

LEGISLATIVE COMMITTEE REPORT MAGNUSON-STEVENSON ACT (MSA)  
REAUTHORIZATION PRIORITIES AND OTHER LEGISLATIVE MATTERS

The Legislative Committee (LC) met on Thursday, October 31. The meeting was attended by committee members Dr. David Hanson, Mr. David Crabbe, Ms. Dorothy Lowman, Mr. Dale Myer, and Mr. Dan Wolford; Council Executive Director Dr. Donald McIsaac, and Pacific Council staff Mr. Chuck Tracy, Ms. Jennifer Gilden, and Mr. Don Hansen. Several other people attended the meeting, including Mr. Phil Anderson, Mr. Mark Helvey, Ms. Gway Kirchner, Mr. Rod Moore, Mr. Steve Bodnar, and Ms. Corey Ridings.

The LC first heard a staff review of recent Federal legislation (Agenda Item I.2.a, Attachment 3). Of note, the Water Resources Reform and Development Act passed the Senate on October 31. The House, which already passed the bill, needs to approve changes made in the Senate before the bill is signed into law. Among many other things, this Act directs the Army Corps of Engineers to review their guidelines on levee vegetation to determine whether current Federal policy is appropriate for all regions of the United States. The bill also increases the amount of money spent from the Harbor Maintenance Trust Fund, and may possibly increase funding for dredging of small ports.

As noted in the situation summary for this agenda item, a draft letter to Del. Madeleine Bordallo and Senator John “Jay” Rockefeller has been prepared on H.R. 69 (Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013) and S. 269 (International Fisheries Stewardship and Enforcement Act), pending a request for Pacific Council input. The LC discussed the draft and directed staff to add more details to the section on an Inter-American Tropical Tuna Commission seat for the Pacific Council. The LC recommends the draft letter be sent, with the additions described, in the event a congressional request is made for the Pacific Council opinion on this legislation.

**Report on Council Coordination Committee Meeting**

The LC heard a report from Dr. Donald McIsaac on the Council Coordination Committee (CCC) webinar meeting held on October 23-24. According to Mr. Dave Whaley, who spoke during the webinar meeting, House Natural Resources Committee Chairman Doc Hastings has said he is planning to release an Magnuson-Stevens Act (MSA) reauthorization bill in November. According to Mr. Jeff Lewis (Congressional staff), Senator Mark Begich anticipates introducing initial legislation near the end of the year. At this point, NMFS is not actively working on a draft MSA reauthorization bill, but is rather working on National Standard 1 revisions, with a completion schedule targeting the fall of 2014.

Given the relatively aggressive schedule at the congressional level, the CCC chose to develop general recommendations at its October meeting, recognizing that it would not be possible to have the Councils agree on further detail at this time. In general, the CCC agreed that the MSA is working well but needs some adjustments. At this time the CCC is not planning to release any

more detailed recommendations than those included in the meeting decisions report (Agenda Item A.3, Supplemental Attachment 2) before a CCC meeting scheduled in February.

### **Further Consideration of Council Priority Topics for MSA Reauthorization**

The LC reviewed the 17 priorities developed by the Council in September (Agenda Item I.2., Supplemental REVISED Attachment 2), the decisions of the CCC, and other new input. The LC recommends the Pacific Council send a letter to the Congressional principals recommending that bill drafters consider language that addresses six high priority matters, as well as giving a lesser degree of consideration to the other matters identified at the September 2013 Pacific Council meeting, and any other matters related by the Pacific Council during the Agenda Item I.2 floor session. The six highest priority items are listed as numbers 1-6 in the table below, but are not intended to reflect individualized priority order. After reorganizing two of the 17 items identified at the September Council meeting, the remaining priority topics are listed in the table below as numbers 7-15, again without intended priority within this second tier of issues.

The LC discussed the report from the Enforcement Consultants (Agenda Item I.2.c, Supplemental EC Report), the letter from the Yurok Tribe (Agenda Item I.2.c, Supplemental Tribal Report) and the idea of eliminating the three nominee requirement for state seats, but did not make a recommendation to the Pacific Council. The LC noted there may be additional input from Tribal governments during the Pacific Council floor session.

### **Format for Analysis of Council MSA Reauthorization Priorities**

The LC discussed the format for the next level of analysis of Pacific Council MSA reauthorization priorities (I.2.a, Attachment 1). Despite the immediate timeframe for the introduction of an MSA reauthorization bill, the LC felt it would be useful to continue with development of these “fact sheets” to help the Pacific Council better understand the findings, for at least the highest tier priority topics. The LC recommended that the fact sheets include a section containing any relevant proposed wording from introduced MSA reauthorization bills.

### **Other Issues**

The LC proposes to meet in March or April to review any new, relevant legislation and review the MSA priority fact sheets.

PFMC  
11/03/13

	<b>Topic for MSA Reauthorization</b>	<b>Relevant MSA Section (§)</b>
1	Revise rebuilding time requirements: a) Address the discontinuity associated with the ten-year rebuilding requirement b) “Don’t chase noise” in rebuilding plans c) Address social and economic issues regarding the needs of fishing communities by changing “rebuilding as soon as possible” to “rebuilding as soon as practicable.”	§ 304(e) (4)(A)(ii) (3)(A) (4)(A)(i)
2	Stocks later determined never overfished should not be held to rebuilding provisions	§304 (e)
3	Include a carryover exception to allow ACLs to be exceeded in order to carry over surplus and deficit harvest from one year to the next, provided there is a finding from the SSC that such a carryover provision will have negligible biological impacts	§303(a)
4	Better align and streamline the National Environmental Policy Act & MSA § 304(i)	§ 304(i)
5	Explore more flexibility for data-poor species where the precautionary approach limits information on stock performance under higher catch rates	§ 303
6	Provide flexibility in requirements and qualifications for observers.	§ 401
7	Designate one Commissioner seat on IATTC Commission for PFMC	
8	Make a consistent distinction between “overfishing” (a measure of fishing rate) and “overfished” (a measure of abundance)	
9	Replace the term “overfished” with “depleted” to account for non-fishing causes of stock size below MMST	§ 3 (34)
10	Address rebuilding requirements when environmental conditions may be a predominant factor in a stock’s decline	§ 304(e)
11	Include a viable mixed stock exception	
12	Consider a national standard for habitat: “Minimize adverse impacts on essential fish habitat to the extent practicable”	§ 301(a)
13	Explore options to improve access to currently confidential harvest or processing information for purposes of enhanced socioeconomic analysis	§ 402
14	Amend MSA to change “vessels” to “vessel” in the IUU certification section	§ 609 (d)
15	Implement stricter imported seafood labeling requirements in the US market	