



PROVISIONS IN H.R. 200 AND S. 1520

- H.R. 200 – *Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act*
- S. 1520 – *Modernizing Recreational Fishing Management Act of 2017*

H.R. 200 IS NOT THE MODERN FISH ACT

H.R. 200, the “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act,” has passed in the House of Representatives. Proponents of this bill are claiming it is the companion bill to S. 1520, the “Modernizing Recreational Fishing Management Act of 2017.” Although there are some similar provisions between the two bills, H.R. 200 contains many more harmful provisions that will undo the conservation gains in fisheries management made over the past decade, such as weakening the requirement to set scientifically-based catch limits that has lessened the occurrence of overfishing and led to the rebuilding of depleted stocks. The Marine Fish Conservation Network opposes both H.R. 200 and S. 1520 and considers the provisions **marked as red** as potentially harmful to the management of U.S. fisheries.

SIMILAR PROVISIONS IN H.R. 200 AND S. 1520

- **Create a definition of mixed-use fishery (H.R. 200, Sec. 201) (S. 1520, Sec. 3 (4))**
- Require NOAA to conduct studies of mixed-use fisheries in Gulf of Mexico and South Atlantic (H.R. 200, Sec. 202 (a), (b)) (S. 1520, Sec. 101)
- **Mandate regular reviews of allocation in mixed-use fisheries in Gulf of Mexico and South Atlantic (H.R. 200, Sec. 202 (c)) (S. 1520, Sec. 101)**
- Allow “alternative” management measures for recreational fisheries (H.R. 200, Sec. 203)(S. 1520, Sec. 102)
- **Authorize use of multispecies complexes and multi-year catch limits without consideration of biology or level of abundance (H.R. 200, Sec. 204 (a)(5)) (S. 1520, Sec. 105)**
- **Require a study of limited-access privilege programs and impose a moratorium on new programs (H.R. 200, Sec. 206 (a), (b)) (S. 1520, Sec. 103)**
- Improve data collection and analysis for use in stock assessments (H.R. 200, Sec. 207 (a)) (S. 1520, Sec. 201)
- Consider recommendations from the National Academy of Sciences study on the Marine Recreational Information Program (H.R. 200, Sec. 207 (c)) (S. 1520, Sec. 201)
- Develop state programs for data collection (H.R. 200, Sec. 208) (S. 1520, Sec. 202)
- **Replace the existing 10-year default deadline for rebuilding overfished stocks (H.R. 200, Sec. 303 (a)) (S. 1520, Sec. 401 (1))**
- Review and potentially limit exempted fishing permits (H.R. 200, Sec. 304) (S. 1520, Sec. 106)

PROVISIONS IN H.R. 200 ONLY

- Amend the definition of “bycatch,” change “overfished” to “depleted,” and add “subsistence fishing” (Sec. 102)
- **Eliminate the need to set annual catch limits requirements for certain data-poor fisheries (Sec. 204 (a)(1))**
- **Allow ecosystem changes and the economic needs of fishing communities to be considered when setting annual catch limits (Sec. 204 (a)(2))**
- **Exempt annual catch limit requirements for special fisheries (Sec. 204 (a)(3))**
- **Require regional fishery councils to consider international fishery efforts when setting annual catch limits (Sec. 204 (a)(4))**
- **Allow incidentally harvested stocks in a fishery to be exempt from annual catch limits (Sec. 204 (a)(6))**
- Require the Secretary of Commerce to complete a peer-reviewed stock assessment within two years after receiving notice that regional fishery councils will pursue an annual catch limit on a data-poor stock (Sec. 204 (b))
- **Set limitations on catch share programs unless there is a referendum of the majority of permit holders eligible to vote (Sec. 205)**
- Add a member of the Mid-Atlantic Fishery Management Council to the New England Fishery Management Council, and vice-versa (Sec. 209 (a))
- **Prohibit NOAA from considering red snapper removals attributable to the removal of oil rigs when deciding whether the annual catch limit has been reached (Sec. 209 (d))**
- **Prohibit NOAA from considering fish removals attributable to illegal foreign fishing in U.S. waters when deciding whether the annual catch limit has been reached (Sec. 209 (e))**
- **Require the Secretary of Commerce to create an industry-based Northeast regional pilot trawl survey and study (Sec. 210)**
- **Require 5-year assessments for currently reviewed stocks and 3-year assessments for unknown stocks (Sec. 301)**

For a detailed assessment of H.R. 200 and S. 1520, visit <https://bit.ly/2n2Q4YI>



Commerical fishing in Alaska

Credit: Alaska Marine Conservation Council



Angler with halibut

Credit: Bob Rees

PROVISIONS IN H.R. 200 ONLY

- Identify data and analysis from fishermen, fishing communities, universities or research institutions, without establishing scientific qualifications (Sec. 301)
- Require transparency from the science and statistical committee and allow public involvement in technical advice (Sec. 302 (a))
- Require webcast, recording or live broadcast of each regional council meeting and a searchable archive of recordings and minutes of past meetings (Sec. 302 (b))
- Change the requirement that overfished stocks be rebuilt within a time that is “as short as possible” to “as short as practicable” (Sec. 303 (a))
- Exempt stocks from rebuilding timelines that a) have been overfished as a result of actions outside a regional fishery management council’s jurisdiction, b) are overfished, but part of a multi-stock complex, and cannot be rebuilt within the specified timeframe without causing significant economic harm to the fishery, c) are subject to a transboundary agreement under which actions occurring outside U.S. waters could hinder rebuilding efforts by the U.S., or d) were affected by unspecified “unusual events” that would make it unlikely to rebuild such stock without causing significant economic harm (Sec. 303 (a))
- Allow the termination of a rebuilding plan if the relevant stock was not overfished when the rebuilding plan went into effect (Sec. 303 (a))
- Identify important critical fisheries research needs and projects (including costs) that could address such needs (Sec. 305)
- Replace the existing section 407 of Magnuson-Stevens, which deals with the federal management of the Gulf red snapper fishery, with a section that deals solely with the certification of state surveys that estimate recreational red snapper landings in the Gulf of Mexico (Sec. 306)
- Prohibit shark feeding off the coast of Florida (Sec. 408)
- Amend the definition of “essential fish habitat” to exclude certain areas that were previously land or fresh water (Sec. 409)
- Relieve states of their obligation to conserve or provide compensatory mitigation for damage to submerged aquatic vegetation while dredging (Sec. 501)
- Report on resources and conflicts of interest in the limited access privilege programs in the Gulf of Mexico and South Atlantic red snapper fishery (Sec. 502)
- Requires NOAA to submit a plan for operational reporting and monitoring of the Northeast multispecies fishery (Sec. 503)
- Study fees imposed on the lobster fishery (Sec. 504)
- Exempt the Block Island Transit Zone from current regulatory prohibitions on striped bass fishing (Sec. 505)
- Provide funds for monitoring and enforcing the Northeast Multispecies Fishery Management Plan (Sec. 506)
- Allow states to provide incentives for killing lionfish (Title VI)

To download a copy of this HR 200 and S 1520 comparison, please visit: <http://bit.ly/2MdUpmF>