

107TH CONGRESS
2D SESSION

H. R. 4895

To establish within the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2002

Mr. SAXTON introduced the following bill; which was referred to the
Committee on Resources

A BILL

To establish within the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes.

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

3 **SECTION. 1. HIGHLY MIGRATORY SPECIES BYCATCH MOR-**
4 **TALITY REDUCTION RESEARCH PROGRAM.**

5 (a) ESTABLISHMENT OF A PROGRAM.—(1) There is
6 established within the National Marine Fisheries Service
7 a pelagic longline highly migratory species bycatch and
8 mortality reduction research program. The Program shall

1 be developed by a design team established by the Secretary
2 of Commerce. The Program design shall be submitted to
3 the Secretary no later than 120 days after the first meet-
4 ing of the design team and shall include a statistically sig-
5 nificant recommendation for the level of observer coverage
6 on pelagic longline fishing vessels that is necessary to
7 monitor the fishery effectively and participate in the re-
8 search program. The design team shall be available as a
9 resource to the Secretary throughout the research and the
10 development of the recommendations.

11 (2) The program shall identify and test a variety of
12 pelagic longline fishing gear configurations and uses and
13 determine which of those configurations and uses are the
14 most effective in reducing highly migratory species mor-
15 tality. The program shall place an emphasis on deter-
16 mining the gear configurations and uses that are the most
17 effective in reducing blue and white marlin mortality in
18 the exclusive economic zone of the United States in the
19 Atlantic Ocean. The program shall also include a provision
20 for observers to be placed on pelagic longline fishing ves-
21 sels for the purposes of monitoring the fishery and partici-
22 pating in the research program.

23 (3) The highly migratory species program shall con-
24 duct research to determine the impact of existing time and
25 area closures designed to reduce the bycatch of longline

1 vessels. The program shall focus on whether existing clo-
2 sures should be modified to decrease bycatch by longline
3 vessels and shall determine what adjustments to the exist-
4 ing boundaries and temporal constraints should be made
5 as a result of any research. Any vessel participating in
6 the program shall be provided an observer by the National
7 Marine Fisheries Service. The full cost of the observer and
8 any incidental costs to the vessel as a result of being in-
9 cluded in the research program shall be paid for by the
10 National Marine Fisheries Service. The National Marine
11 Fisheries Service may authorize, without notice and com-
12 ment, scientific research permits authorizing a vessel to
13 enter and fish in any closed area in the Atlantic Ocean
14 so long as there is 100 percent observer coverage and the
15 activities of the vessel are in furtherance of the research
16 program. Access to any closed area may be granted only
17 after consideration of the scientific need for access and
18 the National Marine Fisheries Service s obligation to en-
19 sure that United States fishermen be allowed to catch any
20 allocation established by International Convention on the
21 Conservation of Atlantic Tunas.

22 (b) DESIGN TEAM.—(1) Knowledgeable members of
23 the pelagic longline fishing sector, the recreational billfish
24 and tuna sector, and the conservation community, along
25 with scientists associated with each such entity, shall be

1 appointed by the Secretary to the program design team.
2 Each of the sectors shall to the extent practicable be fairly
3 represented on the design team. The design team shall not
4 exceed nine members only one of which may be an em-
5 ployee of the Federal Government. The design team shall
6 select a chairman and establish its own rules of operation.
7 Each member of the design team who is not employed by
8 the Federal Government shall be compensated in the man-
9 ner provided for members of a Fishery Management Coun-
10 cil under section 302(d) of the Magnuson-Stevens Fishery
11 Conservation and Management Act (16 U.S.C. 1852(d)).

12 (2) The design team shall not be considered to be
13 an advisory committee for the purposes of the Federal Ad-
14 visory Committee Act (5 U.S.C. App.), but shall hold its
15 deliberations in meetings for which prior notice is pub-
16 lished in the Federal Register and that are open to the
17 public.

18 (c) MID-ATLANTIC CONSERVATION ZONE FOR HIGH-
19 LY MIGRATORY SPECIES.—Section 304(g) of the Magnu-
20 son-Stevens Fishery Conservation and Management Act
21 (16 U.S.C. 1854(g)) is amended by adding at the end the
22 following:

23 “(3) MID-ATLANTIC CONSERVATION ZONE FOR
24 HIGHLY MIGRATORY SPECIES.—

1 “(A) No person shall engage in pelagic
2 longline fishing in the lower mid-Atlantic Con-
3 servation Zone or the upper mid-Atlantic Con-
4 servation Zone in the period beginning July 15
5 and ending October 1 each year.

6 “(B) In this paragraph the term ‘lower
7 mid-Atlantic Conservation Zone’ means the
8 area that is enclosed by a series of geodesics
9 connecting in succession the points at the fol-
10 lowing coordinates:

11 “(i) 36 degrees 30 minutes north lati-
12 tude, 75 degrees 0 minutes west longitude.

13 “(ii) 37 degrees 0 minutes north lati-
14 tude, 75 degrees 0 minutes west longitude.

15 “(iii) 38 degrees 0 minutes north lati-
16 tude, 74 degrees 0 minutes west longitude.

17 “(iv) 38 degrees 0 minutes north lati-
18 tude, 73 degrees 0 minutes west longitude.

19 “(v) 37 degrees 0 minutes north lati-
20 tude, 74 degrees 0 minutes west longitude.

21 “(vi) 36 degrees 30 minutes north
22 latitude, 75 degrees 0 minutes west lon-
23 gitude.

24 “(C) In this paragraph the term ‘upper
25 mid-Atlantic Conservation Zone’ means the

1 area that is enclosed by a series of geodesics
2 connecting in succession the points at the fol-
3 lowing coordinates:

4 “(i) 38 degrees 0 minutes north lati-
5 tude, 74 degrees 0 minutes west longitude.

6 “(ii) 40 degrees 0 minutes north lati-
7 tude, 72 degrees 0 minutes west longitude.

8 “(iii) 39 degrees 0 minutes north lati-
9 tude, 72 degrees 0 minutes west longitude.

10 “(iv) 38 degrees 0 minutes north lati-
11 tude, 73 degrees 0 minutes west longitude.

12 “(v) 38 degrees 0 minutes north lati-
13 tude, 74 degrees 0 minutes west longitude.

14 “(D) This paragraph shall not apply after
15 the end of the 4-year period beginning on the
16 date of the enactment of this paragraph.”.

17 (d) REPORT TO CONGRESS.—The Secretary of Com-
18 merce shall submit to the Committee on Resources of the
19 House of Representatives and the Committee on Com-
20 merce, Science, and Transportation of the Senate—

21 (1) an interim report of the findings of the re-
22 search conducted under this section within two years
23 after the date of enactment of this Act; and

24 (2) a final report with the necessary regulatory
25 documents to initiate implementation of any adjust-

1 ments to time and area closures, gear configura-
2 tions, or fishing techniques warranted as a result of
3 the research.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—For re-
5 search under this section there is authorized to be appro-
6 priated to the Secretary of Commerce \$5,000,000 for fis-
7 cal years 2003 through 2007.

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