

## LEGISLATIVE MATTERS

The Legislative Committee (Committee) is scheduled to meet Monday, September 10<sup>th</sup> at 10:00 a.m. with a primary objective to review H.R. 21 the *Oceans Conservation, Education, and National Strategy for the 21st Century Act*. The Committee is also scheduled review two versions of the *National Offshore Aquaculture Act of 2007*.

In January 2007 at the start of the 110<sup>th</sup> U.S. Congress, U.S. Representative Sam Farr (D-CA) introduced H.R. 21 the *Oceans Conservation, Education, and National Strategy for the 21st Century Act* (Agenda Item B.4.a, Attachment 1). The bill currently has 62 cosponsors. H.R. 21 was introduced as a means of implementing new national ocean governance policies recommended by the U.S. Commission on Ocean Policy and the Pew Trust's Pew Ocean Commission. On August 22, 2007, U.S. Representative Don Young (R-AK), Ranking Republican Member of the Committee on Natural Resources, sent Council Chairman Donald Hansen a letter requesting Pacific Fishery Management Council (Council) comments on H.R. 21 (Agenda Item B.4.a., Attachment 2). Among its new provisions, H.R. 21:

- Codifies the National Oceanic and Atmospheric Administration and its leadership through the NOAA Organic Act;
- Establishes a National Oceans Policy, a National Oceans Advisor in the Executive Office of the President, a Committee on Ocean Policy, and a Council of Advisors on Oceans Policy;
- Designates ocean regions for ecosystem-based management and establishes a Regional Ocean Partnership for each region; and
- Establishes an Ocean and Great Lakes Conservation Trust Fund which would administer funds to coastal states for development and implementation of Regional Ocean Strategic Plans.

On March 12, 2007, U.S. Commerce Secretary Carlos M. Gutierrez (Secretary) announced that the National Oceanic and Atmospheric Administration's *National Offshore Aquaculture Act of 2007* had been sent to Congress. Since this announcement, versions of the bill have been introduced in the U.S. House of Representatives as H.R. 2010 by U.S. Representative Rahall (D-WV) and Congresswoman Madeleine Bordallo (D-GU) (Agenda Item, B.4.a, Attachment 3) and in the U.S. Senate as S. 1609 by Senators Ted Stevens (R-AK) and Daniel Inouye (D-HI) (Agenda Item B.4.a, Attachment 4). Each bill proposes a Federal regulatory framework for fish and shellfish aquaculture within the U.S. Exclusive Economic Zone (3-200 miles offshore).

The Council and the Committee had reviewed previous versions of the bill as introduced in the 109<sup>th</sup> Congress and recommended provisions in the bill to allow coastal states to opt-out of offshore aquaculture and to strengthen environmental review requirements. Included in both bills are provisions which require the Secretary to establish environmental requirements for offshore aquaculture activities and to allow coastal states to opt-out of offshore aquaculture within 12 miles of their coastline. Additionally, the South Atlantic Fishery Management Council has provided a white paper detailing their policies on protecting essential fish habitat from marine aquaculture activities (Agenda Item B.4.a, Attachment 5).

Committee comments on these matters will be provided in a report to the Council under this agenda item on Friday, September 14. The Council is tasked with considering its Legislative Committee recommendations on these and other legislative matters and responding, as appropriate.

**Council Action:**

**Consider recommendations of the Legislative Committee.**

**Reference Materials:**

1. Agenda Item B.4.a, Attachment 1, H.R. 21 the *Oceans Conservation, Education, and National Strategy for the 21st Century Act*.
2. Agenda Item B.4.a, Attachment 2, August 20, 2007 letter from U.S. Representative Young to Council Chairman Hansen regarding Council comments on H.R. 21.
3. Agenda Item B.4.a, Attachment 3, H.R. 2010 the *National Offshore Aquaculture Act of 2007*.
4. Agenda Item B.4.a, Attachment 4, S. 1609 the *National Offshore Aquaculture Act of 2007*.
5. Agenda Item B.4.a, Attachment 5, South Atlantic Fishery Management Council White Paper, *Policies for the protection and Restoration of Essential Fish Habitats from Marine Aquaculture*.
6. Agenda Item B.4.b, Supplemental Legislative Committee Report.

**Agenda Order:**

- a. Agenda Item Overview
- b. Legislative Committee Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider Recommendations of the Legislative Committee

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