

LEGISLATIVE COMMITTEE REPORT

Chairman, Dave Hanson, called the Legislative Committee to order at 10:07 a.m. and the Committee reviewed the following:

- Magnuson-Stevens Fishery Conservation and Management Act Reauthorization (Kerry [S.____] and Gilchrest [HR 4749]).
- Ocean Habitat Protection (S 2593 and HR 4003) – Complementary bills that would ban certain types of bottom trawl gear.
- Capital Construction Fund (S 1962 and HR 3898) – Complementary bills that provide for qualified withdrawals of funds from the CCF.
- Pacific HMS Conservation Act (HR 4618) – Prohibits pelagic longlines in EEZ off WA/OR/CA.
- Untitled Don Young bill (HR 5030) – Redefines EFH, redefines permissible rebuilding periods, and exempts FMPs, FMP amendments, and regulations that comply with M-S from NEPA.

Regarding Magnuson-Stevens Act reauthorization issues, the Committee was advised that it is highly unlikely final Congressional action on a new bill, either the Gilchrest Bill, the Kerry Bill, or a composite compromise, will occur in the 107th Congress. However, the Committee noted the current law includes a provision that the moratorium on ITQ's will sunset October 31, 2002. The Committee discussed the possibility that peripheral legislation might include a provision to renew the moratorium and possibly that such renewal legislation might offer the opportunity for exceptions, such as occurred for the West Coast fixed gear sablefish fishery two years ago and may be proposed this year for portions of the Alaska crab industry.

The Committee recommends the following prioritized preferences as a response to the sunset of the ITQ moratorium:

- (1) no renewal of any moratorium language;
- (2) if renewed moratorium language is proposed,
 - (a) include specific language permitting the Pacific Council to adopt ITQ programs for West Coast groundfish; and
 - (b) utilize the Gilchrest Bill language, absent the referendum provisions.

The Committee was opposed to the Kerry Bill language.

The Committee recommends tasking the Council Executive Director with developing exemptive legislative language expressing option 2(a) above, and communicate that language and the Councils prioritized response to the appropriate congressional bodies when requested.

Regarding S 2593, HR 4003, and HR 4618, the Committee recommends the Council express no support for these bills, under the rationale that such management responses should be left up to the individual Regional Councils. Further, the Committee noted the language defining pelagic longlines in HR 4618 may effectively eliminate "fly gear" used for West Coast groundfish, and perhaps other gear sets.

Regarding S 1962 and HR 3898, the Committee recommends the Council express support for these bills.

Regarding HR 5030, the Committee recommends conditional support to the concept of exempting Magnuson-Stevens Act actions from NEPA with the explicit understanding the essential NEPA benefits and requirements are already required by the Magnuson-Stevens Act, but on different timelines from the NEPA. The Committee noted that Magnuson-Stevens Act actions are now exempted from the requirements of the FACA.

Lastly, the Committee recommended the Council Executive Director invite local offices of congressional

members to future Legislative Committee meetings. For example, congressional offices local to San Francisco be invited to the Legislative Committee meeting scheduled at the next Council meeting in Foster City.

PFMC
09/12/02