

Committee on Resources,

Subcommittee on Fisheries Conservation, Wildlife & Oceans

[fisheries](#) - - Rep. Wayne Gilchrest, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6232 - - (202) 226-0200

Witness Statement

**Magnuson-Stevens Fishery Conservation and Management Act
Reauthorization Issues - Council Chairmen's Recommendations
Presented by
James H. Gilford, Ph.D., Mid-Atlantic Fishery Management Council
To the Committee on Resources
House Subcommittee on Fisheries Conservation, Wildlife and Oceans
Wednesday April 4, 2001
(Summary of Written Testimony)**

On behalf of the other seven Council chairmen and myself, I thank the chairman and members of the Subcommittee for the opportunity to present our views. The Council chairmen believe the Magnuson-Stevens Act as amended in 1996 fundamentally is a good piece of legislation. We also believe it is working. Many of our most important fisheries are recovering and we are seeing significant improvements in a majority of the overfished stocks under management. In the past year, winter flounder, white hake, American plaice and yellowtail flounder were removed from NMFS' list of overfished fisheries. I anticipate that loligo squid, summer flounder and scup will likewise be removed from that list by the end of this year.

The changes suggested in my written testimony, from the Council chairmen's point of view, would serve to enhance and improve the Act. My written testimony concerns only reauthorization issues on which the Council chairmen have reached consensus. Some of the concerns the Council chairman recommend for consideration by the Subcommittee are administrative while others relate more directly to management matters. Recommendations related to management issues are:

- Resolve problems associated with the MSY based definition of overfishing (Council chairmen would like to work with the Subcommittee in seeking solutions to this concern).
- Modify the definition of Essential Fish Habitat (EFH) or provide specific guidance on how to use different types of data in defining and designating EFH.

3. Give Councils authority to regulate vessels involved in non-fishing activities that adversely affect fisheries or EFH.

4. Allow Councils greater latitude in specifying rebuilding periods for overfished stocks

5. End the prohibition on the use of IFQs or ITQs and allow the Councils maximum flexibility in designing IFQ systems and setting fees to be charged for the initial allocations, first sale and leasing of IFQs.

6. Allow Councils discretionary authority to establish fees to help fund observer programs.

Recommendations which relate more directly to administrative matters are:

1. Authorization for locality pay for Council members in the continental U.S.
2. Authorization for Councils to receive funds or support from local, state and federal agencies and nonprofit organizations.
3. Authorize Councils to hold closed meetings for the purpose of reviewing research proposals.
 - Authorize for NMFS to collect economic, proprietary or confidential commercial or financial information relevant to the development of fisheries management measures.
5. Mandate NMFS to consult with the relevant Council before disapproving fishery management plans, amendments, framework actions submitted by Council for NMFS approval.
6. Allow concurrent approval of plans and amendments as well as regulations and provide a 15-day disapproval process. Also allow Councils the opportunity to resubmit responsive measures rather than submit a complete FMP or amendment as now required.
7. Exclude the NMFS Regional Administrator from voting on emergency or interim actions requested by Councils.
8. Expand cooperative state/federal enforcement programs and consider establishing permanent funding for such programs.

There are four matters in addition to the Council chairmen recommendations that I hope the Subcommittee will consider, namely: granting New York a seat on the New England Fishery Management Council, eliminate the requirement of newspaper notifications of meetings, permit the direct transfer of Council funds from NMFS and, lastly, but most importantly, mandate a mechanism to assure compatible state and federal management measures for interjurisdictional stocks .

Thank you, again, for the opportunity to present the recommendations of the Council chairmen for your consideration as you proceed with Magnuson-Steven reauthorization.

#