

**TITLE 16 - CONSERVATION**

**CHAPTER 38 - FISHERY CONSERVATION AND MANAGEMENT**

**SUBCHAPTER V - FISHERY MONITORING AND RESEARCH**

**§ 1881d. Incidental harvest research**

**(a) Collection of information**

Within nine months after October 11, 1996, the Secretary shall, after consultation with the Gulf Council and South Atlantic Council, conclude the collection of information in the program to assess the impact on fishery resources of incidental harvest by the shrimp trawl fishery within the authority of such Councils. Within the same time period, the Secretary shall make available to the public aggregated summaries of information collected prior to June 30, 1994 under such program.

**(b) Identification of stock**

The program concluded pursuant to subsection (a) of this section shall provide for the identification of stocks of fish which are subject to significant incidental harvest in the course of normal shrimp trawl fishing activity.

**(c) Collection and assessment of specific stock information**

For stocks of fish identified pursuant to subsection (b) of this section, with priority given to stocks which (based upon the best available scientific information) are considered to be overfished, the Secretary shall conduct—

- (1) a program to collect and evaluate information on the nature and extent (including the spatial and temporal distribution) of incidental mortality of such stocks as a direct result of shrimp trawl fishing activities;
- (2) an assessment of the status and condition of such stocks, including collection of information which would allow the estimation of life history parameters with sufficient accuracy and precision to support sound scientific evaluation of the effects of various management alternatives on the status of such stocks; and
- (3) a program of information collection and evaluation for such stocks on the magnitude and distribution of fishing mortality and fishing effort by sources of fishing mortality other than shrimp trawl fishing activity.

**(d) Bycatch reduction program**

Not later than 12 months after October 11, 1996, the Secretary shall, in cooperation with affected interests, and based upon the best scientific 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—

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

- (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.)

### **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.

### **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.