

LEGISLATIVE COMMITTEE REPORT

The Legislative Committee (LC) met March 5, 2007. In addition to developing the recommendations on implementing provisions in the reauthorized Magnuson-Steven Fishery Conservation and Management Act presented in a separate report under Agenda Item D.2, the LC discussed two other legislative matters of interest to the Council: the status of the *National Offshore Aquaculture Act*; and H.R. 1187, the *Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act*, introduced in the House of Representatives on February 16, 2007 by Congresswoman Woolsey (D-CA) and Congressman Gilchrest (R-MD).

Regarding the *National Offshore Aquaculture Act*, the LC briefly discussed revisions made in November of 2006 to the version of the bill that had been introduced, but not passed in the 109th Congress. These include provisions previously suggested by the Council regarding the ability of states to opt-out of aquaculture activities off their coasts and strengthening requirements for analyzing environmental impacts. The LC expects a new version of the bill will be introduced in the 110th Congress. The LC recommends revisiting the issue in greater detail at that time.

The *Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act*, H.R. 1187, modifies the boundaries of these sanctuaries to simplify the boundary between the two sanctuaries and to expand the northern boundary of the Cordell Bank National Marine Sanctuary north to Point Arena, California. H.R. 1187 also includes provisions to prohibit several activities.

The LC discussed the following issues regarding H.R. 1187 and recommends the Council consider expressing these concerns via a letter at the request of members of the U.S. Congress:

- Section 2 of H.R. 1187 finds the areas within these sanctuaries “include some of the Nation’s richest fishing grounds” and that “Cordell Bank is at the nexus of an ocean upwelling system, which produces the highest biomass concentrations on the west coast of the United States.” While the LC agrees these areas are productive and are likely to be ecologically important to the West Coast, these findings should be verified independently.
- It is unclear at this time why these proposed boundary expansions and protective measures were not adopted and implemented under the recently completed Joint Management Plan Review (JMPR) process for the Monterey Bay, Gulf of the Farallones, and Cordell Bank NMSs. The LC believes some of the expansion alternatives and prohibitions may have been considered and rejected during the JMPR, and questions why these provisions are being proposed for implementation through legislation rather than the public JMPR process.

- The stated intent of H.R. 1187 is to not affect fisheries management and fishing activities in the sanctuaries, including allowances for the discharge of fish, fish parts, and chumming materials while legally fishing. However, several LC members were concerned about other types of discharge, such as waste water, that would be technically prohibited under the language of H.R. 1187. Further, the stated intent not to affect fisheries management is not accompanied by a statutory mandate that fishery management authority in federal water is retained by the Council.

LC Recommendations:

1. **Direct Council staff to track the potential introduction of a revised *National Offshore Aquaculture Act* in the 110th Congress for future LC and Council review.**
2. **Send a letter to appropriate members of the U.S. Congress at their request expressing the LC concerns regarding H.R. 1187, the *Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act*.**

PFMC
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