

ADDENDUM TO STAFF SUMMARY OF FEDERAL LEGISLATION

HR 4742 (House MSA Reauthorization Bill)

The following amendments were made at the House Committee on Natural Resources on May 29, 2014 but were not incorporated into Agenda Item C.3, Attachment 3, the annotated version of the MSA:

- Garcia 041 would allow NMFS/Council to take into account the impact of foreign activities on an annual catch limit in the case of a transboundary stock, even with no agreement in place. The spiny lobster fishery was used as an example.
- Southerland 030 prohibits counting confiscated fish against the total allowable catch for red snapper, and does not affect the Pacific Council.

S 2379: Klamath Water Recovery and Economic Restoration Act of 2014

This bill, introduced on May 21 by Ron Wyden and Jeff Merkley (D-OR), and cosponsored by Barbara Boxer and Dianne Feinstein (D-CA), would formalize the Upper Klamath Basin Comprehensive Agreement, which was signed in April of this year. Under the agreement, users above Upper Klamath Lake agree to reduce their water consumption, allowing an extra 30,000 acre-feet to flow into the lake. In exchange, the Klamath Tribes agree to not pre-emptively exercise their senior water rights above the lake, and local landowners commit to helping restore plant and fish habitats in riparian areas. Downstream irrigators and ranchers, who have lesser claims to the water, stand to gain more certainty of access to water, particularly in dry years.

A fact sheet provided by the bill's sponsors says the bill sets out a cooperative water management plan to protect fish and wildlife and provide more predictable water amounts for farmers and ranchers, allowing irrigated agriculture to sustainably continue in the above Upper Klamath Lake and within the Klamath Reclamation Project. In low water years, the bill outlines a drought plan to provide additional tools to collaborate efforts. According to the fact sheet, the bill will increase in-stream flows and lake levels, permanently protect and enhance riparian areas, restore hundreds of miles of fish habitat, and provide additional water for National Wildlife Refuges that are critical to the health of the Pacific Flyway. It will boost the annual production of adult Chinook salmon by about 80 percent, according to fish biologists; and will modernize the management of the Klamath Reclamation Project to include fish, wildlife, and National Wildlife Refuges as authorized purposes for the first time.

The bill would authorize the Klamath Basin Restoration Agreement and Klamath Hydroelectric Settlement Agreement, allowing them to be fully implemented by the Federal government, and allowing the Secretary of the Interior to determine whether removing the four lower Klamath dams will advance the restoration of salmon fisheries and be in the public interest. (The Klamath Basin Restoration Agreement relates to issues including water allocation and management, restoration and commercial agriculture on the basin's National Wildlife Refuges, and the Klamath Hydroelectric Settlement Agreement relates to further study of the removal of the lower Klamath dams).

Critics say the deal doesn't reduce water demand enough to solve the problem and warn that it could lead to salmon die-offs.

H.R. 4692: Coastal Communities Ocean Acidification Act of 2014

This bill, introduced on May 20 by Chellie Pingree (D-ME), directs the Secretary of Commerce, acting through NOAA, to conduct coastal community vulnerability assessments related to ocean acidification. It amends the Federal Ocean Acidification Research And Monitoring Act of 2009 to allow stakeholders, scientists, and non-Federal resource managers to identify research and management needs related to ocean acidification and its impacts. It also would identify coastal communities that are most dependent on coastal and ocean resources that may be impacted by ocean acidification; assess their vulnerabilities; identify ocean acidification impacts that might harm those communities; identify key knowledge gaps; and promote collaboration with Federal and non-Federal experts. The bill would lead to recommendations for research that should be conducted, including in the social sciences and economics, to address the key knowledge gaps identified in the community vulnerability assessment report.