

107TH CONGRESS  
2D SESSION

# H. R. 5030

To amend the Magnuson-Stevens Fishery Conservation and Management Act to clarify the definition of “essential fish habitat”, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2002

Mr. YOUNG of Alaska (for himself and Mr. HANSEN) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to clarify the definition of “essential fish habitat”, 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. ESSENTIAL FISH HABITAT.**

4       (a) DEFINITION.—Section 3(10) of the Magnuson-  
5       Stevens Fishery Conservation and Management Act (16  
6       U.S.C. 1802(10)) is amended to read as follows:

7               “(10) The term ‘essential fish habitat’ means  
8       those marine waters and discrete, unique benthic  
9       structures that—

1                   “(A) exist within the exclusive economic  
2                   zone only in discrete areas; and

3                   “(B) have been determined to be crucial to  
4                   spawning, breeding, and the continued produc-  
5                   tion of a specific stock of fish.”.

6                   (b) MINIMIZATION OF ADVERSE IMPACTS ON ESSEN-  
7                   TIAL FISH HABITAT.—Section 303 of such Act (16 U.S.C.  
8                   1853) is amended—

9                   (1) in subsection (a)(7) by striking “, mini-  
10                   mize” and all that follows through “fishing,”; and

11                   (2) in subsection (b)(4) by inserting before the  
12                   semicolon the following: “, and including measures  
13                   to minimize to the extent practicable adverse effects  
14                   on essential fish habitat described and identified in  
15                   the plan that are caused by fishing”.

16 **SEC. 2. DURATION OF MEASURES TO REBUILD OVER-**  
17                   **FISHED FISHERIES.**

18                   Section 304(e)(4)(A)(ii) of the Magnuson-Stevens  
19                   Fishery Conservation and Management Act (16 U.S.C.  
20                   1854(e)(4)(A)(ii)) is amended to read as follows:

21                   “(ii) not exceed 10 years, except in  
22                   cases where—

23                   “(I) the biology of the stock of  
24                   fish, other environmental conditions,  
25                   or management measures under an

1 international agreement in which the  
2 United States participates dictate oth-  
3 erwise;

16 SEC. 3. COMPLIANCE WITH NATIONAL ENVIRONMENTAL  
17 POLICY ACT OF 1969.

18 (a) IN GENERAL.—Title III of the Magnuson-Stevens  
19 Fishery Conservation and Management Act (16 U.S.C.  
20 1851 et seq.) is amended by adding at the end the fol-  
21 lowing:

22 "SEC. 315. COMPLIANCE WITH NATIONAL ENVIRONMENTAL  
23 POLICY ACT OF 1969.

24        “Any fishery management plan, amendment to such  
25 a plan, or regulation implementing such a plan that is pre-

1 pared in accordance with applicable provisions of sections  
2 303 and 304 of this Act is deemed to have been prepared  
3 in compliance with the requirements of section 102(2)(C)  
4 of the National Environmental Policy Act of 1969 (42  
5 U.S.C. 4332(2)(C)).”.

6 (b) CLERICAL AMENDMENT.—The table of contents

7 in the first section of that Act is amended—

8 (1) by striking the first item relating to section

9 312 and inserting the following:

“Sec. 312. Transition to sustainable fisheries.”; and

10 (2) by striking the item following the item re-

11 lating to section 314 and inserting the following:

“Sec. 315. Compliance with National Environmental Policy Act of 1969.”.

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