

## LEGISLATIVE MATTERS

The Pacific Fishery Management Council's (Council's) Legislative Committee (Committee) is scheduled to meet Sunday, September 7<sup>th</sup> at 3:30 p.m. to review a variety of legislative matters of interest to the Council.

On July 23, 2008, U.S. Senator Barbara Boxer (D-CA) introduced *S. 3314, the National Oceans Protection Act of 2008* (Agenda Item C.4.a, Attachment 1) which has been referred to the Senate Committee on Commerce, Science, and Transportation. S. 3314 aims to implement ecosystem-based principles and several new national and regional ocean governance policies, many recommended by the U.S. Commission on Ocean Policy and the Pew Trust's Pew Ocean Commission. Among other things, S. 3314:

- Codifies the National Oceanic and Atmospheric Administration and its leadership;
- Establishes a National Oceans Policy and Principles, a National Oceans Advisor in the Executive Office of the President, a Council on Ocean Stewardship, and a Presidential Panel of Advisors on Oceans and Climate;
- 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.

S. 3314 is closely related to H.R. 21, the *Oceans Conservation, Education, and National Strategy for the 21st Century Act* introduced in 2007 by U.S. Representative Sam Farr (D-CA) (Agenda Item C.4.a, Attachment 2, in electronic format on the Briefing Book CD and the Council web site). In September 2007, at the request of U.S. Representative Don Young (R-AK), The Committee and the Council reviewed H.R. 21 and the Council approved two letters in response, one expressing a joint position signed by all eight Regional Fishery Management Council Chairs (Agenda Item C.4.a, Attachment 3) and another signed by the Council Executive Director that conveyed Council specific comments (Agenda Item C.4.a, Attachment 4).

The National Marine Sanctuary Act (NMSA) (Agenda Item C.4.a, Attachment 5) was last reauthorized in 2000 with funds appropriated through 2005. On July 17, 2008, U.S. Representative Madeleine Bordallo (D-GU) introduced H.R. 6537, Sanctuary Enhancement Act of 2008 to reauthorize and amend the NMSA including:

- A new finding which states that “scientific research has confirmed the value of protected areas in the ocean, which serve to increase the number, biomass, density, and diversity of living resources both inside and outside the protected areas, maintain ecosystems that are resistant and resilient to a variety of environmental threats such as global climate change, pollution, coastal development, habitat alteration, overfishing, and create spillover export of eggs, larvae, and juvenile and adult fish, shellfish, and plants which can repopulate adjacent areas;”
- A ban on bottom trawling in National Marine Sanctuaries (Sanctuary) without a special permit issued by the U.S. Secretary of Commerce that meets an extensive list of criteria;
- Incorporation of National Marine Monuments into a new National Marine Sanctuary System;

- A repeal of the current moratorium on establishing new National Marine Sanctuaries, a reduction in the time required to publish notice of Sanctuary designations, and an extension of the Sanctuary management plan review schedule from 5 years to 7 years for the initial review and 10 years for subsequent reviews; and
- A rigorous and unique requirement for the review of fishing impacts.

A central NMSA reauthorization issue to the Council is clarification on the authority to regulate fishing activities within National Marine Sanctuaries. H.R. 6537 addresses this issue by moving the issue of fishery regulation within Sanctuaries from NMSA Section 304 regarding Sanctuary designation and implementation to NMSA Section 308 pertaining to regulations. This amendment has some procedural merit, but seems to do little to change or clarify the role of the Regional Fishery Management Councils or address the issue of fishery jurisdiction within Sanctuaries. On this matter, H.R. 6537 appears to fall short of the long standing position of the Council and the Council Coordination Committee (CCC) that was reaffirmed at the May 2008 meeting of the CCC (see Agenda Item C.4.a, Attachment 7, Draft Council Position Statement on NMSA Reauthorization and Related Ecosystem-Based Fishery Management),

### **Council Action:**

**Consider the recommendations of the Legislative Committee.**

### **Reference Materials:**

1. Agenda Item C.4.a, Attachment 1: S. 3314, National Oceans Protection Act of 2008.
2. Agenda Item C.4.a, Attachment 2, H.R. 21, Oceans Conservation, Education, and National Strategy for the 21st Century Act (**electronic copy only on Briefing Book CD and web**).
3. Agenda Item C.4.a, Attachment 3: September 18, 2007 letter to U.S. Representative Young from the Eight Regional Fishery Management Council Chairs regarding H.R. 21.
4. Agenda Item C.4.a, Attachment 4: October 5, 2007 letter to U.S. Representative Young from the Council Executive Director regarding H.R. 21.
5. Agenda Item, C.4.a, Attachment 5: National Marine Sanctuary Act.
6. Agenda Item, C.4.a, Attachment 6: H.R. 6537, Sanctuary Enhancement Act of 2008.
7. Agenda Item C.4.a, Attachment 7: Draft Council Position Statement on NMSA Reauthorization and Related Ecosystem-Based Fishery Management.

### **Agenda Order:**

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

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