LEGISLATIVE MATTERS

The Pacific Fishery Management Council’s (Council’s) Legislative Committee (Committee) is scheduled to meet Tuesday, September 13th at 2:00 p.m. to review a variety of legislative matters of interest to the Council. Council staff has provided a summary of legislation introduced in the 112th U.S. Congress (Agenda Item F.1.a, Attachment 1) for potential review at the September Council meeting. It is anticipated that the Committee will focus the majority of its time discussing a formal request from U.S. Congresswoman Grace Napolitano (Agenda Item F.1.a, Attachment 2) regarding H.R. 1837, the San Joaquin Valley Water Reliability Act.

On May 11th, U.S. Congressman Devin Nunes (CA) and two cosponsors introduced H.R. 1837, the San Joaquin Valley Water Reliability Act (Agenda Item F.1.a, Attachment 3). H.R. 1837 addresses water use in California’s Central Valley Project (CVP) through, among other things, amendments to the Central Valley Project Improvement Act (CVPIA), changes to the implementation of the Endangered Species Act (ESA), and repeal of the San Joaquin River Restoration Settlement Act. Specific to fishery matters, the bill changes the CVPIA definition of “anadromous fish” to include only native salmon and sturgeon stocks present in the Sacramento and San Joaquin Rivers as of October 30, 1992, prohibits the Secretary of Commerce from distinguishing between natural-spawned and hatchery-spawned or otherwise artificially propagated strains of a species in making ESA determinations, and considers all requirements for the protection and conservation of the species listed under the ESA to be fully met if water projects are operated in a manner consistent with the Bay-Delta Accord of December 15, 1994. Additionally, H.R. 1837 would change the way funds dedicated to river and wildlife restoration would be collected and administered.

H.R. 1837 has raised considerable concerns within the Oregon and California salmon industry, including several former members of the Council and the Council family (Agenda Item F.1.d, Public Comment). Salmon industry representatives and Mr. Will Stelle, the National Marine Fisheries Service’s (NMFS) West Coast Salmon Coordinator and Administrator for NMFS Northwest Regional Office testified in opposition to the bill at a June hearing held by the U.S. House Subcommittee on Water and Power. Mr. Stelle concluded his testimony by stating that, “If enacted, this law would hasten the decline of salmon in the Central Valley and Delta and negatively impact the Delta ecosystem and the economy of the state of California and the nation.” In her July 5, 2011 letter to Council Executive Director, Dr. Donald McIsaac (Agenda Item F.1.a, Attachment 2), Congresswoman Napolitano acknowledges the economic impacts of the 2008 and 2009 fishery closures enacted by the Council in response to the collapse of Sacramento River fall Chinook stocks and states that the June hearings highlighted the need for more information on the impacts of H.R. 1837 on fisheries, the fishing industry, tourism and coastal economies. Congresswoman Napolitano specifically requests Council comments on H.R. 1837’s impacts to salmon populations, habitat, fisheries management, and fishermen.

**Council Action:**

1. Consider the recommendations of the Legislative Committee.
2. Approve a response to Congresswoman Napolitano regarding H.R. 1837.
Reference Materials:

1. Agenda Item F.1.a, Attachment 1: September 2011 Staff Summary of Federal Legislation in the 112th U.S. Congress.
4. Agenda Item F.1.b, Supplemental Legislative Committee Report.
5. Agenda Item F.1.d, Public Comment

Agenda Order:

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

PFMC
08/19/11