determines that the Council decision had an effect on the financial interest of an affected individual and the affected individual's vote decided the Council action.

`(E) The Secretary, in consultation with the Councils and by not later than one year after the date of enactment of the Fisheries Management Reform Act of 2005, shall promulgate regulations that--

 `(i) prohibit an affected individual from voting in accordance with subparagraph (A); and

 `(ii) allow for the making of determinations under subparagraphs (B) and (C).

`(7) RELATIONSHIP TO OTHER LAW- Section 208 of title 18, United States Code, does not apply to an affected individual referred to in paragraph (1)(A)(ii) during any time during which the individual is in compliance with the regulations prescribed under paragraph (5).'

SEC. 4. REQUIRED PROVISIONS IN FISHERY MANAGEMENT PLANS.

Section 303(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853(a)) is amended--

(1) in paragraph (1)(A) by inserting 'and the associated ecosystem' before the semicolon at the end;

(2) in paragraph (1) by striking 'and' after the semicolon at the end of subparagraph (B), by adding 'and' after the semicolon at the end of subparagraph (C), and by adding at the end the following:

 `(D) in the case of a plan developed by a Council, at least as stringent as (or more stringent than) the matters determined under section 302(g)(1)(C)(i) by the fishery and marine science subcommittee of the Council;'; and

(3) by amending paragraph (14) to read as follows:

 `(14) allocate any quotas or other conservation and management measures fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery, and allow individual sectors of the fishery to develop allocation plans that are subject to the approval of the Council.'

and practices that avoid bycatch, the mortality of unavoidable bycatch, and adverse impacts on essential fish habitat.'

SEC. 7. AMENDMENTS TO SALTONSTALL-KENNEDY ACT.

(a) Use of Transferred Amounts- Section 2(b) of the Act of August 11, 1939 (15 U.S.C. 713c-3(b)), popularly known as the Saltonstall-Kennedy Act, is amended to read as follows:

`(b) Transfer of Funds- The Secretary of Agriculture shall transfer to the Secretary each fiscal year from moneys made available to carry out the provisions of section 32 of such Act of August 24, 1935, an amount equal to 30 percent of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products), which shall be maintained in a separate fund only for use by the Secretary--

`(1) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c);

`(2) to implement the national fisheries research and development program provided for under subsection (d);

`(3) to implement the Northwest Atlantic Ocean Fisheries Reinvestment Program established under section 314 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1863);

`(4) to fund the Federal share of a fishing capacity reduction program established under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a); and

`(5) to implement section 305(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(j)).'

(b) Allocation of Fund Moneys- Section 2(e)(1) of such Act (15 U.S.C. 713c-3(e)) is amended--

(1) in the first sentence by inserting `and such other purposes as are authorized by this Act' after `provisions of this section';

(2) by inserting after the first sentence the following:

`Amounts available for allocation under this subsection shall be in addition to amounts appropriated for National Marine Fisheries Service operations.';

(3) in paragraph (1)(A) by striking `no less than 60 per centum \$5,000,000 of such moneys' and inserting `\$5,000,000'; and

(4) by amending paragraph (1)(B) to read as follows:

`(B) The Secretary shall use the balance of the moneys in the fund to finance activities carried out under section 305(k) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(k)).'

END

Magnuson-Stevens Act Reauthorization Issues
Pacific Council Prioritization and Positions
April 8, 2005

Issue	Priority Cluster (A, B, or C)	Position
Allowance and Provisions for Individual Quota (IQ) Programs	A	See Section I, Page 2
Integration/Separation of Science and Management Processes	A	See Section II, Page 4
Reconciling Competing Statutes (National Environmental Policy Act [NEPA], National Marine Sanctuary Act [NMSA], etc.)	A	See Section III, Page 6
Funding Security for Regional Fishery Management Councils (RFMCs)	A	See Section IV, Page 7
Ecosystem Management Approaches	B	See Section V, Page 8
Changes in Representation of Appointed Seats	C	No change from Status Quo
Addition of Environmental Nongovernmental (NGO) Seat	C	No change from Status Quo
Requirement for Governors to Submit Balanced List	C	No change from Status Quo
Marine Protected Areas (MPAs)		
Cold Water Corals		
Regional Ocean Councils		
Council Member Conflict of Interest		
New Council Member Training		
Preparation of Overcapitalization Reports		
Buyout Program Issues		
Improved Recreational Fishery Data Collection		
Collecting Processor Economic Data		
Overfishing and Stock Rebuilding		
Observer Programs		
Bycatch Reduction Gear Development		
Charitable Donation of Bycatch		
Definitions of Bycatch and Retained Incidental Catch		
Essential Fish Habitat (EFH) Research and Habitat Areas of Particular Concern (HAPC) Definitions		
EFH 5-year Review Requirement		

Section I

Allowance and Provisions for Individual Quota Programs

Preamble

A reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) shall include comprehensive authority to develop share-based programs.

The Secretary of Commerce (Secretary), in consultation with Regional Fishery Management Councils (RFMCs), should develop national guidelines consistent with the recommendations in this document for the establishment of allocation systems, including, but not limited to, IQs, community quotas, and cooperatives. However, the development of these national guidelines shall not hinder progress towards adopting a new IQ program or compromise existing IQ programs while the guidelines are under development, nor be applicable retroactively after their final establishment.

Criteria for Allocation

The initial allocation of interests under an IQ program shall be fair and equitable. The RFMCs shall consider the interests of those that rely on the fishery, including vessel owners, processors, communities, and fishing crews. An IQ program may include provisions to protect these interests. However, goals of the IQ program should also be to create market-based programs and to protect the resource. Further, IQ programs are not intended to protect interests from competition or to promote non-sustainable business practices, in other words, protecting inefficiency is not a goal of IQs.

Conservation

IQ programs should include incentives to reduce bycatch and discards, and conservation wherever possible.

Limitation on Interests and the Duration of IQ Programs

Shares under an IQ program must have tenure sufficient to support and facilitate reasonable capital investment in the fishery; however, any shares allocated under the program will be a privilege, which may be revoked without compensation to the holder.

IQ program duration shall be at the individual RFMC's discretion without required sunset.

IQ Program Review

Periodic, comprehensive review of IQ programs shall be required to assess the extent to which the program is meeting the goals and objectives of social and economic ramifications to program beneficiaries.

Quota Transfers

Appropriate provisions governing transferability, which may include permanent and temporary transfers, shall be subject to limitations consistent with the social objectives of the program and shall be determined by individual RFMCs.

Excessive IQ Shares and Quota Accumulation Limits

The IQ program allowance should include limits on excessive shares, including caps on holdings of a person or use of shares by a person or a single vessel. However, such limitations shall be determined on a program-by-program basis by the individual RFMCs.

Referenda of IQ Programs

Referenda shall not be a mandatory requirement for Secretarial approval of an IQ program. RFMCs may, however, establish requirements for referenda for individually tailored IQ programs.

IQ Program Cost Recovery Fees

IQ programs should include an allowance for the collection of fees to offset management and monitoring costs, including state costs. However, the collection of fees should not exceed 3% of the exvessel value, and should take into consideration existing industry-born costs for observers.

Enforcement, Monitoring, and Data Collection

IQ programs should include provisions for effective monitoring and enforcement of the goals and objective under the program.

Section II

Integration/Separation of Science and Management Processes

Separation of Conservation and Allocation Processes

Scientific determinations of necessary fishery parameters should be made within the RFMC management process and not in separate, distinct bureaucracies.

Councils shall adopt acceptable biological catches (ABCs) within limits determined by their Scientific and Statistical Committee's (SSCs) (or appropriate scientific body) and shall set total allowable catches (TACs) and/or management measures, such that catch would be at or below ABC.

Structure and Function of SSCs

The specific structure of the SSC should be based on the policy of each Council consistent with the overall guidance of the MSA.

RFMCs should retain appointment authority for SSC.

SSC members should not be subject to term limits.

The SSC should meet concurrently with Council meetings and at the same locale when possible.

Opportunity should be provided for regional or national SSC meetings where members from different regions could discuss best practices and seek to identify analytical and research needs.

Best Scientific Information Available

Each Council's SSC shall provide peer review of all fundamental analyses needed for fishery management, including such matters as stock assessments, fishery impact models, and projection methodologies. The SSC shall make a determination of the best available scientific information prior to Council decision making and include an assessment of the soundness of scientific conclusions and the uncertainty of the science.

Best scientific information available determinations include the social and economic sciences, as well as the physical and biological sciences.

Need for Independent Review

There should be an independent peer review of scientific information and processes used by each Council at appropriate intervals determined by the Council. Such reviews should not be limited to stock assessments, but could also extend to socioeconomic and other types of models and analyses used by the Council.

Use of Default Mechanisms

Default measures that close fisheries entirely, until science and management integration standards are met, should not be used. Emergency rules may be extended as necessary to address delays in the use of best available science, miscellaneous violations of National Standard 1, or other such potential concerns.

Making Research Relevant

SSCs should develop research priorities and identify data and model needs for effective management.

Other

The National Marine Fisheries Service (NMFS) should be provided with the support to dedicate more resources to stock assessments and socioeconomic impacts.

Section III

Reconciling Competing Statutes

MSA and National Environmental Policy Act

Following the addition of critical NEPA provisions to MSA, thereby making MSA fully compliant with the essential intent of NEPA, reauthorized legislation should specify MSA as the functional equivalent of NEPA and exempt from NEPA in the same manner as the current Federal Advisory Committee Act (FACA) exemption.

MSA and Freedom of Information Act (FOIA)

The MSA should be amended to provide for mechanisms to better shield proprietary data from FOIA.

State law enforcement officials should be provided access to information and data gathered by the vessel monitoring system (VMS) operated by the Office of Law Enforcement of NMFS.

The U.S. Coast Guard should be provided access to VMS data for homeland security purposes/Maritime Domain Awareness.

MSA and National Marine Sanctuary Act

Fishery management authority in national marine sanctuaries, for all species of fish as defined in the current MSA, shall be under the sole jurisdiction of the RFMCs and the Secretarial approval process described in the current MSA. This authority shall not be limited to species of fish covered by approved fishery management plans (FMPs), but shall include all species of fish as defined in the current MSA.

Section IV

Funding Security for RFMCs

Line item funding for RFMCs has been inadequate to fully meet the management envisioned in the MSA.

In 2005, discretionary supplemental funding provided by NMFS to assist the Pacific Fishery Management Council in meeting MSA mandates has been inadequate to provide status quo capabilities compared to the previous three years.

All efforts should be made within the MSA reauthorization to provide for funding to RFMCs sufficient to accomplish mandated activities or, in no case, less than the total funding received in 2004.

Section V

Ecosystem Management Approaches

Overall Conclusions for Ecosystem Approaches

We endorse the finding of many other science and management boards that ecosystem-based management is an important tool for enhancing fisheries and the ecosystems on which they depend.

We endorse a preference for the use of currently available tools in implementing ecosystem-based management and the resources and funding necessary to better engage those tools.

RFMC's and regions need to maintain the flexibility to manage their regional fisheries. (The concept of "standardization" is incompatible with the need for ecosystem approaches to reflect regional differences).

A holistic approach is a realistic approach only with collaboration among RFMCs and NMFS, partner agencies, and stakeholders.

The RFMCs and NMFS should work collaboratively to pursue an ecosystem approach to fisheries involving all stakeholders, managers, and scientists.

Regional Ecosystem Planning and the Role of Regional Ocean or Ecosystem Councils

We do not support separate ecosystem councils; but do support establishment of regional (voluntary) coordinating bodies comprised of regional authorities/jurisdictions and public expertise to address non-fisheries management issues.

Technical Requirements for an Ecosystem Approach to Fisheries

The RFMCs and NMFS should identify, prioritize, and develop weighting for ecosystem characteristics per SSC comments (including human characteristics and reference points and performance indicators to measure progress, future monitoring, and research) and inventory current ecosystem projects.

To develop successful ecosystem management, the approach must progress in a deliberate, evolutionary, and iterative process.

Science Limitations

A lack of data ~~should not~~ could limit our ability to adopt ~~an~~ a realistic ecosystem management approach.

Additional funding is needed to enhance ecosystem data collection and model development, and the goals and objectives of the management must match the reality of available information, the reality of budget limitations, and the evolutionary nature of the process.

First priority should be to focus on improvements that can realistically be accomplished in the short term, using and improving on our current management tools, existing data sets and knowledge.

It must be recognized that models and available data will differ by region.

Incorporating Ecosystem Planning in FMPs

Councils should develop ecosystem-based management documents for fisheries.

Ecosystem-based FMPs should be a fundamental, first order goal (relative to Fishery Ecosystem Plans (FEP) for each Council or region.

If an overarching FEP is developed, it should be to provide general guidance to FMP development.

Process for Developing Ecosystem-Based Goals and Objectives

Broadly defined national level objectives should be developed, followed by regionally defined goals and objectives (using SSC guidance).

An agency/Council steering committee in each region or large marine ecosystem should guide the process of developing goals and objectives.

Development of National Guidelines for an Ecosystem Approach to Fisheries

National Guidelines should provide general guidance, recognizing the diversity of ecosystems and not be technical in nature (avoid pitfalls of EFH and complexity of overfishing).

Guidance should help Councils and regions to use tools available under MSA and other mandates, to evaluate the potential for ecosystem-based management in each region and would address differences, as per SSC discussion, among Councils and regions.

Elements of an Ecosystem Approach to Fisheries that should be Codified in the MSA

Great caution should be applied in considering amendments to the MSA that include any specific requirements. More specifically, the RFMC are wary of strict regulations and guidelines that will require Councils to produce new FMP amendments across the board (e.g., Sustainable Fisheries Act), rather than building an ecosystem approach into existing management practices.

The current MSA allows for ecosystem-based management; national guidance and subsequent regional guidance can help Councils to move forward.

Other Issues

An overfishing report card is not an appropriate measure of ecosystem health or meeting broader ecosystem objectives (though reducing or eliminating overfishing should be a primary goal of each region and is currently required by law).

LEGISLATIVE COMMITTEE REPORT

The Legislative Committee (Committee) met April 4, 2005. The Committee discussed congressional and legislative-related matters, including Senate Bill 343, the Capitol Construction Fund Qualified Withdrawal Act of 2005; potential future legislation addressing compensation for fishery observers and aquaculture matters; and HR 1431, the Fisheries Science and Management Enhancement Act of 2005. However, the primary discussion item was reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The Committee reviewed the current status of MSA reauthorization and anticipated it will be addressed in this Congress in 2005 or 2006. Working from the draft list of MSA reauthorization issues included in the April 2005 Briefing Book (Agenda Item J.2.a, Attachment 1) and concepts developed at the March 2005 forum, *Managing Our Nations Fisheries II, Focus on the Future* in Washington, DC, the Committee focused on the key issues of individual quota programs, the integration of science and management, and competing statutes, such as the National Environmental Policy Act (NEPA) and the National Marine Sanctuaries Act (NMSA). The Committee briefly discussed funding security for Regional Fishery Management Councils (RFMC) and representation of appointed RFMC seats. A detailed list of prioritized issues and position statements are presented in Agenda Item J.2.b, Supplemental Attachment 1.

The Committee recommends Council input on this initial effort to develop formal positions on the various MSA reauthorization issues. The adopted Council position on these matters will serve to convey recommendations to legislators, the public, state and federal agencies, and other RFMCs. This input by the Council will facilitate discussion at meetings, such as the *2005 Council Chairs and Executive Directors Meeting* in Dana Point, California, April 25-29, 2005, that may yield joint RFMC positions on relevant issues. Additional positions on potential issues can take place at the June or later Council meetings as the reauthorization process runs its course.

Committee Recommendations:

1. Review and adopt a Council position on MSA Reauthorization Issues.

PFMC
04/08/05

APPOINTMENTS TO THE AD HOC REGIONAL COUNCIL CHAIRS AND
EXECUTIVE DIRECTORS COMMITTEE

Frank Blount	New England Council Chair
Louis Daniel	South Atlantic Council Chair
Daniel T. Furlong	Mid-Atlantic Council Executive Director
Donald K. Hansen	Pacific Council Chair
Paul J. Howard	New England Council Executive Director
Stephanie Madsen	North Pacific Council Chair
Robert K. Mahood	South Atlantic Council Executive Director
Donald O. McIsaac	Pacific Council Executive Director
Roy Morioka	Western Pacific Council Chair
Julie Morris	Gulf of Mexico Council Chair
Chris Oliver	North Pacific Council Executive Director
Euegnio Pineiro-Soler	Caribbean Council Chair
Miguel A. Rolon	Caribbean Council Executive Director
Ricks Savage	Mid-Atlantic Council Chair
Kitty M. Simonds	Western Pacific Council Executive Director
Wayne Swingle	Gulf of Mexico Council Executive Director

PFMC
04/07/05

Proposed Preliminary Three Meeting Outlook for the Pacific Council

(All Candidate Agenda Items Listed; Shaded Items are Contingent)

June Foster City, CA 6/13/05	September Portland, OR 9/12-16/05	November San Diego, CA 10/31-11/4/05
<u>Coastal Pelagic Species</u> NMFS Report--CPS Fishery Update Pac. Mackerel Har. Guideline -- Adopt 2005/2006 HG FMP Amend.11: Sardine Alloc.-- Adopt Final Recommendations for Implementation EFH Review: Final Adoption	<u>Coastal Pelagic Species</u> Krill Amendment: Adopt Prelim Alt. For Analysis and Public Review	<u>Coastal Pelagic Species</u> NMFS Rpt Pac. Sardine Stock Assmnt. & HG for 2006 Krill Amendment: Adopt Preferred Alternatives (Final Action in March 2006)
<u>Enforcement Issues</u> <u>Groundfish</u> NMFS Report 2005 Inseason Management (2 Sessions) Open Access Observer Model: Review & Approve IQ EIS - Approve Range of Alts. For Prelim DEIS Amendment 18: Adopt Draft FMP Language For Public Review EFH EIS: Adopt Final Preferred Alternative Amendment 10: Adopt Preferred Shore-based Whiting Fishery Monitoring Alt. for Public Review Stock Assessment (SA) Review: Adopt SA's for cowcod, English sole, petrale sole, starry flounder, CA scorpionfish, & Kelp Greenling [other stocks with STAR in May may be ready for approval, or delayed to Sept--cabezon, gopher rockfish, POP, darkblotched, & blackgill rockfish] Shore-based Whiting Opening Date for CA Rebuilding Plan Revision Rules: Adopt Policy Alts. EFPs (Info Rpts--not on agenda): 2004 Results & 2006 Proposals for Advisory Body Review CA Shore-based Whiting Fishery: Consider Opening Date	<u>Enforcement Issues</u> State Activity Report <u>Groundfish</u> NMFS Report 2005 Inseason Mgmt (2 Sessions) VMS: Adopt Preferred Expansion Alternative Amendment 18: Adopt Final FMP Language EFH Amendment Process: Initial Consideration Amendment 10 (Shore-based Whiting Fishery Monitoring): Adopt Final SA Review: Adopt SA's for sablefish, dover sole, shortspine & longspine thornyhead, canary, bocaccio, vermilion, lingcod, widow, yelloweye, & yellowtail Annual Spx Mgmt Sched: Adopt for 2007-08 Rebuilding Plan Revision Rules: Adopt Policy EFPs: Preliminary Council Approval Amendment 14B Regs. Prop. Rule: Council Comments	<u>Enforcement Issues</u> <u>Groundfish</u> NMFS Report 2005 Inseason Management (2 Sessions) IQ EIS Update EFH Amendment Process: Adopt Preferred Alt. Groundfish Mgmt Measures 2007-2008: Initial Consideration of Draft Measures, & Specifications Adopt any remaining Stock Assessments Planning of "Off Year" Science Activities EFPs for 2006: Final Approval
<u>Habitat Issues</u> Habitat Committee Report	<u>Habitat Issues</u> Habitat Committee Report	<u>Habitat Issues</u> Habitat Committee Report

Agenda Item J.4.a
 Supplemental Attachment 1
 April 2005

Proposed Preliminary Three Meeting Outlook for the Pacific Council

(All Candidate Agenda Items Listed; Shaded Items are Contingent)

June Foster City, CA 6/13/05	September Portland, OR 9/12-16/05	November San Diego, CA 10/31-11/4/05
<u>Highly Migratory Species</u> NMFS Rpt Status of Fisheries & Preliminary SAFE Report Bigeye Overfishing Response: Consider FMP Amend. EFP Applications: Rev. & Make Recommendations High Seas Longline Amendment (Turtle Protection, Limited Entry; et al.): Next Steps	<u>Highly Migratory Species</u> NMFS Rpt Review Final SAFE Rpt (propose harvest levels & mgmt measures, if nec.--final action in Nov) Bigeye Tuna Overfishing Response: Next Steps	<u>Highly Migratory Species</u> NMFS Rpt Adopt Proposed Mgmt Actions for Pub. Rev., If nec. Bigeye Tuna Overfishing Response: Next Steps High Seas Longline Amendment (Turtle Protection, Limited Entry): Next Steps
<u>Marine Protected Areas</u>	<u>Marine Protected Areas</u> CINMS Marine Reserves DEIS	<u>Marine Protected Areas</u> MPA Update?
<u>Pacific Halibut</u>	<u>Pacific Halibut</u> Fishery Update--Info Rpt Proposed Changes to CSP in 2006 for Pub Rev Review Halibut Bycatch Estimate	<u>Pacific Halibut</u> Fishery Update--Info Rpt Proposed Changes to CSP in 2006: Adopt Final
<u>Salmon</u> MEW Update Klamath Fall Chinook Conservation Objective.: Preliminary Report on the Basis for the Objective EFH Review Process: Update Reauthorization of Klamath Fishery Mgmt Act	<u>Salmon</u> Fishery Update--Info Rpt Methodology Review: Establish Final Priorities and Schedule for 2005 Klamath Fall Chinook Conservation Objective.: Next Steps EFH Review Process: Next Steps	<u>Salmon</u> Fishery Update--Info Rpt Methodology Review: Approve Changes for Use in 2006 Preseason Planning for 2005: Approve Mgmt Sched. Klamath Fall Chinook Conservation Objective.: Next Steps EFH Review Process: Next Steps
<u>Administrative</u> Legislative Committee Report Budget Committee Report Interim Appointments 3 Mtg Outlook, Draft September Agenda, Workload	<u>Administrative</u> Legislative Committee Report Budget Committee Report Interim Appointments 3 Mtg Outlook, Draft November Agenda, Workload Regulatory Steamlining Program Update	<u>Administrative</u> Legislative Committee Report Budget Committee Report Interim Appointments 3 Mtg Outlook, Draft Mar. Agenda, Workload-Apr 7
<u>Special Monday Joint Sessions</u> Ocean Regime Shift Rebuilding Plan Revision Rules Policy	<u>Special Monday Joint Sessions</u>	<u>Special Monday Joint Sessions</u>

PRELIMINARY DRAFT JUNE COUNCIL MEETING AGENDA, JUNE 13-17, 2005, FOSTER CITY, CA

AG# TIME				COUNCIL TASK		ADVISORY BODY PRIORITY 1/		ANCILLARY MEETING SCHEDULE		
AG# TIME				AGENDA TOPICS/COMMENTS		COUNCIL TASK		Day/Group	Start Time	Continuing Through
SUNDAY, JUNE 12 - See Ancillary Schedule								SUNDAY:		
								A. GMT	1:00 PM	Thur.
MONDAY, JUNE 13 - 8:00 am								MONDAY:		
				<i>Ancillary Meetings - see Ancillary Schedule</i>				A. GMT	8:00 AM	Thur.
								B. GAP	8:00 AM	Thur.
								C. SSC	8:00 AM	Wed.
								D. HC	10:00 AM	Tue. Noon
								E. Legislative	10:30 AM	Mon.
								F. Budget	1:30 PM	Mon.
								Chair's Briefing	3:30 AM	Mon.
								G. EC	4:30 PM	Fri.
TUESDAY, JUNE 14 - 8:00 am								TUESDAY:		
				<i>Ancillary Meetings - see Ancillary Schedule</i>				GAP; GMT; SSC; HC; EC continue		
CLS	0.75			Closed Session Agenda: Personnel & Litigation--8 am						
				Advisory Body Issues - Interim Appointments (SAS--NW Tribal; CPSAS--Conservation)		Info				
				Litigation Status (E. Cooney)		Info				
A.	0.25			General Session Call to Order - 8:45 am						
1-3				Opening, Roll Call, ED Rpt		Info				
4				Approve Agenda		Decision				
B.				Administrative Matters						
1	0.20			Approve Minutes - March 2005		Decision				
C.				Salmon Mgmt						
1	0.75			Update on Progress of Model Evaluation Committee (MEW)		Guidance		SSC; STT; SAS		
2	2.00			Klamath Conservation Objective: Preliminary Report on Technical Basis for Objective		Info & Guidance		SSC; STT; SAS		
3	1.00			Update on EFH Review Process		Guidance		HC; STT; SAS		
D.				Habitat						
1	0.75			Habitat Committee Rpt		Decision		HC		
E.				Groundfish Mgmt						
1	1.00			NMFS Rpt (Region & Science Center)		Info		GMT; GAP; EC		
2	1.00			Open Access Observer Model: Review & Approve for Use		Action		SSC; GMT; GAP		
	0.50			4 pm Public Comment Period		Info				
	8.20									

PRELIMINARY DRAFT JUNE COUNCIL MEETING AGENDA, JUNE 13-17, 2005, FOSTER CITY, CA

ANCILLARY MEETING SCHEDULE				
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/
WEDNESDAY, JUNE 15 - 8 am				
		<i>Ancillary Meetings - see Ancillary Schedule</i>		→
E.				
3	1.50	Groundfish Mgmt (continued) Rebuilding Plan Revision Rules: Adopt Policy Alternatives for Public Review	Decision	SSC; GMT; GAP
4	1.50	Amendment 18: Adopt Draft FMP Bycatch Language for Public Review	Action	GMT; GAP; EC
5	4.00	Trawl IQ EIS: Approve Range of Alts. For Analysis & Public Rev.	Decision	GMT; GAP; EC
6	2.00	Inseason Adjustments: First Cut at Adopting Appropriate Changes	Guidance	GMT; GAP; EC
	9.00			
THURSDAY, JUNE 16 - 8 am				
		<i>Ancillary Meetings - see Ancillary Schedule</i>		→
F.		Coastal Pelagic Species Mgmt		
1	0.75	NMFS Rpt, including Science Center Rpt & fishery update	Info	CPSAS; CPSMT
2	0.50	Pacific Mackerel Harvest Guideline: Adopt for 2005-2006 Season	Action	CPSAS; CPSMT
3	3.00	FMP Amendment 11--Final Action on Sardine Allocation	Action	CPSAS; CPSMT
4	0.50	Five Year EFH Review: Final Adoption	Action	CPSAS; CPSMT; HC
E.				
		Groundfish Mgmt (continued)		
7	4.00	EFH EIS: Adopt Final Preferred Alternative	Action	SSC; GMT; GAP; HC
	8.75			
THURSDAY:				
				GAP, GMT, EC, HMSAS, HMSMT continue

PRELIMINARY DRAFT JUNE COUNCIL MEETING AGENDA, JUNE 13-17, 2005, FOSTER CITY, CA

ANCILLARY MEETING SCHEDULE				
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/
FRIDAY, JUNE 17 - 8 am				
		<i>Ancillary Meetings - see Ancillary Schedule</i>		→
G.		Highly Migratory Species Management		
1	0.50	NMFS Rpt--Region & Science Center (Including Observer Coverage Rpt)	Info	HMSAS; HMSMT
2	0.50	Status of Fisheries & Preliminary SAFE Report		HMSAS; HMSMT
3	1.00	Bigeye Tuna Overfishing Response: Consideration of FMP Amendment	Decision	HMSAS; HMSMT
4	0.75	EFP Applications: Review and Make Recommendations	Decision	HMSAS; HMSMT
5	1.00	High Seas Longline FMP Amendment for Turtle Protection, Limited Entry, etc.: Consider Amendment Possibilities and Schedule	Decision	HMSAS; HMSMT; EC
E.		Groundfish Mgmt (continued)		
9	1.00	Inseason Adjustments: Adopt Final Appropriate Changes (if Nec.)	Action	GMT; GAP; EC
10	0.50	CA Shore-based Whiting Fishery: Recommend Opening Date	Action	GMT; GAP; EC
B.		Administrative Matters		
2	0.75	Legislative Matters	Guidance	
3	0.30	Fiscal Matters	Decision	
4	0.20	Interim Appointments to Adv. Bodies, Standing Com., & Other Forums	Decision	None
5	1.00	3 Mtg Outlook, Draft June Agenda, & Workload Priorities	Guidance	GMT; GAP; & as nec
	7.50			
1/ Anticipates each advisory subpanel will review agenda items for its particular FMP.				
• Key for Council Task: Info=briefing; Guidance=formal or informal direction on issue; Decision=formal determination; Action=directly results in implementation by NMFS.				
IR. Informational Reports (available in Briefing Book, but no time scheduled on Agenda):				
1		EFP Report by WA: Review of 2004 & Expectations for 2006	Info	SSC; GAP; GMT
2		EFP Report by OR: Review of 2004 & Expectations for 2006	Info	
3		EFP Report by CA: Review of 2004 & Expectations for 2006	Info	
4			Info	
Candidate Agenda Items Contingent on Timing etc.				
1.50		FMP Krill Amendment: Consider Preliminary Alts. For Analysis	Decision	CPSAS; CPSMT; Others
2.00		Amendment 10--Shore-based Whiting Fishery EA: Adopt Monitoring Alternatives for Public Review & Implementation in 2006	Action	GMT; GAP; EC
8	2.00	Stock Assessments: Approve for 2007-2008 Mgmt	Action	SSC; GMT; GAP

Due Dates:

Meeting Invitation Memo Distributed:	5/12
Public Meeting Notice Mailed:	5/19
FR Meeting Notice transmitted:	5/19
Final day to receive public comments for placement in BB:	COB 3/25
Final deadline to submit all BB materials:	COB 5/25
Final deadline to submit cover memos for Ancillary Meetings:	COB 5/27
Briefing Book Mailing:	COB 6/2
Final deadline to receive public comments for distribution to Council on first day of mtg:	COB 6/7

COUNCIL WORK LOAD PRIORITIES APRIL 11, 2005 THROUGH JUNE 17, 2005
(Bolded tasks represent a Core Program Responsibility)

	Salmon	Groundfish	CPS	HMS	Other
ACTIVE	Safe Documents:	SAFE 2002-2004: Volume II (review info)	Pacific Mackerel HG	Prelim SAFE Doc	Admin Necessities
	Preseason Rpt III		CPS SAFE Doc.		(Briefing Book, minutes, Newsletter, COP; convert Safe Docs to WORD; etc.)
	Annual Specs & Sup FONSI	Inseason Mgmt			Pacific Halibut Mgmt
	EFH Update (5 year review)	Trawl IQ Program EIS Dev (TIQC mtg)	FMP Amendment 11: sardine allocation	Bigeye Overfishing Response	Final Incidental Catch Regs
	Methodology Review	TIQC Mtg--May	CPS EFH EIS 5 year review	EFP Applications	Council Chairs and EDs Mtg
CONTINGENT	Coord. Klamath Review	Allocation Mtg--May--IQ & A18 matters	Amendment 12: Krill	Amendment 1	Marine Protected Areas coord
		Stock Assessments			CINMS MR Matters
		EFH EIS			Central CA Sanctuaries:
		Rebuilding Plan Revision Rules Policy			Transmit April Action
		Amendment 18: Bycatch			MSA Reauthorization
DELAYED	Model Eval Work Group Mtg	GMT Mtgs in May and June	CPSMT Mtg in May	HMSMT & AS Mtgs	
	Update Historic DataSets	GAP Mtg at June Council Mtg	CPSAS MTG at June CM	in Apr & Jun	
					Social Science White Paper
DELAYED		EFPs for 2006: First Step	Update FMP w/ Amendment 9	Joint WPFMC-PFMC Mtg	PacFIN/RecFIN/EFIN issues
		Monitoring of Shore-based Whiting EA		International HMS	Communication Plan
		Spiny Dogfish Endorsement FMP Amend.		Forum Participation	Research & Data Needs
					Economic Data
					Collection Program
DELAYED		GF Strategic Plan Formal Review	International Mgmt		
	Amendments:	Open Access Limitations			
	OCN Coho Matrix	Alternative Mgmt Approaches			
	SOF Coho Allocation	Fixed-Gear Permit Stacking Implementation			
	Cons. Objectives:	SSC B ₀ & MSY Workshop			
DELAYED	Puget S. Chinook & Coho	SSC Bycatch Workshop II			
	LCR Coho				
	Sacramento River Chinook				

REPORT ON “MANAGING OUR NATION’S FISHERIES II”

The Council will receive a report on the “Managing our Nation’s Fisheries II: Focus on the Future” conference held in Washington, DC, March 24-26, 2005. This is the second conference in a series designed to improve the management of marine fisheries in the United States. The conference focus is on regional fishery management programs, their successes, and remaining challenges; key issues for reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act; and on the recent recommendations of the U.S. Commission on Ocean Policy.

Council Task

Receive summary of conference program and events for discussion.

Reference Materials:

None.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion and Guidance

Don McIsaac

PFMC
03/22/05

LEGISLATIVE MATTERS

The Legislative Committee (Committee) will meet Monday, April 4 with a primary objective to review federal legislative issues.

The 109th Congress is currently in session. It is anticipated that reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) will be addressed in this Congress in 2005. Pacific Fishery Management Council (Council) input has been requested by U.S. Senators Ted Stevens (R, AK), Daniel Inouye (D, HI), Gordon Smith (R, OR), Olympia Snowe (R, ME), and U.S. Representative Wayne Gilchrest (R, MD). Reauthorization of the MSA will be discussed at the *2005 Council Chairs' and Executive Directors' Meeting* in Dana Point, California, April 25-29, 2005.

The Council and its Legislative Committee will review the current status of MSA reauthorization and discuss Council participation this important process. Key issues of interest to the Council addressed in previous versions of draft reauthorization legislation include individual quota programs, separation of conservation and allocation decisionmaking, ecosystem based management approaches, species rebuilding schedules, and overfishing definitions and responses. To promote the development of a Council position, Dr. Donald McIsaac presented a list of MSA issues for Council review in the March 2005 Committee Report (Agenda Item J.2.a, Attachment 1). Council staff will review Committee and Council statements on MSA reauthorization from previous years and present a more comprehensive list of issues and Council positions to the Committee. The Committee charge is to review, augment, and prioritize the list of MSA reauthorization issues and report to the Council. The Council is scheduled to adopt complete recommendations and priorities at the April meeting.

Acting on a request from the office of U.S. Senator Ron Wyden (D, OR) (Agenda Item J.2.a, Attachment 2), the Committee reviewed Senate Bill 343, the Capitol Construction Fund Qualified Withdrawal Act of 2005 at the March 2005 meeting. The Council approved the Committee's recommendations on this matter, and Council staff will brief the Committee on the resulting response letter. Senator Wyden's office also requested funding estimates associated with the requirements of a vessel monitoring system. Council staff will work with National Marine Fisheries Service and report the final estimates, as provided to Senator Wyden, to the Committee.

Council Action:

Consider Recommendations of the Legislative Committee.

Reference Materials:

1. Agenda Item J.2.a, Attachment 1: Magnuson-Stevens Act Reauthorization Issues, Pacific Council Prioritization, and Positions.

2. Agenda Item J.2.a, Attachment 2: March 15, 2005 letter from U.S. Senator Ron Wyden to Mr. Donald K. Hansen regarding the Capitol Construction Fund Qualified Withdrawal Act of 2005 (Senate Bill 343).

Agenda Order:

- a. Agenda Item Overview
- b. Legislative Committee Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider Recommendations of the Legislative Committee

Mike Burner
Dave Hanson

PFMC
03/22/05

**Magnuson-Stevens Act Reauthorization Issues,
Pacific Council Prioritization, and Positions**

Issue	Priority Cluster (A, B, or C)	Position
Allowance for Individual Quota Program		
Science Utilization/Separation Process		
NEPA inclusion		
Ecosystem Management		
Ecosystem Governance Councils		
Funding Security for RFMCs		
Preparation of overcapitalization reports		
Council concurrence on buyout programs		
Buyout vessels surrender all U.S. fishing permits		
Improved recreational fishery data collection		
Collecting processor economic data		
Definitions of 'overfished' and 'overfishing'		
Observer programs		
Review of rebuilding requirements		
Bycatch reduction gear development		
Charitable donation of bycatch		
EFH research and HAPC definitions		
Issues from Pew and U.S. Oceans Commissions		
Changes in representation of appointed seats		
Addition of Environmental NGO seat		
Requirement for Governors to submit balanced list		
Definitions of bycatch and retained incidental catch		
EFH 5-year review requirement		
Landed catch observer requirements		

RON WYDEN
OREGON

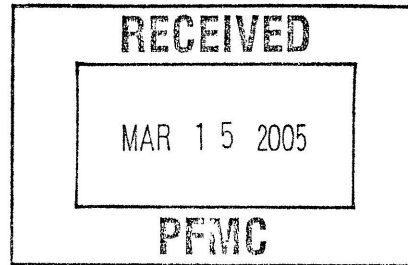
250 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
224-5244
(4) 224-1280 (TDD)

United States Senate
WASHINGTON, DC 20510-3703

Agenda Item J.2.a
Attachment 2
April 2005

March 15, 2005

Donald K. Hansen, Chairman
Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite #200
Portland, OR 97220



Dear Mr. Hansen:

Given the Pacific Fisheries Management Council's commitment to fishers and fisheries management, I would like your input on The Capital Construction Fund Qualified Withdrawal Act of 2005 (S. 343). This bill allows fishing families greater fiscal flexibility at a time of increasingly restrictive federal fishing management.

The Capital Construction Fund (CCF) was established as an amendment to the Merchant Marine Act of 1969. Conceived during a period when the federal government wanted to help capitalize and expand American fishing fleets, the CCF amendment was designed to allow fishers to accumulate funds, tax-free, for the purpose of purchasing or refitting fishing vessels. The program was a success. The result was a larger, modernized U.S. commercial fishing fleet.

However, today, the CCF does not appear to be responsive to the current state of U.S. fisheries and it does not meet the needs of all fishers. Unfortunately, under current law, if fishers withdraw funds from CCF for purposes other than the upgrade or purchase of a new vessel, taxes and penalties will cost the fisher up to 70% of the original investment.

This legislation changes current law to allow fishers to remove money from CCF accounts without adverse tax consequences. Fishers who decide to opt out of fishing will no longer be penalized for that choice. This bill amends the Merchant Marine Act and the Internal Revenue Code to allow funds currently in the CCF to be rolled over into an Individual Retirement Account (or other retirement account), or to be used for the payment of an industry fee authorized by a fishery capacity reduction program. This bill will allow fishers to use funds from CCF accounts to develop or purchase by-catch reduction gear, thereby encouraging innovation and conservation.

The Council's comments on this legislation are appreciated. If you have questions please do not hesitate to contact Kristen Averyt at 202.224.5244.

Sincerely,

Ron Wyden
U.S. Senator

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APPOINTMENTS TO ADVISORY BODIES, STANDING COMMITTEES,
AND OTHER FORUMS

This agenda item includes the following appointments:

- One vacancy on the Groundfish Allocation Committee for a non-voting advisor to represent the conservation community to be selected from the following list of nominees:
Mr. Peter Hutula, Pacific Marine Conservation Council
Mr. Burr Heneman, Commonweal

Council staff readvertised for the following Advisory Body vacancies with a nomination deadline of June 1, 2005:

- One vacancy for the Washington Coast Tribal representative on the Salmon Advisory Subpanel (SAS).
- One vacancy for the Conservation Group representative on the Coastal Pelagic Species Advisory Subpanel (CPSAS).

Council Action:

1. **Appoint new members as appropriate**
2. **Provide direction for remaining vacancies.**

Reference Materials:

1. Closed Session Agenda Item A.1.a, Attachment 1: Groundfish Allocation Committee Nominees.

Agenda Order:

- a. Agenda Item Overview
- b. **Council Action:** Appoint New Members As Necessary

Chuck Tracy

PFMC
03/17/05

WORK LOAD PRIORITIES AND DRAFT JUNE 2005
COUNCIL MEETING AGENDA

This agenda item requests guidance from the Council on the following three matters:

1. The Council three-meeting outlook (June, September, and November).
2. The draft agenda for the June Council meeting.
3. Council staff work load priorities for April 11, 2005 through June 17, 2005.

The Executive Director will review proposed drafts of the three items listed above and discuss any other matters with the Council relevant to this agenda item. After hearing any reports and comments from advisory bodies and public, the Council will provide its guidance to the staff. The Council should also identify priorities for advisory body consideration for the June Council meeting.

Council Tasks:

- 1. Provide guidance on potential agenda topics for the next three Council meetings.**
- 2. Provide guidance on the draft agenda for the June 2005 Council meeting.**
- 3. Provide guidance on priorities for Council work load management between the April and June Council meetings.**
- 4. Identify priorities for advisory body consideration at the June Council meeting.**

Reference Materials:

1. Agenda Item J.4.a, Supplemental Attachment 1: Proposed Preliminary Three-Meeting Outlook for the Pacific Council.
2. Agenda Item J.4.a, Supplemental Attachment 2: Preliminary Draft Council Meeting Agenda, June 13-17, Foster City, California.
3. Agenda Item J.4.a, Supplemental Attachment 3: Council Work Load Priorities April 11, 2005 through June 17, 2005.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Guidance on Work Load, June Council Agenda, and Priorities for Advisory Body Consideration

Don McIsaac

PFCM
03/22/04