

## LEGISLATIVE COMMITTEE REPORT

The Legislative Committee met June 14, 2004. The Committee reviewed several congressional bills and legislative-related matters, including the Pacific Fishery Management Council (Council) response to the U.S. Commission on Ocean Policy (Ocean Commission) about the Ocean Commission's preliminary report.

Relative to the Ocean Commission preliminary report, the Committee commends Council staff for their response letter (Exhibit B.4.a, Attachment 1). The Committee emphasizes that many of the fishery management recommendations in the preliminary report (notably those pertaining to development and use of the best available science) are already standard procedures for the Pacific Council. The Committee suggests that, as the Ocean Commission report is finalized, Council staff should be directed to work with Commission staff to provide information, as appropriate. The Committee also recommends that when the Ocean Commission's final recommendations move toward implementation, the Council should work with National Marine Fisheries Service to pursue a significant role for regional fishery management councils (RFMC) in this process.

The Committee discussed two bills related to reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) -- Congressman Gilchrest's discussion draft (Exhibit B.4.a, Attachment 2) and Senate Bill 2066 (Exhibit B.4.a, Attachment 4). Congressman Gilchrest has requested input from RFMCs on his discussion draft and, more generally, on legislative-related fishery management matters. The Committee recommends staff be directed to provide information to Congressman Gilchrest, including:

- summarize recent Council comments related to fishery-related legislation;
- request consideration of "grand fathering" in existing individual quota (IQ) programs and IQ-like programs (e.g., the permit stacking program in the fixed-gear sablefish fishery);
- describe current Council work on development of an IQ program for the limited entry groundfish trawl fishery;
- provide information about the Council process for developing and using science in Council decision making, specifically, the role of the SSC and peer-review protocols that gird the Council's science development process; and
- convey funding concerns, for example, Council base funding is not adequate for current program areas required under the current Magnuson-Stevens Act and other mandates.

The Committee also emphasizes the need to prevent unfunded mandates and

unrealistic schedules, notably because of the potential increased vulnerability to lawsuits if the requirements are not achieved within the mandated time frames.

Magnuson-Stevens Act amendments proposed in S. 2066 are, generally, in accord with past input from the Pacific Council. Moreover, some aspects of S. 2066 (for example, IQ program standards) are preferred over similar provisions in the Gilchrest discussion draft.

As reported to the Committee, state legislation pending in California could affect Council-managed fisheries. The California legislation relates to planning for implementation of the Marine Life Management Act and Marine Life Protection Act. Another bill would revise the current state landing tax program in California. The Committee appreciates the update about California legislative matters and requests further updates as warranted.

The Committee was also informed that the Oregon State legislature will start their next legislative session in January 2005. Planning for their legislative calendar is underway.

If fishery-related legislation that could affect Council-managed fisheries is proposed, the Council should be informed of these matters.

At the national level, as noted previously, indications are that fishery-related legislation will not move through Congress during 2004. This is due, in part, to competing legislative priorities and pending changes in Senate committee leadership. Hence, the Legislative Committee recommends the Council direct staff to continue tracking legislative issues, but as a low priority relative to other workload.

PFMC  
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