

entific information available, complete a program to—

- (1) develop technological devices and other changes in fishing operations necessary and appropriate to minimize the incidental mortality of bycatch in the course of shrimp trawl activity to the extent practicable, taking into account the level of bycatch mortality in the fishery on November 28, 1990;
- (2) evaluate the ecological impacts and the benefits and costs of such devices and changes in fishing operations; and
- (3) assess whether it is practicable to utilize bycatch which is not avoidable.

**(e) Report to Congress**

The Secretary shall, within one year of completing the programs required by this section, submit a detailed report on the results of such programs to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.

**(f) Implementation criteria**

To the extent practicable, any conservation and management measure implemented under this chapter to reduce the incidental mortality of bycatch in the course of shrimp trawl fishing shall be consistent with—

- (1) measures applicable to fishing throughout the range in United States waters of the bycatch species concerned; and
- (2) the need to avoid any serious adverse environmental impacts on such bycatch species or the ecology of the affected area.

(Pub. L. 94-265, title IV, §405, as added Pub. L. 104-297, title II, §206, Oct. 11, 1996, 110 Stat. 3611.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsec. (f), 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.

PRIOR PROVISIONS

A prior section 405 of Pub. L. 94-265, amended section 971 of this title and enacted provisions formerly set out as a note under section 971 of this title, prior to being amended generally by Pub. L. 104-297.

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 1882. Fisheries systems research**

**(a) Establishment of panel**

Not later than 180 days after October 11, 1996, the Secretary shall establish an advisory panel under this chapter to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities.

**(b) Panel membership**

The advisory panel shall consist of not more than 20 individuals and include—

- (1) individuals with expertise in the structures, functions, and physical and biological characteristics of ecosystems; and
- (2) representatives from the Councils, States, fishing industry, conservation organizations, or others with expertise in the management of marine resources.

**(c) Recommendations**

Prior to selecting advisory panel members, the Secretary shall, with respect to panel members described in subsection (b)(1), solicit recommendations from the National Academy of Sciences.

**(d) Report**

Within 2 years after October 11, 1996, the Secretary shall submit to the Congress a completed report of the panel established under this section, which shall include—

- (1) an analysis of the extent to which ecosystem principles are being applied in fishery conservation and management activities, including research activities;
- (2) proposed actions by the Secretary and by the Congress that should be undertaken to expand the application of ecosystem principles in fishery conservation and management; and
- (3) such other information as may be appropriate.

**(e) Procedural matter**

The advisory panel established under this section shall be deemed an advisory panel under section 1852(g) of this title.

**(f) Regional ecosystem research**

**(1) Study**

Within 180 days after January 12, 2007, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

- (A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal,<sup>1</sup> state,<sup>1</sup> and regional sources;
- (B) recommendations for processes for incorporating broad stake holder participation;
- (C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and
- (D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

**(2) Agency technical advice and assistance, regional pilot programs**

The Secretary is authorized to provide necessary technical advice and assistance, includ-

<sup>1</sup> So in original. Probably should be capitalized.

ing grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.

(Pub. L. 94-265, title IV, §406, Apr. 13, 1976, 90 Stat. 361; Pub. L. 95-354, §1, Aug. 28, 1978, 92 Stat. 519; Pub. L. 96-61, §1, Aug. 15, 1979, 93 Stat. 407; Pub. L. 97-453, §14(a), Jan. 12, 1983, 96 Stat. 2492; Pub. L. 99-659, title I, §111(a), Nov. 14, 1986, 100 Stat. 3715; Pub. L. 101-627, title I, §119, Nov. 28, 1990, 104 Stat. 4459; Pub. L. 104-297, title II, §207(a), Oct. 11, 1996, 110 Stat. 3612; Pub. L. 109-479, title II, §210, Jan. 12, 2007, 120 Stat. 3617.)

#### 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.

##### CODIFICATION

October 11, 1996, referred to in subsec. (d), was in the original "the date of enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 104-297, which amended this section generally, to reflect the probable intent of Congress.

##### AMENDMENTS

2007—Subsec. (f). Pub. L. 109-479 added subsec. (f).  
 1996—Pub. L. 104-297 amended section catchline and text generally. Prior to amendment, section authorized appropriations to carry out this chapter for fiscal year ending June 30, 1976 to fiscal year ending September 30, 1993.  
 1990—Pars. (16) to (19). Pub. L. 101-627 added pars. (16) to (19).  
 1986—Pars. (12) to (15). Pub. L. 99-659 added pars. (12) to (15).  
 1983—Pars. (9) to (11). Pub. L. 97-453 added pars. (9) to (11).  
 1979—Pars. (6) to (8). Pub. L. 96-61 added pars. (6) to (8).  
 1978—Par. (5). Pub. L. 95-354 added par. (5).

### § 1883. Gulf of Mexico red snapper research

#### (a) Independent peer review

(1) Within 30 days of October 11, 1996, the Secretary shall initiate an independent peer review to evaluate—

(A) the accuracy and adequacy of fishery statistics used by the Secretary for the red snapper fishery in the Gulf of Mexico to account for all commercial, recreational, and charter fishing harvests and fishing effort on the stock;

(B) the appropriateness of the scientific methods, information, and models used by the Secretary to assess the status and trends of the Gulf of Mexico red snapper stock and as the basis for the fishery management plan for the Gulf of Mexico red snapper fishery;

(C) the appropriateness and adequacy of the management measures in the fishery management plan for red snapper in the Gulf of Mexico for conserving and managing the red snapper fishery under this chapter; and

(D) the costs and benefits of all reasonable alternatives to a limited access privilege program for the red snapper fishery in the Gulf of Mexico.

(2) The Secretary shall ensure that commercial, recreational, and charter fishermen in the red snapper fishery in the Gulf of Mexico are provided an opportunity to—

(A) participate in the peer review under this subsection; and

(B) provide information to the Secretary concerning the review of fishery statistics under this subsection without being subject to penalty under this chapter or other applicable law for any past violation of a requirement to report such information to the Secretary.

(3) The Secretary shall submit a detailed written report on the findings of the peer review conducted under this subsection to the Gulf Council no later than one year after October 11, 1996.

#### (b) Prohibition

In addition to the restrictions under section 1853(d)(1)(A) of this title, the Gulf Council may not, prior to October 1, 2002, undertake or continue the preparation of any fishery management plan, plan amendment or regulation under this chapter for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class.

#### (c) Referendum

(1) On or after October 1, 2002, the Gulf Council may prepare and submit a fishery management plan, plan amendment, or regulation for the Gulf of Mexico commercial red snapper fishery that creates a limited access privilege program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class, only if the preparation of such plan, amendment, or regulation is approved in a referendum conducted under paragraph (2) and only if the submission to the Secretary of such plan, amendment, or regulation is approved in a subsequent referendum conducted under paragraph (2).

(2) The Secretary, at the request of the Gulf Council, shall conduct referendums under this subsection. Only a person who held an annual vessel permit with a red snapper endorsement for such permit on September 1, 1996 (or any person to whom such permit with such endorsement was transferred after such date) and vessel captains who harvested red snapper in a commercial fishery using such endorsement in each red snapper fishing season occurring between January 1, 1993, and such date may vote in a referendum under this subsection. The referendum shall be decided by a majority of the votes cast. The Secretary shall develop a formula to weigh votes based on the proportional harvest under each such permit and endorsement and by each such captain in the fishery between January 1, 1993, and September 1, 1996. Prior to each referendum, the Secretary, in consultation with the Council, shall—