

S. 1403, the Florida Fisheries Improvement Act

Sponsor – Senator Rubio (R-Florida)

Introduced on May 20, 2015

Referred to the Senate Commerce, Science, and Transportation Committee

Ordered Reported by the Senate Commerce, Science, and Transportation Committee on June 25, 2015

(Report has not been filed as of September 22, 2015)

(Note – the amended version of the legislation is not yet available so amendments offered and accepted by the Commerce Committee are noted in red in the summary below)

Section 1 – Short Title; Table of Contents.

Section 2 – References to the Magnuson-Stevens Fishery Conservation and Management Act.

Section 101 – Regional Fishery Management Councils. Current law stated that, until the end of Fiscal Year 2012, a Governor submitting nominations for seats for the Gulf of Mexico Fishery Management Council was required submit at least 1 nominee from each of the commercial, recreational, and charter fishing sectors and at least 1 other nominee who is knowledgeable regarding conservation and management of fishery resources under the Council's jurisdiction. This legislation would remove the language limiting this provision from apply only until the end of Fiscal Year 2012 and would add the South Atlantic Council to this nomination requirement.

The bill would require that each scientific and statistical committee provide ongoing scientific advice for fishery management decisions and do so in a transparent manner and allow for public involvement in the process.

The bill would authorize the Councils to use alternative fishery management measures in recreational fisheries (or in the recreational component of mixed-use fisheries) including extraction rates, fishing mortality, and harvest control rules to the extent these alternative measures are in accordance with the Act.

The bill would require each Council, where practicable, to make a video or audio webcast of each meeting of the Council and each meeting of the SSC available on the Council's website within 30 days of the meeting.

Section 102 – Contents of Fishery Management Plans. This bill would exempt species in a fishery with a life cycle of ~~(18)~~ 12 months or less or a species in a fishery in which all spawning and recruitment occurs beyond State waters and the EEZ from the requirement to establish a mechanism for specifying annual catch limits unless the Secretary determines that the species is subject to overfishing. *(Note – the amendment adopted at the Commerce Committee markup of this legislation changed this provision from 18 months to 12 months.)*

The bill would also clarify that the requirement to establish a mechanism for specifying annual catch limits shall not limit or affect National Standard 1 or the requirement to rebuild overfished fisheries.

The bill clarifies that nothing in this subsection is intended to affect the effective dates regarding the provision for establishing mechanism for specifying annual catch limits that are provided for under international agreements that the US participates in.

~~*Section 103 – Rebuilding Overfished and Depleted Fisheries. The bill would replace the current provision which establishes the time frame for rebuilding overfished fisheries. The bill would specify that the time period for rebuilding overfished fisheries shall be as short as possible, taking into account the status and biology of the overfished stocks, the needs of the fishing communities, recommendations by international organizations to which the US participates, and the interaction of the overfished stock within the ecosystem.*~~

~~*The bill would provide that this timeframe not exceed 10 years except where the biology of the stock or other environmental conditions dictate otherwise or shall not exceed the sum of the time in which the affected stock is expected to be rebuilt to its MSY biomass level in the absence of any fishing mortality and the mean generation time of the stock if those time values are considered the best scientific information available. These exemptions would not apply where management measures under an international agreement that the US participates in dictate otherwise.*~~

~~*(Note – the amendment adopted at the Commerce Committee markup of this legislation deleted this provision.)*~~

Section 104 – Funding for Stock Assessments, Surveys, and Data Collection. The bill would amend section 311 to allow fines, penalties, and forfeitures of property collected for violations of the Magnuson-Stevens Act or any other marine resource law to be used to pay for the costs of stock assessments, surveys, and data collection in fisheries managed under this Act.

Section 105 – Capital Construction. The bill would amend the Capital Construction Fund statute to allow certain shoreside fisheries and aquaculture facilities as well as certain vessels used in processing fish or used for aquaculture operations to participate in the Capital Construction Fund program. The bill would define what facilities are eligible and establish ownership requirements for those eligible facilities.

The bill would also modify what are allowable uses of a Capital Construction Fund and would detail how the qualified withdrawals of the funds from a CCF account will be treated under tax statutes.

Section 106 – Fisheries Disaster Relief. This bill would require that the Secretary of Commerce make a decision on any request for fisheries disaster assistance within 90 days of when the Secretary receives a complete estimate of the economic impact of the disaster from the affected State, tribal government, or fishing community.

Section 107 – Regional Fishery Conservation and Management Authorities. The bill creates a new provision in the Act to require the Gulf of Mexico Fishery Management Council, at least once every five years, to review any allocation of fishing privileges among the commercial, recreational and charter components of a fishery managed under an FMP prepared by the Council. The provision would allow the Council, if necessary, to delay action on the review not more than three times using one year incremental delays.

In addition, the bill would require a similar review by the South Atlantic Fishery Management Council of allocations for fishery privileges and include the same time restriction on the review.

Section 108 – Study of Allocations in Mixed-Use Fisheries. The bill would require the Secretary of Commerce, within 60 days, to enter into an arrangement with the National Academy of Sciences to study to provide guidance on criteria that could be used for allocating fishing privileges including consideration of the conservation and socioeconomic benefits of commercial, recreational, and charter components of fisheries managed under the Magnuson-Stevens Act. The study would also identify sources of information that could be used to support the use of such criteria in allocation decisions.

The bill would require, within one year of the contract being awarded, the National Academy of Sciences to submit a report to Congress on the study.

Section 201 – Fisheries Research. The bill would require the Secretary of Commerce, in consultation with the Councils and within one year, to develop and publish in the Federal Register a plan to conduct stock assessments for all stock managed under a fishery management plan.

The bill would require that a schedule for updating the stock assessments that is reasonable – based on the biology and characteristics of the stock – be established for every fishery for which a stock assessment has already been conducted and that an updated stock assessment for those previously assessed stocks be conducted at least once every five years with a possible delay of no more than 3 one-year delays and subject to appropriations. The Secretary could justify and determine a different schedule.

The bill would require that for each economically-important stock for which a stock assessment has not been previously conducted, the Secretary conduct a stock assessment within three years and establish a schedule for updating the stock assessment unless the Secretary justifies and establishes a different time period. This requirement is subject to appropriations.

The bill would require the Secretary to identify data and analysis especially concerning recreational fishing that would reduce uncertainty and improve stock assessment accuracy in the future. The Secretary would also be required to determine whether such data and analysis could be provided by non-governmental sources including fishermen, fishing communities, universities, or research institutions.

The bill would allow the Secretary to waive a stock assessment for stocks if the Secretary determines the assessment is unnecessary and justifies the determination.

Section 202 – Improving Science. The bill would require the Secretary within one year, in consultation with the scientific and statistical committees (SSC) of the Councils, develop a report to Congress on facilitating greater incorporation of data, analysis and stock assessments from non-governmental sources for the use in fisheries management decisions. It lists a number of sources of such data including fishermen, fishing communities, universities, and research institutions. The bill would require that the report: identify the types of data (especially concerning recreational fishing) that can reliably be used as for establishing conservation and management measures; set standards for the collection and use of such data; provide specific guidance for the collection of the data and for performing analyses to reduce uncertainty; consider to what extent it would be possible to establish a registry of persons

providing such information; and consider to what extent the acceptance and use of the data and analysis from these sources would be practicable in fishery management decisions.

Section 203 – Focusing Assets for Improved Fisheries Outcomes. The bill would amend the Saltonstall-Kennedy Act to require that 30 percent of all funds collected by the Secretary of Agriculture from customs duties on fishery products be used for fisheries research and development projects. Current law transfers these funds to the Secretary of Commerce.

The bill would restrict the ability of either the House or the Senate to consider any bill which would change the provision described above that would make changes to transfer and use of funds under the S-K Act. The provision would also deem this change to be a part of the House and Senate Rules.

Section 204 – Gulf of Mexico Red Snapper Catch Limits; Repeal. This provision would repeal section 407 of the Magnuson-Stevens Fishery Conservation and Management Act.