

LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (LC) met on Wednesday, June 14, 2016. The meeting was attended by committee members Dr. Dave Hanson (Chair), Ms. Dorothy Lowman, Mr. David Crabbe, Mr. Rich Lincoln, and Mr. Herb Pollard; Council members Mr. Buzz Brizendine, Ms. Marci Yaremko, Mr. Pete Hassemer, Mr. Phil Anderson, and Ms. Michele Culver; Council staff Mr. Chuck Tracy, Mr. Mike Burner, Ms. Jennifer Gilden, and Mr. Don Hansen; and Ms. Lisa Wooninck, Ms. Nicole Portley, and others.

The LC first heard a staff summary of recent Federal legislation (Agenda Item G.1, Attachment 1).

HR 5797 Comment Requests

The Council received requests for comment from Reps. Duncan Hunter and Rep. Sam Farr, on HR 5797, the California Seamounts and Ridges National Marine Conservation Area Designation and Management Act (Attachments 2 and 9). Rep. Farr is the bill's sponsor. A draft letter to Rep. Hunter is attached for the Council's consideration (Attachment 7). The Council received comments on the draft letter from Rep. Farr (Supplemental Attachment 10).

The LC discussed the draft letter and recommends that the Council send it to both Reps. Hunter and Farr with the following changes:

1. Strengthen the first discussion point (#1 on page 2). Possible alternative wording is provided below:

The Council acknowledges the requirement for Council consultation in Section 5(b)(1) of the bill. Any Federal activities that may affect fishery or habitat resources in West Coast waters of the Exclusive Economic Zone (EEZ) should include robust consultation with the Council. The Pacific Council's transparent system provides all stakeholders an opportunity to express their opinions, share their knowledge and be involved in the fishery management process, thereby fostering inclusiveness and improving management decision-making.

2. Request more clarity in the third discussion point (#3 on page 2). Possible changes are underlined:

Section 5(1) of the bill calls for the U.S. Secretary of Commerce and the Secretary of the Interior to have joint authority over management of the proposed Conservation Area. The division of responsibilities is not stated explicitly, so it is unclear how this authority would be shared. In particular, there is no guarantee that fisheries management would exclusively be conducted under the Magnuson-Stevens Act. This provision should be included in the bill language to ensure a consistent management approach and reduce the chances of conflicting jurisdictions.

If approved by the Council, the LC recommends that these modifications to the letter be made by staff and the letter sent as soon as possible after the Council meeting.

S 1143 West Coast Dungeness Crab Management Act

This bill would extend state jurisdiction of the Dungeness crab fishery off the West Coast, which will expire on September 2016 absent congressional action. Without such action, enforcement of state regulations in Federal waters (e.g., at-sea processing restrictions), which are important to the management of the fishery, would be revoked. A hold was placed on S. 1143 in an attempt to encourage passage of unrelated red snapper legislation for the Gulf of Mexico, and it appears that the hold has not been lifted. In June 2015 the Council commented on this bill, noting that if the delegation of crab management to state authority expires, there will be significant complications associated with the shift to Federal management. The Council should consider guidance to Council staff in case the Council is asked to submit expedited comments.

Legislative Contractor

The LC discussed the utility of the reports and consultations received from Dave Whaley, the CCC's Legislative Monitoring Contractor, and found that they were very useful, timely and likely a good value relative to expenditures of staff time to accomplish the same results. The LC recommends that the Council continue its relationship with the CCC's Legislative Monitoring Contractor through the 2017 calendar year, and passed that recommendation on to the Council's Budget Committee.

Council Operating Procedures

The LC discussed modifying Council Operating Procedure (COP) 1 to guide membership of the LC. The LC recommends that the COP include the following requirements:

- The Council Chair makes appointments to the LC.
- The Committee should include a maximum of seven voting Council members.
- The LC should include representation from a variety of geographic areas.
- The LC should elect officers and consider new appointments after the June Council meeting to account for possible turnover in Council membership.

The LC recommends the Council schedule consideration of the proposed changes to COP 1 at the November 2016 Council meeting.

Future Meetings

The LC proposes to meet if necessary and appropriate in conjunction with the November Council meeting.

PFMC
09/16/16