

107TH CONGRESS
2^D 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.

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

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;

4 “(II) the Secretary determines
5 that such 10-year period should be ex-
6 tended because the cause of the fish-
7 ery decline is outside the jurisdiction
8 of the Council or the rebuilding pro-
9 gram cannot be effective only by lim-
10 iting fishing activities; or

11 “(III) the Secretary determines
12 that such 10-year period should be ex-
13 tended for one or more overfished
14 components of a multi-species fish-
15 ery.”.

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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