

LEGISLATIVE MATTERS

The Pacific Fishery Management Council's (Council's) Legislative Committee (Committee) is scheduled to meet Friday, September 10th at 2:30 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 111th U.S. Congress (Agenda Item G.2.a, Attachment 1) to update the Council on items previously discussed and to highlight legislation for review at the September Council meeting.

Among the bills to be discussed is H.R. 5180 (Agenda Item G.2.a, Attachment 2), the *National Marine Fisheries Service Ombudsman Act of 2010* introduced in the U.S. House of Representatives to establish an Office of the Ombudsman in the National Marine Fisheries Service (NMFS) which shall be under the direction of the Ombudsman of NMFS, who shall be appointed by the Administrator of the National Oceanic and Atmospheric Administration (NOAA). The NMFS Ombudsman would oversee regional Ombudsmen assigned to each Regional Fishery Management Council and together they would act as a neutral third party who conducts informal, impartial investigations, identifies and mitigates points of conflict or contention between the fishing industry and NMFS, and serves as a point of contact for local fishermen and businesses regulated by NMFS.

The Committee is also anticipated to review the following three bills as time allows:

H.R. 4914/S. 3528, the *Coastal Jobs Creation Act of 2010* introduced in the U.S. House and Senate to implement a Coastal Jobs Creation Grant Program which would include: (1) cooperative research to collect and compile data related to fisheries management; (2) establishment and implementation of state recreational fishing registry programs; (3) training and deploying observers authorized or required under the Magnuson-Stevens Fishery Conservation and Management Act; (4) preservation or restoration of coastal resources; (5) redevelopment of deteriorating and underutilized working waterfronts and ports; (6) research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies; and (7) cooperative research to collect data to improve, supplement, or enhance fishery and marine mammal stock assessments.

The U.S. House Subcommittee on Insular Affairs, Oceans, and Wildlife held a hearing on H.R. 5180 and H.R.4914 on July 27, 2010. Written statements submitted by the hearing panelists, including the NOAA, Assistant Administrator for Fisheries, Mr. Eric Schwaab, are included for reference as Agenda Item G.2.a, Attachment 4).

H.R.3534, the *Consolidated Land, Energy, and Aquatic Resources Act of 2010* is a large bill intended to "provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior." Title VI of the bill (Agenda Item G.2.a, Attachment 5) aims to improve coordination and regional planning effort between Federal agencies with authorities for ocean, coastal, and Great Lakes management, in part, through Regional Coordination Councils (RCC). Each regional fishery

management council would have one seat on their respective RCC as would the executive director of the appropriate interstate marine fisheries commission. Title VI implements concepts similar to those put forward under previous bills and aims to create greater reliance on multi-objective, science- and ecosystem-based, spatially explicit management approaches (see related matter, Agenda Item G.1, Briefing on Marine Spatial Planning).

S.3594, the *Fishery Conservation Transition Act* (Agenda Item G.2.a, Attachment 6) would amend the Magnuson-Stevens Fishery Conservation and Management Act to mitigate the economic impact of the transition to sustainable fisheries on fishing communities.

As time allows, the Committee may discuss other Federal legislation of interest to the Council.

Council Action:

1. Consider the recommendations of the Legislative Committee.

Reference Materials:

1. Agenda Item G.2.a, Attachment 1: Staff Summary of Federal Legislation in the 111th U.S. Congress.
2. Agenda Item G.2.a, Attachment 2: H.R. 5180, the *National Marine Fisheries Service Ombudsman Act of 2010*.
3. Agenda Item G.2.a, Attachment 3: H.R. 4914, the *Coastal Jobs Creation Act of 2010*.
4. Agenda Item G.2.a, Attachment 4: Written Statements from the July 27, 2010 Hearing of the U.S. House of Representatives Subcommittee on Insular Affairs, Oceans and Wildlife.
5. Agenda Item G.2.a, Attachment 5: H.R.3534, the *Consolidated Land, Energy, and Aquatic Resources Act of 2010, Title VI – Coordination and Planning* (entire bill available on the Briefing Book CD).
6. Agenda Item G.2.a, Attachment 6: S.3594, the *Fishery Conservation Transition Act*.
7. Agenda Item G.2.b, Supplemental Legislative Committee Report.

Agenda Order:

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

Mike Burner
Dave Hanson

PFMC
08/20/10