

**WRITTEN TESTIMONY OF**  
**SHANNON CARROLL**  
**DEPUTY DIRECTOR**  
**ALASKA MARINE CONSERVATION COUNCIL**

**HEARING ON**  
**MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT**

**BEFORE THE**  
**COMMERCE, SCIENCE AND TRANSPORTATION COMMITTEE**  
**OCEANS, ATMOSPHERE, FISHERIES AND COAST GUARD SUBCOMMITTEE**  
**UNITED STATES SENATE**

**AUGUST 23, 2017**

Thank you for your invitation to testify on the successes and challenges of the Magnuson-Stevens Act (MSA or the Act). I am Shannon Carroll, a former commercial fisherman and current Deputy Director for the Alaska Marine Conservation Council (AMCC). AMCC's mission is to protect the integrity of Alaska's marine ecosystems and promote healthy, ocean-dependent coastal communities through sustainable fishing practices, habitat protection, and local stewardship. AMCC is also a member of the Fishing Communities Coalition (FCC), an association of community-based, small-boat commercial fishing groups. The FCC represents more than 1,000 independent fishermen and business owners from Maine to Alaska who share a commitment to the sustainable management of America's fishery resources. Because the FCC was formed to strengthen and unify the individual voices of our member organizations, my testimony today is endorsed by the FCC. Collectively, we strongly support the MSA and respectfully offer the following comments on reauthorization.

Before I do so, however, I want to commend this Committee's process in moving forward towards reauthorization. Implicit, if not explicit, in the structure of the MSA, is the concept that stakeholders are best suited to effectively manage their regional fisheries. Past reauthorization efforts have also reflected this belief, with this Committee holding field hearings with stakeholders to inform reauthorization efforts. To that end, I appreciate the fact that this Committee is hearing from stakeholders at the outset of the reauthorization effort.

I also want to thank the Chairman, Senator Sullivan, for his leadership on fisheries and ocean issues. In addition to legislation such as the Save Our Seas Act and the IUU Fishing Enforcement Act, we greatly appreciate his support for and introduction of the Young Fishermen's Development Act (S. 1323). As you know, the FCC and its member organizations—including AMCC and the Alaska Longline Fishermen's Association—have worked for nearly two years in designing a national program to help young and beginning fishermen. Some of the key components of the legislation are modeled after what we have done and are doing in Alaska. In fact, this state has done more to help and train young fishermen than any other state, but, as you

know, much more needs to be done around the country to ensure that the next generation of commercial fishermen not only exists, but prospers.

## **RAISING THE BAR FOR ALL FISHERIES**

AMCC urges Committee to take a “do no harm” approach to reauthorization. We continue to believe that many of the issues plaguing various fisheries across the country could be addressed by investing in better and/or more frequent stock assessments, data, research, and accountability measures—all under the existing framework of the MSA. We believe this because for over forty years, Alaska has demonstrated that science-based annual catch limits, robust stock assessments and fisheries data, effective accountability measures, and a transparent public review process are the cornerstone of effective fisheries management. The numbers speak for themselves: North Pacific fishermen sustainably harvest between 5 - 6 billion pounds of seafood annually, which supports about 9,800 vessels and about 100 processing plants in coastal communities, and generates \$14.6 billion in economic output (including direct and multiplier impacts). These figures do not include the thousands of jobs in other regions connected to our seafood production.

Recognizing this success, Congress amended the MSA to bring the “Alaska Model” to the rest of the country, dramatically improving the overall health of our fisheries. Indeed, of the forty-one stocks listed as subject to overfishing, only fourteen remain in such condition. Today we enjoy the lowest number of overfished stocks in history and landings revenue is up eighteen percent since 2005. Rebuilding these stocks required the hard work and sacrifice of fishermen and fishing communities, and the dedication of fishery management councils and agency staff. These rebuilt fisheries have led to greater stability, opportunities for diversification, and new entrants into the industry, all of which directly benefits fishing communities.

Reauthorization should not put that hard-earned progress at risk by weakening the core science-based management provisions of the Act. I recognize that certain fisheries and regions have struggled under these provisions. But before considering ways to weaken the Act, I ask that the Committee consider that in most cases the root of the problem in these regions and fisheries is poor data and accountability. Adding additional flexibility<sup>1</sup> to annual catch limits may increase those limits in the short-term, but it does not address the underlying issue in those fisheries and therefore is not a viable long-term solution.

Rather than lower the bar to fisheries with the poorest data or weakest accountability measures, I urge the Committee to consider changes that raise the bar for all fisheries by strengthening the

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<sup>1</sup> I also ask the Committee to consider the high level of flexibility already provided for under the Act. Councils can presently consider the needs of fishermen and fishing communities in setting annual catch limits. The ten-year rebuilding timeline is based on the finding that most stocks can be rebuilt in five years, thus allowing for consideration of social and economic considerations. The revised National Standard 1 guidelines have also created additional flexibility in the annual catch limit and stock rebuilding requirements. Lastly, the current language in the Act allows exceptions to the ten-year rebuilding timeline and allows managers to tailor rebuilding plans to a fish stock’s specific biological and ecological needs. In practice, the average time period in rebuilding plans to date is almost twenty years.

foundation upon which sustainable fisheries management rests: accountability, timely and accurate data, sound scientific research, and transparency. Here in the North Pacific, as elsewhere, that foundation is being threatened. Next year, for example, NOAA may be reducing the number of survey vessels in the Gulf of Alaska and the Bering Sea, as well as the number of fishing vessels carrying observers due to stagnant or declining funding levels. This loss will result in greater uncertainty in the data driving management decisions, potentially leading to more precautionary catch limits and less economic benefit from our fisheries.

Congress can help fishermen, processors, coastal communities, and the thousands of small businesses that depend on wild caught, American seafood by investing in the science that allows fishermen to harvest optimum yield on a continuing basis. We support the move toward more robust annual stock assessments, effective accountability measures, and accurate and precise monitoring and reporting. Science-based catch limits and rebuilding timelines have been proven to work but we must do more to support this management framework and the resulting management decisions by mandating and funding better data collection and accountability measures.

With that in mind, the remainder of my remarks highlight opportunities to promote and strengthen science-based decision making, to improve fishery data collection and accountability, and to better protect our vital commercial fishing communities. My comments also come directly from the MSA legislative package crafted and approved by the members of the FCC, with the full support of AMCC. With your permission, Mr. Chairman, I would like to submit this legislative package for the record.

## **COUNCIL ACCOUNTABILITY, TRANSPARENCY AND PUBLIC PROCESS**

The FCC MSA legislative package includes portions of HR 200—sponsored by Congressman Don Young—including requiring each Scientific and Statistical Committee (SSC) to develop advice in a manner that is both fully transparent and also allows for public involvement. Additionally, in the name of transparency, we would require Council meetings to be posted online and require Council and SCC meeting notes and transcripts to be maintained by the Council and made available to the public. To increase accountability of all Council members we would require all non-procedural votes at the Council be taken by recorded vote.

## **FINANCING OF FISHERIES MONITORING PROGRAMS**

We propose to expand to all Councils the discretionary authority to impose fees presently only available to the North Pacific Fishery Management Council (NPFMC). This important tool has allowed the NPFMC to establish fees—the amounts vary from fishery to fishery—as part of a fisheries plan in order to partially offset monitoring costs. The program has been a great success in the North Pacific region by providing more comprehensive observer coverage at a lower cost to individual fishermen. Our legislative package would also create a dedicated regional fishery observer fund in the Treasury for each Council. Taking these steps should help strengthen important monitoring and data collection measures without increasing the cost to the federal government.

## **RECREATIONAL FISHING**

Mr. Chairman, I understand your Subcommittee has heard a lot from recreational fishermen and boat and engine manufacturers about how the MSA is not working for them. AMCC and the FCC recognize and appreciate the attention Congress has devoted to finding a way to manage recreational fishing that is effective and fair but that does not undo the successes the MSA has had to date. Community-based commercial fishermen are sympathetic to the challenges and management dilemmas faced today by recreational fishermen. We have struggled through similar situations that have resulted in fewer fishing opportunities, stringent quotas, and the loss of fishing jobs and families. By fighting through those obstacles and working through the MSA and Council process, we have rebuilt many stocks, created healthy fishing businesses and sustainably harvested new and underutilized species. I would urge the recreational sector to work with the MSA process, rather than weakening it by working around it.

The Modernizing Recreational Fisheries Management Act of 2017 (S. 1534), sponsored by Senator Wicker, is based on the premise that recreational and commercial fishing are fundamentally different activities and therefore require different management approaches. To provide sport fishermen greater access—i.e., more fish—to our nation’s marine fisheries, the bill allows fishery managers to use alternative management measures for recreational fisheries. Unfortunately, these measures weaken the science-based conservation standards and approach of the MSA. In weakening these standards, the bill ignores the precautionary principle for data-poor stocks; stymies research and innovation by making the exempted fishing permit process unworkable and burdensome; undermines the 10-year stock rebuilding requirement, and; establishes a moratorium on new catch share programs, thus taking away from the Councils an important tool from the management toolbox.

Additionally, as the commercial sector has learned, greater access—more fish—brings with it greater responsibility and accountability. The commercial sector is subject to a high degree of accountability measures including licenses, permits, mandatory catch reporting, at-sea observers, electronic monitoring, vessel tracking devices, mandatory notification of fishing trips, and more. While S. 1534 does include beneficial mandates for cooperative data collection, it does not address the fundamental challenge of tracking recreational catch and holding the recreational sector accountable for its catch.

While we may agree with Sen. Wicker and others that recreational fishing and commercial fishing are different activities with different objectives, the end result of both sectors is the same: the harvesting of a public resource. I would urge this Committee to ensure that sound science and individual accountability are the foundation of any new proposal for best management practices for recreational fishing.

Mr. Chairman, as you are aware the biggest challenge in managing the recreational sector is knowing how much fish is caught on a timely basis and when fishing should stop to avoid exceeding the allocation. To address this problem the FCC MSA legislative package includes a section that provides Councils the discretionary authority to require permits and catch reports from both commercial and recreational fishing vessels. Today, Councils can only require permits for commercial vessels fishing within the EEZ.

In 2006, Congress attempted to address the lack of data from the recreational sector by requiring the Secretary to establish regional registries for recreational fishermen. While well-intentioned, these provisions (Sec. 401 (g)) lacked the essential requirement of catch reporting and provided for broad exemptions. We propose to amend the current regional registry program for recreational fishermen fishing in the EEZ by requiring the reporting of catch and landings information on a timely basis. This section also limits the exemption from the registry for State licensing programs to those State programs that require the reporting of catch.

## **FORAGE FISH**

Having enough forage fish in the water is essential to maintaining healthy fisheries and ecosystems. Our legislative package requires the Councils to develop a list of unmanaged forage fish and prohibit the expansion or development of new commercial or recreational directed fisheries until the Council has had adequate opportunity to assess the scientific information and considered the potential impacts to existing fisheries, fishing communities, and the marine ecosystem. Science and data for new and emerging fisheries is vital, especially in light of shifting and mitigating fish stocks. Additionally, management plans need to be in place before any new fishery is opened in order to advance ecosystems approaches to fisheries management. The provision is modeled after the Mid-Atlantic Council's Unmanaged Forage Omnibus Amendment.

## **STRENGTHENING FISHING COMMUNITIES**

When Congress reauthorized the MSA in 2006, it included a new section focused on limited access privilege programs (LAPPs). This section—303A—included provisions designed to allow fishing communities to participate in those programs. Unfortunately, after more than a decade, not one fishing community has been able to use these provisions to secure an allocation of fish. In response to this problem, our legislative package proposes to update and streamline the current, unsuccessful MSA provisions. This is an extremely important issue not only to fishing communities in Alaska but also in New England and other rural fishing communities on every U.S. coast. For example, in Alaska, the number of rural Alaskans holding local fishing permits in state fisheries has declined by 30 percent since 1975. Some regions like Bristol Bay have lost over 50 percent of their locally held permits. The same story is found at the federal level as well: small, rural communities in the Gulf of Alaska have experienced a 53 percent decline in halibut quota holdings. We have learned the hard way that once fishing permits and quota migrate away from our fishing communities, they are gone forever.

To improve the likelihood that fishing communities can actually participate in limited access privilege programs, we suggest establishing national standards for the minimum requirements of a community sustainability plan, allowing a community to submit a plan to the Council for approval, and requiring that when a Council creates a new LAPP, it must consider the needs of fishing communities and provide a process for communities to participate in the program.

## NEXT GENERATION

Lastly, I would like to highlight the challenges facing the next generation of commercial fishermen. Despite the important role our industry plays in our nation's economy, there is not a single federal program devoted to supporting and developing entry-level commercial fishermen. And the time for such a program has never been greater. With the average age of U.S. commercial fishermen increasing, we are deeply concerned that the graying of America's fleet poses a substantial and growing threat to the future of our industry.

The next generation faces daunting challenges, including high cost of entry, financial risks, and limited entry-level opportunities. In Alaska, these challenges are reflected in the declining number of young people entering the industry and the ongoing attrition of fishing rights from remote fishing communities. As I mentioned earlier, rural Alaskan communities have experienced significant loss of access to local fisheries, at both the state and federal level. With the loss of local access comes the loss of local opportunity.

Not long ago, the agriculture industry faced similar challenges and worked with Congress to create the Beginning Farmers and Ranchers Development Program. The Young Fishermen's Development Act (S. 1323), championed by Chairman Sullivan, is modeled after this successful program and aims to create a national program exclusively dedicated to assisting, educating, and training the next generation of commercial fishermen. Specifically, this innovative program would provide competitive grants to foster collaborative state, tribal, regional and local partnerships; promote mentorship opportunities for retiring fishermen and vessel owners; and provide support for regional training and education programs focused on accountable, sustainable fishing and sound business practices.

This bill is an important part of ensuring fishermen in Alaska and other regions have the tools and education they need to enter into a successful and fulfilling career. It would also ensure American's fishing communities continue to thrive for future generations by supporting economic opportunity, jobs, and food security while preserving a proud heritage and way of life. I want to thank Chairman Sullivan again for introducing and championing this effort, and I would urge the Subcommittee to give its full consideration to this bill.

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In closing, I would again like to sincerely thank the Chairman and this Subcommittee for holding this field hearing as well as for your goal to improve upon an already successful law. I am happy to answer any questions or provide more information or clarification, and look forward to working with the Members of this Committee and your staff on MSA reauthorization.

Sincerely,



Shannon Carroll  
Deputy Director



## FISHING COMMUNITIES COALITION

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Provided below is a brief section-by-section description of the FCC's 2017 MSA amendment package.

### ***TITLE 1-MAKING FISHERIES MANAGEMENT EFFICIENT AND ACCOUNTABLE ACT OF 2017***

Sec. 101-Short Title: Making Fisheries Management Efficient and Accountable Act of 2017.

Sec. 102-Modernization and Streamlining Fishery Information Systems: This section includes language similar to that proposed by Rep. Huffman last Congress. Specifically, it directs the Commerce Secretary to contract with the U.S. Digital Service to make recommendations to modernize and streamline NMFS fishery data collection, processing, analysis, accessibility and storage systems. At a minimum the contract shall specify that the Secretary is seeking recommendations that promote user-centered data and includes open secure architecture and clear data and performance specifications. Requires Secretary to implement all recommendations made by the Digital Service.

Sec. 103-Council Accountability, Transparency and Public Process: This section incorporates portions of HR 200 including requiring each SSC to develop advice in a transparent manner and allow for public involvement in the process; requiring Council meetings to be on their web site; and requiring Council and SSC meeting notes/audios/transcripts to be maintained by the Council and made available to the public. Lastly, requires that all non-procedural votes at the Council be taken by recorded vote.

Sec. 104-Electronic Monitoring and Storage Requirements: This provision requires Secretary to issue final regulations on EM 12 months after date of enactment; allows Councils to incorporate EM into monitoring requirements for each fishery; clarifies that EM can only apply to a fishery in which the Council or Secretary determines that EM will yield data collection and compliance results that meet a minimum accuracy standard as defined by the Council's SSC (this ensures that EM doesn't have to produce "comparable results"); ensures EM requirements are compatible with operational and size of target fleet; authorizes pilot project; requires EM to be in place in NE and N. Pacific within 18 months; and makes clear that the Secretary is not required to store or maintain any information, video or other data obtained through human observers or EM for a period of more than 1.5 years after date of collection.

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Gulf of Mexico Reef Fish Shareholders' Alliance • Half Moon Bay Groundfish Marketing Association • Maine Coast Fishermen's Association



## FISHING COMMUNITIES COALITION

Sec. 105-Financing of Fisheries Monitoring Programs: This section expands to all Councils the discretionary authority presently only available to the NPFMC which allows them to establish fees (which may vary from fishery to fishery) to help pay for monitoring costs as part of a fisheries plan. Creates regional fishery observer funds in the Treasury for each council. This section does not amend the current provisions applying only to the NPFMC.

Sec. 106-Recreational Fishing: This section provides Councils with the authority to require permits/fees from both commercial AND recreational fishing vessels. Amends the current regional registry program for recreational fishermen (Sec. 401(g)) fishing in the EEZ by requiring the reporting of catch and landings information on a timely basis. This section also limits the exemption from the registry for State licensing programs to those State programs that require the reporting of catch.

Sec. 108.-Forage Fish: This section requires the Councils to develop a list of unmanaged forage fish and prohibit the expansion or development of new commercial or recreational directed fisheries until the Council has had adequate opportunity to assess the scientific information and considered the potential impacts to existing fisheries, fishing communities and the marine ecosystem in order to advance ecosystems approaches to fisheries management. The provision is modeled after the MAFMC Unmanaged Forage Omnibus Amendment.

### ***TITLE II-STRENGTHENING FISHING COMMUNITIES***

Sec. 201.-Short Title-Strengthening Fishing Communities Act of 2017

Sec. 202.-Strengthening Fishing Communities: This section updates and streamlines the current unsuccessful MSA provisions designed to allow fishing communities to participate in LAPS. Essentially this section sets forth the minimum requirements for a community sustainability plan, allows a community to submit a plan to a Council for approval and requires that when creating any LAPS, a Council must consider the needs of fishing communities and provide a process for communities to participate in the program.

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April xx, 2017

115<sup>th</sup> CONGRESS

1<sup>st</sup> SESSION

**H.R. \_\_\_\_\_**

To Strengthen the Magnuson-Stevens Fishery Conservation and  
Management Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES OF THE UNITED  
STATES

April \_\_, 2017

Mr(s). \_\_\_\_\_ (for himself/herself and \_\_\_\_\_)

introduced the following bill; which was read twice and  
referred to the Committee(s) on \_\_\_\_\_

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**A BILL**

To Strengthen the Magnuson-Stevens Fishery Conservation and  
Management Act, and for Other Purposes.

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

3        **TITLE I- MAKING FISHERIES MANAGEMENT**  
4        **EFFICIENT AND ACCOUNTABLE ACT OF 2017**  
5        **SECTION 101. SHORT TITLE.**

6                This Act may be cited as “Making Fisheries Management  
7        Efficient and Accountable Act of 2017”.

8        **SEC.102. MODERNIZATION AND STREAMLINING**  
9        **FISHERY INFORMATION SYSTEMS.**

10            (a) IN GENERAL.—The Secretary of Commerce shall seek to  
11        enter into an agreement with the United States Digital Service  
12        (Service) within 90 days after the date of the enactment of this Act,  
13        under which the Service shall make recommendations to  
14        modernize and streamline the fishery data collection, processing,  
15        analysis, accessibility and storage systems of the National Marine  
16        Fisheries Service. The agreement shall specify that the Secretary  
17        is seeking, at a minimum, recommendations that promote user-  
18        centered data and includes open, secure architecture and clear data  
19        and performance specifications.

20            (b) ACCESS TO DATA SYSTEMS.—Under the agreement,  
21        the Secretary shall provide the United States Digital Service with  
22        access to all data collection, processing, analysis, management and  
23        storage systems of the National Marine Fisheries Service and any  
24        other information necessary to enable the development of  
25        recommendations that will ensure the optimization and  
26        modernization of such systems.

1 (c) IMPLEMENTATION OF RECOMMENDATIONS.  
2 The Secretary shall implement any recommendations made by the  
3 United States Digital Service.

4

5 **SEC.103. COUNCIL ACCOUNTABILITY, TRANSPARENCY**  
6 **AND PUBLIC PROCESS.**

7 (a) ADVICE.—Section 302(g)(1)(B) is amended by adding at  
8 the end the following: “Each scientific and statistical committee  
9 shall develop such advice in a transparent manner and allow for  
10 public involvement in the process.”.

11 (b) MEETINGS.—Section 302(i)(2) is amended by adding at  
12 the end the following--

13 “(G) Each Council shall make available on the Internet  
14 Web site of the Council—

15 “(i) to the extent practicable, a Webcast, an audio  
16 recording, or a live broadcast of each meeting of the  
17 Council, and of the Council Coordination Committee  
18 established under subsection (1), that is not closed in  
19 accordance with paragraph (3); and

20 “(ii) audio, video (if the meeting was in person or  
21 by video conference), or a searchable audio or written  
22 transcript of each meeting of the Council and of the  
23 meetings of committees referred to in section  
24 302(g)(1)(B) of the Council by not later than 30 days  
25 after the conclusion of the meeting.

26 “(H) The Secretary shall maintain and make available to  
27 the public an archive of Council and scientific and statistical

1 committee meeting audios, videos, and transcripts made  
2 available under clauses (i) and (ii) of subparagraph (G).”.

3 (c) RECORDED VOTES--Section 302(e)(5)is amended by  
4 striking “At the request of any voting member of a Council, the  
5 Council shall hold a roll call vote on any matter before the  
6 Council.” and inserting in lieu thereof, “Each Council shall hold a  
7 recorded vote on all non-procedural matters before the Council.”

8

9 **SEC. 104. ELECTRONIC MONITORING.**

10 Title IV of the Magnuson-Stevens Fishery Conservation and  
11 Management Act is amended by renumbering sections 401, 402,  
12 403 and 404 as sections 402, 403,404 and 404 and adding the  
13 following new section—

14 “SEC. 401 ELECTRONIC MONITORING AND STORAGE  
15 REQUIREMENTS.

16 (a) ELECTRONIC MONITORING.—

17 (1) ISSUANCE OF REGULATIONS.—

18 (A) REQUIREMENT.—The Secretary shall issue  
19 final regulations governing the use of electronic  
20 monitoring for the purposes of monitoring fisheries that  
21 are subject to the Magnuson-Stevens Fishery  
22 Conservation and Management Act.

23 (B) CONTENT.—The regulations shall—

1 (i) distinguish between monitoring for data  
2 collection and research purposes and monitoring for  
3 compliance and enforcement purposes; and

4 (ii) include minimum criteria, objectives, or  
5 performance standards for electronic monitoring.

6 (C) PROCESS.—In issuing the regulations the  
7 Secretary shall—

8 (i) consult with the Councils and Marine  
9 Fisheries Commissions;

10 (ii) publish the proposed regulations; and

11 (iii) provide an opportunity for the submission  
12 by the public of comments on the proposed  
13 regulations.

14 (2) IMPLEMENTATION OF MONITORING.—

15 (A) IN GENERAL.—Subject to subparagraph (B),  
16 and after the issuance of the final regulations, a Council,  
17 or the Secretary, for fisheries referred to in section  
18 302(a)(3) of the Magnuson-Stevens Fishery  
19 Conservation and Management Act, may, in accordance  
20 with the regulations, on a fishery-by-fishery basis and  
21 consistent with the existing objectives and management  
22 goals of a fishery management plan and the Act for a  
23 fishery issued by the Council or the Secretary,  
24 respectively, amend such plan—

1 (i) to incorporate electronic monitoring as an  
2 alternative tool for data collection and monitoring  
3 purposes or for compliance and enforcement  
4 purposes (or both);

5 (ii) to allow for the replacement of a  
6 percentage of on-board observers with electronic  
7 monitoring; and

8 (iii) ensure the electronic monitoring  
9 requirements are compatible with the operational and size  
10 requirements of the target fleet.

11 (B) DATA QUALITY.—Subparagraph (A) shall  
12 apply to a fishery only if the Council or Secretary,  
13 respectively, determines that such monitoring will yield  
14 data collection and compliance results that meet a  
15 minimum accuracy standard as defined by a council’s  
16 Science and Statistical Committee.

17 (3) PILOT PROJECTS.—Before the issuance of final  
18 regulations, a Council, or the Secretary for fisheries referred  
19 to in section 302(a)(3), may, subject to the requirements of the  
20 Magnuson-Stevens Fishery Conservation and Management  
21 Act, on a fishery-by-fishery basis, and consistent with the  
22 existing objectives and management goals of a fishery  
23 management plan for a fishery issued by the Council or the  
24 Secretary, respectively, conduct a pilot project for the use of  
25 electronic monitoring for the fishery.

26 (4) DEADLINE.—The Secretary shall issue final  
27 regulations under this subsection by not later than 12 months  
28 after the date of enactment of this Act.

1 (b) NEW ENGLAND AND NORTH PACIFIC COUNCIL REGIONS—

2 No later than 18 months after enactment of this Act, the  
3 Secretary shall ensure that an electronic monitoring program  
4 is fully implemented in the fisheries under the authority of the  
5 New England Fishery Management Council and the North  
6 Pacific Fishery Management Council, consistent with the  
7 monitoring requirements of each Council. In establishing  
8 monitoring requirements, each Council shall ensure the  
9 electronic monitoring requirements are compatible with the  
10 operational and size requirements of the target fleet.

11 (c) STORAGE REQUIREMENTS—Notwithstanding any other  
12 law or regulation, the Secretary is not required to store or  
13 maintain any information, observer report, video or any other  
14 data obtained through human observers or electronic  
15 monitoring pursuant to this Act for a period of more than 18  
16 months from date of collection.

17 **SEC. 105. FINANCING OF FISHERIES MONITORING**  
18 **PROGRAMS**

19 Sec. 302 is amended by adding at the end the following--

20 “(N) FINANCING FISHERIES MONITORING PROGRAMS

21 (a) IN GENERAL—A council may prepare, in consultation  
22 with the Secretary, a fisheries research and monitoring plan  
23 for any fishery under the jurisdiction of that council  
24 which—

25 (1) Requires observers, electronic monitoring or other  
26 monitoring programs be stationed or installed on  
27 fishing vessels fishing for species under the jurisdiction  
28 of that council, for the purpose of collecting data and  
29 information necessary for the conservation,  
30 management and scientific understanding of any fishery  
31 under the jurisdiction of that council;

- 1 (2) allows for the participation of private sector companies  
2 in providing the observers, electronic monitoring or  
3 other monitoring programs;  
4 (3) establishes a system of fees which may vary by fishery,  
5 management area, observer coverage level or type of  
6 electronic monitoring systems, to pay for the cost of  
7 implementing the plan; and,  
8 (4) requires, on an annual basis, the publication of the full  
9 accounting of the uses of the fees collected under  
10 paragraph (3).

11 (b) STANDARDS

- 12 (1) Any plan or plan amendment prepared under this  
13 section shall be reasonably calculated to –  
14 (A) Improve the collection of reliable data or  
15 information by stationing observers, requiring  
16 electronic monitoring or other monitoring programs  
17 on all or a statistically reliable sample of fishing  
18 vessels necessary for the conservation, management  
19 and scientific understanding of the fisheries covered  
20 by the plan;  
21 (B) Be fair and equitable to fishing vessels;  
22 (C) Take into consideration the operating requirements  
23 of the fisheries and the safety of the observer and  
24 fishermen;  
25 (D) Promote transparency, to the extent possible, of data  
26 and information collected under the plan or  
27 amendment; and,  
28 (E) Allow for fishing vessel owners to engage private  
29 sector observers, electronic monitoring or other  
30 private sector monitoring programs to provide the  
31 necessary data and information.



1 (2) Any system of fees established under this section  
2 shall—  
3 (A) provide that the total amount of fees collected under  
4 this section not exceed the combined cost of (i)  
5 installing and/or stationing observers, electronic  
6 monitoring systems or other monitoring programs  
7 on board fishing vessels, (ii) the actual cost of  
8 inputting collected data, less any amount received  
9 for such purpose from another source or from an  
10 existing surplus in the Regional Fishery Observer  
11 Fund established in subsection (d) of this section;  
12 (B) be fair and equitable to all participants in the  
13 fisheries under the jurisdiction of the Council;  
14 (C) provide that fees collected not be used to pay any  
15 costs of administrative overhead or other costs not  
16 directly incurred in carrying out the plan and will  
17 only be used for implementing the plan established  
18 under this section;  
19 (D) not be used to offset amounts authorized under  
20 other provisions of law;  
21 (F) be expressed as a fixed amount reflecting actual  
22 observer or monitoring costs as described in  
23 subparagraph (A) or a percentage, not to exceed 2  
24 percent, of the unprocessed ex-vessel value of fish  
25 and shellfish harvested under the jurisdiction of the  
26 Council;  
27 (G) be assessed against some or all fishing vessels,  
28 including those not required to carry an observer or  
29 an electronic monitoring system under the plan,  
30 participating in fisheries under the jurisdiction of  
31 the Council;

- 1 (H) provide that fees collected will be deposited in the  
2 appropriate Regional Fishery Observer Fund  
3 established under subsection (d) of this section;  
4 (I) provide that fees collected will be credited against  
5 any fee for stationing observers or electronic  
6 monitoring systems on board fishing vessels and the  
7 actual cost of inputting collected data to which a  
8 fishing vessel is subject under section 1854(d) of  
9 this title; and  
10 (J) meet the requirements of section 9701(b) of title 31.

11

12 (c) ACTION BY SECRETARY

- 13 (1) Within 60 days after receiving a plan or plan  
14 amendment from a Council under this section, the  
15 Secretary shall review such plan or plan amendment  
16 and either (A) remand such plan or plan amendment to  
17 the Council with comments if it does not meet the  
18 requirements of this section, or (B) publish in the  
19 Federal Register proposed regulations for implementing  
20 such plan or plan amendment.  
21 (2) During the 60-day public comment period, the  
22 Secretary shall conduct a public hearing in each State  
23 represented on the Council for the purpose of receiving  
24 public comments on the proposed regulations.  
25 (3) Within 45 days of the close of the public comment  
26 period, the Secretary, in consultation with the Council,  
27 shall analyze the public comment received and publish  
28 final regulations for implementing such plan.  
29 (4) If the Secretary remands a plan or plan amendment to  
30 the Council for failure to meet the requirements of this  
31 section, the Council may resubmit such plan or plan

1 amendment at any time after taking action the Council  
2 believes will address the defects identified by the  
3 Secretary. Any plan or plan amendment resubmitted to  
4 the Secretary will be treated as an original plan  
5 submitted to the Secretary under paragraph (1) of this  
6 subsection.

7 (d) REGIONAL FISHERY OBSERVER FUNDS

8 (1) There is established in the Treasury of the United States  
9 the following Funds--

10 (A) New England Fishery Observer Fund;

11 (B) Mid-Atlantic Fishery Observer Fund;

12 (C) South Atlantic Fishery Observer Fund;

13 (D) Caribbean Fishery Observer Fund;

14 (E) Gulf Fishery Observer Fund;

15 (F) Pacific Fishery Observer Fund; and,

16 (G) Western Pacific Fishery Observer Fund.

17 (2) Each Fund shall be available, without appropriation or  
18 fiscal year limitation, only to the Secretary for the  
19 purpose of carrying out the provisions of this section,  
20 subject to the restrictions in subsection (b)(2) of this  
21 section. Each Fund shall consist of all monies deposited  
22 into it (i) in accordance with this section and (ii) all  
23 monies received from any other source. Sums in the  
24 Funds that are not currently needed for the purposes of  
25 this section shall be kept on deposit or invested in  
26 obligations of, or guaranteed by, the United States.”

27 **SEC.106. RECREATIONAL FISHING**

28 (a) Section 303(b)(1)(A) is amended by inserting “commercial  
29 or recreational” after “any”.

30 (b) Section 401(g) is amended by striking “January 1, 2011”  
31 and substituting “January 1, 2021”.

1 (c) Strike all of Section 401(g)(1)(B) and insert the  
2 following:

3 “(B) the timely collection and reporting of catch and  
4 landings information from fishing in the Exclusive  
5 Economic Zone in order to improve annual accounting of  
6 catch and landings by recreational fishermen;”

7 (d) Section 401(g) is amended by striking all after “under the  
8 laws of a State” and inserting “if the Secretary determines that the  
9 State program requires catch reporting and that information  
10 provided to the Secretary from that State is sufficient to satisfy the  
11 requirements of the registry program required in subsection (1)” .

12

13 **SEC.107. FORAGE FISH**

14 Sec. 302(h) of the Magnuson-Stevens Fishery Conservation  
15 and Management Act is amended by adding at the end the  
16 following—

17 “(9) develop a list of unmanaged forage fish occurring in  
18 the area under its authority and prohibit the expansion or  
19 development of new commercial or recreational directed fisheries  
20 until the council has had adequate opportunity to assess the  
21 scientific information relating to any new or expanded directed  
22 fishery and considered the potential impacts to existing fisheries,  
23 fishing communities and the marine ecosystem in order to advance  
24 ecosystem based fisheries management.”

25

26 **TITLE II-STRENGTHENING FISHING COMMUNITIES**

27 **Sec.201. SHORT TITLE.**

28 This Act may be may be cited at the “Strengthening Fishing  
29 Communities Act of 2017”.

30 **Sec. 202. STRENGTHENING FISHING COMMUNITIES**

31 (a) Section 303A(c)(1) is amended by—

- 1 (1) Adding at the end of Sec. 303A(c)(1)(C)(iii) “;  
2 including the participation of fishing communities  
3 in the fishery”, and  
4 (2) Adding at the end of the section the following--  
5 “(L) consider the needs of fishing communities and  
6 provide a process for fishing communities to participate  
7 in the limited access privilege program in accordance  
8 with subsection (c)(3).”  
9 (b) Section 303A(c)(3)(A)(i) is amended by striking  
10 paragraph “II” and redesignating “III” as “II” and “IV”  
11 as paragraph “III” and striking all after the word  
12 “approval” in renumbered paragraph “III”.  
13 (c) Section 303A(c)(3)(A)(ii) is amended to read as  
14 follows:  
15 “(ii) COMMUNITY SUSTAINABILITY PLAN  
16 APPROVAL—A community sustainability plan  
17 submitted by a fishing community to a Council for  
18 approval must include, at a minimum, the following  
19 components:  
20 (I) A description of the Board and  
21 governance for the entity that will  
22 receive the allocation;  
23 (II) A description of the quota allocation  
24 process that will be utilized by the  
25 fishing community entity, including  
26 an appeals process within the entity;  
27 (III) Provisions for monitoring and  
28 enforcement of the community  
29 sustainability plan;  
30 (IV) Goals and objectives for the fishing  
31 community and how the entity will

- 1 use the allocation to meet those goals  
2 and objectives;
- 3 (V) A description of how the entity will  
4 sustain the participation of the  
5 fishing community in the fisheries,  
6 including providing for new entry  
7 and/or intergenerational transfer,  
8 encouraging active participation and  
9 addressing economic barriers to  
10 access to the fisheries;
- 11 (VI) A description of how the community  
12 sustainability plan will address the  
13 projected economic and social  
14 impacts associated with the  
15 implementation of the limited access  
16 program; including the potential for  
17 strengthening economic conditions  
18 in remote fishing communities  
19 lacking the resources to participate in  
20 harvesting activities in the fishery;  
21 and,
- 22 (VII) A description of how the community  
23 sustainability plan will ensure the  
24 benefits of participating in the  
25 limited access privilege program  
26 accrue to the fishing community and  
27 participants.”
- 28 (d) Strike all of section 303A(c)(3)(B).  
29  
30