

H.R. 200

Introduced on January 3, 2017 by Congressman Don Young (R-Alaska)

Major Provisions:

- * Reauthorizes the Magnuson-Stevens Act for 5 years (Fiscal Years 2018-2022);
- * Provides rebuilding flexibility by replacing the term “possible” with “practicable”, and by replacing the 10-year rebuilding requirement with a timeframe reflecting the life-history of the species and allows some exemptions to this timeframe;
- * Allows Councils to take into account environmental conditions and predator/prey relationships in rebuilding fisheries;
- * Allows the use of alternative rebuilding strategies;
- * Requires Councils to specify a schedule for reviewing rebuilding targets and evaluating environmental impacts on rebuilding progress;
- * Allows Councils to terminate a rebuilding plan for a fishery if the determination that the fishery was overfished was done in error;
- * Allows the Secretary to extend emergency interim measures;
- * Allows Councils, in setting ACLs to consider changes in the ecosystem and the economic needs of fishing communities when setting ACLs;
- * Allows an exemption to the ACL requirement for species with a short life span;
- * Allows Councils to establish ACLs for multi-species complexes;
- * Allows Councils to establish multi-years ACLs (up to 3 years);
- * Allows Councils to take certain foreign activities into account when setting ACLs;
- * Requires a schedule for reviewing overfished fisheries;
- * Replaces the definition of “overfished” with a new definition of “depleted” that clarifies whether the condition of being depleted is a result of fishing activities or something else;
- * Requires additional transparency for Councils and Council SSCs;
- * Requires that each fishery management plan, plan amendment, or proposed regulation include a fishery impact statement and includes new requirements for these fishery impact statements;
- * Requires that the fishery impact statements be transparent and available for public review;
- * Deems that the completed fishery impact statement meet the requirements of NEPA (after review by the Secretary for adequacy);
- * Requires the Secretary to provide a report on fees;

- * Requires the Secretary to publish a plan for implementing cooperative research and to identify critical regional research and management needs;
- * Clarifies that the MSA takes precedence in the management of fisheries with regard to other laws (National Marine Sanctuaries, Antiquities Act, Endangered Species Act);
- * Requires the Secretary to establish partnerships with States to develop best practices for implementing State recreational fishery programs and develop guidance for best practices;
- * Requires the Secretary to submit a report to Congress on: the accuracy of the Federal recreational registry program; priorities for improving recreational data collection programs; and explain the use of information collected by State programs;
- * Requires a grant program to improve implementation of State data collection programs;
- * Requires the Secretary to enter into an agreement for a National Academy of Sciences study on the implementation of recreational data collection programs and requires a report to Congress by the Secretary on the NAS study;
- * Requires the Secretary to publish the estimated cost of recovery from a fishery resources disaster within 30 days of the determination of the disaster;
- * Requires the Secretary to make a decision regarding a fishery disaster within 90 days of receiving the economic impact estimate;
- * Requires the Secretary to give preference to students studying specific fishery-related subjects when hiring individuals to collect recreational data;
- * Requires the Councils and the Secretary to review the operations and impacts of limited access privilege programs within 5 years after the implementation of the program and at least every 7 years thereafter to determine the progress in meeting the goals, report the positive and negative economic effects, and determine modifications to meet the goals;
- * Requires the Secretary, within 2 years, to develop a plan to conduct stock assessments for each stock managed under an FMP and conduct a new stock assessment at least once every 5 years;
- * Requires that, for stocks that have not been assessed, the Secretary to establish a schedule for conducting an initial assessment for each of the stocks within 3 years;
- * Requires the Secretary to identify data and analyses, especially for recreational fisheries, that would reduce uncertainty and improve future stock assessments and to determine whether such information could be provided by other sources;
- * Requires the Secretary to develop guidelines to facilitate the inclusion of information from non-governmental sources for the use in fishery management decisions and identify the types of data that can reliably be used as best scientific information available and provide guidance for the collection and analysis to reduce uncertainty;
- * Requires the Secretary and the Councils to use all of the data and analysis that meets the new guidelines in their fishery management decisions, requires that the Secretary and the Councils explain in

each fishery management decision how the data had been used, and requires if any such data is not used, provide an explanation for why it was not used;

- * Requires the Secretary to submit a report to Congress for each fishery managed under an FMP that identifies the goals of the monitoring and enforcement programs, identifies the methods for accomplishing the goals, and certifying which methods are most cost-effective;

- * Allows Councils to use alternative fishery management measures in a recreational fishery or the recreational component of a mixed-use fishery including the use of extraction rates, fishing mortality targets, and harvest control rules;

Provisions Affecting Specific Councils/Regions:

- * Prohibits new catch share programs in 4 Councils;

- * Adds a new seat to both the New England and Mid-Atlantic Councils to represent the interests of the other Council for overlapping fisheries;

- * Strikes section 407 from the Act;

- * Requires the Secretary to develop and implement real-time reporting and data collection program for Gulf red snapper fishery;

- * Requires the Secretary to develop and implement a cooperative research program for data poor fisheries in the Gulf and South Atlantic;

- * Requires the Secretary to develop a schedule of stock surveys and assessments for commercially and recreationally important fisheries in the Gulf and South Atlantic for a 5-year period with updates every 5 years and requires that each important fishery be surveyed at least once every 5 years;

- * Requires that information gathered as a result of research funded by the RESTORE Act be incorporated as soon as possible;

- * Extends State management for the recreational sector of the Gulf red snapper fishery out to 9 nautical miles;

- * Requires that the Gulf States Marine Fisheries Commission act as the responsible party for providing stock assessment information to the Gulf Council for fisheries managed under the Reef Fish FMP; require that information from outside sources be incorporated into stock assessments and that State, university and private assets be used to conduct surveys; and require that stock assessments incorporate fishery surveys and information collected near artificial and natural reefs, that stock assessment Contain raw data used in the assessment and employ a transparent process including an independent scientific review;

- * Prohibits the Secretary from counting red snapper mortality that occurs as a result of rig removals or from counting fish seized from IUU fishing vessels against the TAC for domestic fishermen;

- * Prohibits any commercial quota shares allocated under a Gulf catch share program from being traded for use in the recreational or charter sectors;

- * Requires the Governor of Alaska to consult with subsistence fishing interests prior to submitting nominations for the North Pacific Council;
- * Adds subsistence fishing as a potential qualification required for all Council appointees;
- * Amends the “Purposes” section of the Act to clarify that promotion of subsistence fishing is a purpose;
- * Creates a new Artic Community Development Quota Program if a new fishery management plan is developed for the Artic;
- * Allows the North Pacific Council to modify the harvest limitation under the American Fisheries Act;
- * Removes an archaic date in North Pacific region for state management of vessels (salmon fishery).