

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

§ 1868. Herring study**(a) In general**

The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

(b) Report

The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

(c) Authorization of appropriations

There are authorized to be appropriated \$2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.

(Pub. L. 94-265, title III, § 319, as added Pub. L. 109-479, title II, § 205, Jan. 12, 2007, 120 Stat. 3615.)

§ 1869. Restoration study**(a) In general**

The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

(b) Authorization of appropriations

There are authorized to be appropriated \$500,000 for fiscal year 2007 to conduct this study.

(Pub. L. 94-265, title III, § 320, as added Pub. L. 109-479, title II, § 206, Jan. 12, 2007, 120 Stat. 3615.)

§ 1870. Required possession of descending devices**(a) Require gear in the Gulf reef fish fishery**

It shall be unlawful for a person on board a commercial or recreational vessel to fish for Gulf reef fish in the Gulf of Mexico Exclusive Economic Zone without possessing on board the vessel a venting tool or a descending device that is rigged and ready for use while fishing is occurring.

(b) Savings clause

No provision of this section shall be interpreted to affect any program or activity carried out by the Gulf Coast Ecosystem Restoration

Council established by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note), or any project contained in an approved Restoration Plan developed by any Natural Resources Damage Assessment Trustee Implementation Group to reduce post-release mortality from barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries.

(c) Definitions

In this section:

(1) Descending device

The term “descending device” means an instrument that—

(A) will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma;

(B) is a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth, or another device determined to be appropriate by the Secretary; and

(C) is capable of—

(i) releasing the fish automatically;

(ii) releasing the fish by actions of the operator of the device; or

(iii) allowing the fish to escape on its own.

(2) Venting tool

The term “venting tool” has the meaning given to it by the Gulf of Mexico Fishery Management Council.

(3) Gulf reef fish

The term “Gulf reef fish” means any fish chosen by the Gulf of Mexico Fishery Management Council that is in the reef Fishery Management Plan for the purposes of this chapter.

(Pub. L. 94-265, title III, § 321, as added Pub. L. 116-340, § 3(a), Jan. 13, 2021, 134 Stat. 5128.)

DELAYED EFFECTIVE DATE AND TERMINATION OF SECTION

For delayed effective date of section and for termination of section five years after Jan. 13, 2021, see Effective and Termination Dates notes below.

Editorial Notes

REFERENCES IN TEXT

The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, referred to in subsec. (b), is subtitle F (§1601 et seq.) of Pub. L. 112-141, div. A, title I, July 6, 2012, 126 Stat. 588, which is set out as a note under section 1321 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (c)(3), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES

Section effective 1 year after Jan. 13, 2021, see section 3(c) of Pub. L. 116-340, set out as an Effective and Ter-