The Legislative Committee (Committee) convened at 9:00 a.m. on Saturday, March 6, 2010. In attendance were Committee members Dr. Dave Hanson, (Chair) Mr. Rod Moore (Vice Chair), Pacific Fishery Management Council (Council) Vice Chair Mr. Dan Wolford, Ms. Dorothy Lowman, Mr. Dale Myer, and Mr. Gordy Williams. Also present were Council Deputy Director Dr. John Coon, and Council Staff Officer Mr. Mike Burner.

The Committee reelected Dr. David Hansen and Mr. Rod Moore as Committee Chair and Vice Chair respectively.

H.R. 1080, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009 and S. 2871

These bills would strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing and would also amend existing legislation by implementing the following technical corrections regarding U.S. representation to the Western and Central Pacific Fisheries Commission and the appropriate criteria specified under the U.S./Canada agreement on Pacific Whiting. H.R. 1080 passed the U.S. House and was introduced in the U.S. Senate as S.2870 and S.2871 on December 10, 2009 by Senator Inouye (HI) where it was referred to the U.S. Senate Committee on Commerce, Science, and Transportation.

- Correct confusing language in the Western and Central Pacific Fisheries Commission Implementation Act (WCPFCIA) to clarify that the U.S. shall be represented by five U.S. Commissioners, “one of whom shall be a member of the Western Pacific Fishery Management Council, and one of whom shall be a member of the Pacific Fishery Management Council.’’
- Amend the WCPFCIA and the Pacific Whiting Act of 2008 to remove unintentional ethics and conflict-of-interest restrictions on U.S. representatives and clarify that individuals appointed to serve the U.S. through either the Western and Central Pacific Fisheries Commission or the U.S./Canada Pacific Whiting Agreement ‘‘shall not be considered Federal employees except for purposes of injury compensation and tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.’’
- Amend the Pacific Whiting Act of 2008 to specify that the U.S. shall appoint no more than two rather than six scientific experts to the joint technical committee under the U.S./Canada Pacific Whiting Agreement.

In April 29, 2009 before H.R. 1080 passed the U.S. House, Council Executive Director, Dr. Donald McIsaac sent a letter on behalf of the Council to U.S. Senator Maria Cantwell of Washington (Agenda Item D.3.a, Supplemental Attachment 4) conveying support for these important corrections. The Committee continues to support these corrections and recommends the Council Executive Director reiterate this support and urge expediency regarding S. 2871 in a letter to Senator Cantwell in response to a request by her staff at the U.S. Senate Subcommittee on Commerce, Science and Transportation.
The species of rockfish the Pacific Council is successfully rebuilding all have a greater than ten-year rebuilding time frame. Therefore, the specific situations these bills would exempt from the ten-year rebuilding requirement do not currently apply to west coast rebuilding efforts. However, the Committee remains supportive of the bill’s proposed clarifying language change in MSA Section 304(e)(4)A as follows:

“For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to paragraph (3) or paragraph (5) for such fishery shall—

(A) specify a time period for rebuilding the fishery that shall
(i) be as short as possible practicable, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem;....”

The Council expressed support for this issue in the 110th U.S. Congress through a July 31, 2008 letter to former Oregon Senator Gordon Smith. The Committee recommends the Council Executive Director reiterate these comments during the current 111th U.S. Congress through Mr. Dave Whaley to the U.S. House Subcommittee for Insular Affairs, Oceans and Wildlife who has requested Council input on fishery related legislation.

Emergency Temporary Water Supply Amendment

The Committee reviewed a February 18, 2010 letter to U.S. Senator Feinstein (CA) signed by 11 members of Congress (Agenda Item D.3.a, Supplemental Attachment 4) regarding legislation proposed by Senator Feinstein that may override protection for threatened and endangered fish stocks and fisheries of the San Francisco Bay-Delta system for the purpose of easing the effects of an ongoing drought in the region. This amendment has not been introduced in the U.S. Senate and this amendment has not yet been made public. The Committee shared the concerns of the signatory Congressional members and recommends the Council Executive Director send a letter to Senator Feinstein requesting the specific language of the proposed legislation and clarification on whether or not the amendment would address potential disaster relief for salmon fishermen.

Future Meeting Plans

Pending Council scheduling and workload planning under Friday’s Agenda Item D.6, the Committee anticipates there will be sufficient activity in the U.S. Congress to warrant a Committee meeting at the April Council meeting and supports the proposed meeting time of 2 p.m. Saturday, April 10, 2010 proposed under Agenda Item D.6.a, Attachment 2. Topics for the April Committee meeting include:

H.R.4363 Offshore Aquaculture –This bill establishes a regulatory system and research program for sustainable offshore aquaculture in the United States exclusive economic zone, and for other purposes. H.R. 4363 was introduced December 16, 2009 by Congresswoman Lois
Capps (CA) and referred to the U.S. House Subcommittee on Insular Affairs, Oceans and Wildlife. The Council and the Committee have commented on offshore aquaculture legislation from previous Congress sessions. Council staff plans review the current bill and the Council record on this topic and report to the Committee in April.

**S. 2870 - International Fisheries Stewardship and Enforcement Act.** This bill would establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes and would also make the technical corrections listed above as items 1 through 3 under H.R.1080 for the WCPFCIA and the Pacific Whiting Act of 2006. This bill would also implement the Antigua Convention by ratifying the U.S. as signatory to this international agreement and would specify Council representation on the Inter-American Tropical Tuna Commission (IATTC) and its advisory bodies. The Committee recommends this matter be reviewed by the Council’s Advisory Bodies for Highly Migratory Species.

**Landscape Conservation Cooperatives (LCC)** – The Department of the Interior has initiated the formation of LCCs which are management-science partnerships that inform integrated resource-management actions addressing climate change and other stressors within and across landscapes. There are two LCCs on the West Coast, the California LCC in the southern and central portions of the state and the North Pacific LCC that runs from Northern California to Southeast Alaska.

**Public Comment**

None.

The Committee adjourned at 9:50 a.m.

**Legislative Committee Recommendations**

1. **Direct the Council Executive Director to send a letter responding to a request from Senator Cantwell and staff of the U.S. Senate Subcommittee on Commerce, Science and Transportation expressing support for S. 2871.**
2. **Direct the Council Executive Director to send a letter responding to a request from Mr. Dave Whaley, staff for the U.S. House Subcommittee for Insular Affairs, Oceans and Wildlife, reiterating Council support for S.1255 and H.R. 1584 - Flexibility in Rebuilding American Fisheries Act of 2009.**
3. **Direct the Council Executive Director to send a letter of inquiry to U.S. Senator Feinstein requesting additional information on the proposed Emergency Temporary Water Supply Amendment.**
4. **Consider scheduling the next meeting of the Legislative Committee for the April 2010 Council meeting under Agenda Item D.6.**

PFMC
03/09/10