



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

December 17, 2018

The Honorable Daniel S. Sullivan
702 Hart Office Senate Office Building
U.S. Senate
Washington, DC

Dear Senator Sullivan:

Thank-you for providing us a copy of a working draft of the “Strengthening America’s Fisheries by Improving Sustainable, Healthy Management Act.” Our understanding is that this draft may serve as a basis for the future reauthorization of the Magnuson-Stevens Act (MSA). As requested by your staff, the Council reviewed this document at our December, 2018 meeting. We offer for your consideration the attached comments on the possible impacts of the draft language.

As always, we are ready to provide any information that will assist the development of a reauthorization bill. Please have your staff contact the Council’s Executive Director, Mr. Tom Nies, if there are questions.

Sincerely,

Dr. John Quinn
Chairman

New England Fishery Management Council
Possible Impacts of the
Draft
“Strengthening America’s Fisheries by
Improving Sustainable, Healthy Management Act”

1. **Definitions:** The definition for subsistence fishing may need additional clarification.
 - a. Subsistence fishing is defined as fishing in which the fish are harvested or intended for customary and traditional uses, including direct personal or family consumption. This description could apply to many recreational fishermen, including both private anglers and those who fish on the for-hire fleet. These anglers often consume their catch. If this definition is not clarified, it may be not be possible to differentiate between recreational and subsistence fishing activity.
 - b. The definition states that subsistence fishing includes fish that are harvested for barter. In several New England states, fishing for barter is defined as commercial fishing. As a result, the proposed definition would create an inconsistency with state law. It is also possible this could create a loophole that allows vessels to claim commercial activity is subsistence fishing if the catch is bartered, rather than sold.

2. **Section 103:** This section would make the NEFMC and MAFMC liaison to the neighboring Council a voting member. This may facilitate closer coordination between the Councils but will not substantially change the voting representation. Since the Councils already exchange liaisons, it will not increase costs.

3. **Section 107:**
 - a. Paragraph (a) lists fishery management measures that can be used. Because we believe these measures are available under current language, explicitly listing them in the MSA will have little impact on our operations.
 - b. **Multi-year specifications:** The Council routinely specifies annual catch limits for each year of a three-year period for many of our stocks, so this change will have little effect. Limiting multi-year specifications to three years would, however, prevent us from specifying catch limits for a longer period as we are considering for one of our species.

4. **Section 108:**
 - a. This section promoting transparency for SSC meeting will have little effect on our operations. We already hold all our SSC meetings in public (unless closed for one of the reasons allowed by the MSA), broadcast them on a webinar, and provide a recording of the meetings to the public on request.
 - b. The requirement for the Council to hold a roll call vote on all nonprocedural matters will slow Council meetings without apparent benefit. It is not unusual for there to be fifty motions (including amendments) at one of our Council meetings. If a roll call vote takes two minutes, this will add an hour and a half to the meeting. While there is equipment to automate and speed this voting process, it can be expensive and because we hold meetings in numerous locations using such

equipment will complicate meeting logistics. Council members can already request a roll call vote at any time, a privilege that is rarely exercised. We have not received any requests from stakeholders for more frequent roll call votes.

5. Section 201

- a. This section proposes to limit to eighteen months the storage of any information, observer report, video, or other data obtained through human observers or electronic monitoring. While it would help the development of electronic monitoring systems if a reasonable approach to the storage of video data could be developed, this draft language seems overly broad and could have unintended consequences. This provision would hinder fisheries management and it would make accurate stock assessments nearly impossible to complete. Assessments require lengthy time series of accurate catch data, which includes both landings and discards. The primary source for discard information is at-sea observations by observers or electronic technologies (such as video cameras). If all of this information must be purged from databases after 18 months, which would appear to be required by the draft language, we will not have accurate catch information to use in assessments. In addition, these data are often needed to establish allocations or investigate the effectiveness of measures designed to reduce discards.

6. General: The draft bill includes requirements for numerous reports. Many must be completed within one year of the passage of the bill. Completing these reports will divert agency and Council time from pressing management issues.