

107TH CONGRESS
2D SESSION

S. 3110

To require further study before amendment 13 to the Northeast Multispecies
(Groundfish) Management Plan is implemented.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2002

Ms. COLLINS introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To require further study before amendment 13 to the North-
east Multispecies (Groundfish) Management Plan is im-
plemented.

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. SHORT TITLE.**

4 This Act may be cited as the “Fisheries Management
5 Fairness Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Representatives from the Northeast Science
9 Center testified on September 11, 2002, at the New
10 England Fishery Management Council that a cable

1 that attached scientific survey gear to the National
2 Oceanic and Atmospheric Administration ship Alba-
3 tross IV had inaccurately marked length intervals.

4 (2) The mismarked length intervals were used
5 to determine the length of cable that was deployed
6 during 8 bottom trawl surveys conducted by the
7 Northeast Fishery Science Center.

8 (3) The bottom trawler surveys collect data to
9 measure long-term increases and decreases in popu-
10 lations of fish stocks. This data is the basis for fish-
11 eries management decisions regarding the rebuilding
12 of overfished stocks.

13 (4) The mismarking of the cable, which caused
14 the survey net to be dragged at an angle, calls into
15 question the quality of the data produced by the bot-
16 tom trawl surveys.

17 (5) The provisions of amendment 13 to the
18 Northeast Multispecies (Groundfish) Management
19 Plan to be developed using the data collected by the
20 gear attached to the mismarked cable.

21 (6) Fisheries management plans, such as
22 amendment 13 to the Northeast Multispecies
23 (Groundfish) Management Plan, can effectively con-
24 serve and maintain fish stocks only if the manage-

1 ment actions contained in such plans are based on
 2 accurate data that show long-term stock trends.

3 (7) Scientists at the National Marine Fisheries
 4 Service conducted an observation cruise and a per-
 5 formance review workshop with representatives of
 6 the fishing industry to examine the effect the
 7 mismarked cable had on the accuracy of the survey
 8 data. The scientists concluded that additional re-
 9 search is required to determine the full extent to
 10 which the mismarked cable compromised the survey
 11 data.

12 (8) The data collected using gear attached to
 13 the mismarked cable cannot be relied on to develop
 14 an amendment to the Northeast Multispecies
 15 (Groundfish) Management Plan by the August 22,
 16 2003, deadline set by the United States District
 17 Court in *Conservation Law Foundation v. Evans*,
 18 211 F. Supp. 2d 55, 57–58 (D.D.C. 2003).

19 **SEC. 3. DELAY OF DEVELOPMENT OF AN AMENDMENT TO**
 20 **THE NORTHEAST MULTISPECIES (GROUND-**
 21 **FISH) MANAGEMENT PLAN.**

22 (a) DELAY OF DEVELOPMENT.—Notwithstanding
 23 section 304(e) of the Magnuson-Stevens Fishery Con-
 24 servation and Management Act (16 U.S.C. 1854(e)) or
 25 any other provision of law, Amendment 13 to the North-

1 east Multispecies (Groundfish) Management Plan may not
2 be developed during the 2 year period that begins on the
3 date of the enactment of this Act.

4 (b) PURPOSE.—The purposes of the delay required
5 by subsection (a) are to allow sufficient time to—

6 (1) determine the reliability of the data col-
7 lected by the scientific survey gear attached to the
8 mismarked cable deployed by the National Oceanic
9 and Atmospheric Administration ship Albatross IV
10 during 8 bottom trawl surveys conducted by the
11 Northeast Fishery Science Center; and

12 (2) collect accurate data that can be relied on
13 to develop an amendment to the Northeast Multispe-
14 cies (Groundfish) Management Plan.

15 (c) NORTHEAST MULTISPECIES (GROUND FISH)
16 MANAGEMENT PLAN.—In this Act, the term “Northeast
17 Multispecies (Groundfish) Management Plan” means the
18 Northeast Multispecies (Groundfish) Management Plan
19 prepared by the New England Fishery Management Coun-
20 cil pursuant to section 302 of the Magnuson-Stevens Fish-
21 ery Conservation and Management Act (16 U.S.C. 1852).

○