

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL  
REPORT ON LEGISLATIVE MATTERS

The Highly Migratory Species Advisory Subpanel (HMSAS) reviewed the Staff Summary of Federal and State Legislation and wish to bring to the Council's attention the following concerns.

**Comment on HR 774 IUU Fishing Enforcement Act of 2015**

Section 206, "Rulemaking" of House Bill 774, which amends Section 6 (16 USC 955) of the Tuna Conventions Act of 1950, unnecessarily deletes by omission very important language in the current Section 6 of the Tuna Conventions Act. That language in the current Section 6 which must be retained is:

"The Secretary of Commerce shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations."

The omitted language stresses that the U.S. fleet will not be disadvantaged when foreign fleets ignore Regional Fishery Management Organization (RFMO) resolutions while the U.S. government continues its strict enforcement of regulations.

**Comment on A.B. 226 Pacific to Plate (proposed California legislation)**

This bill deserves the Council's support. Its origin comes from the establishment of the Tuna Harbor Dockside Market (Market) in San Diego, CA where commercial fishermen sell their fresh and fresh frozen catch directly to the public. Tuna Harbor Dockside Market, LLC, the organization that runs the Market, spent over two years in getting operating permission from the San Diego County Environmental Health Department and the San Diego Unified Port Commission, because there were no State, County, or Port regulations which provided for fishermen's markets, as contrasted to farmer's markets. This legislation will make it possible for San Diego's Market, and Pete Dupuy's Ventura fresh fish market as well as others throughout the State to operate with a minimum of bureaucratic red tape and roadblocks. The Market sells over one ton of fish, crabs, lobster, sea urchins and octopus a month to a weekly crowd of customers which average about 300 people per Saturday. It allows commercial fishermen to sell their harvest for twice as much as they would normally receive from buyer/processors and permits the public to buy fresh fish for about half what they would pay in supermarkets. It has also educated the public as to where their fish comes from, the way it is managed sustainably, and the variety of fresh seafood available. It has also encouraged commercial fishermen to revitalize fisheries which have disappeared (sand dabs, for example) because they were not economically viable for processors.

**Comment on HR 980 Vessel Incidental Discharge Act and S 373 Vessel Incidental Discharge Act**

While some of the provisions of these bills were incorporated into the Howard Coble Coast Guard and Maritime Transportation Act of 2014, which has been signed into law, this is only a temporary fix which runs out on December 18, 2017. What is needed is a permanent exemption for all commercial fishing vessels from the Environmental Protection Agency's National Pollution Discharge Elimination System.

PFMC  
03/10/15