

REPORT OF THE LEGISLATIVE COMMITTEE

The Legislative Committee (Committee) convened at 10 a.m. on Monday, September 10, 2007. In attendance were Committee members Dr. David Hanson (chair), Ms. Kathy Fosmark, Mr. Don Hansen, and Mr. Dale Myer. Also present were Council members Mr. Mark Helvey, Mr. Phil Anderson, Mr. Mark Cedergreen, Mr. Curt Melcher, Mr. David Ortmann, Mr. Frank Warrens, and Mr. Gordy Williams; Council staff Dr. Don McIsaac, Dr. John Coon, Mr. Mike Burner, and Ms. Heather Brandon; and Mr. Judson Feder, General Counsel with the National Marine Fisheries Service, Southwest Regional Office.

The Committee focused the majority of the meeting on H.R. 21 the *Oceans Conservation, Education, and National Strategy for the 21st Century Act*. Specifically, the Council considered ways to respond to the formal request from U.S. Representative Don Young (R-AK) (Agenda Item B.4.a, Attachment 2) for Regional Fishery Management Council (RFMC) review of the bill. The Committee recommends the Council respond to Congressman Young in two ways:

1. The Committee recommends the Council approve for Pacific Fishery Management Council (Council) Chairman Don Hansen's signature, the draft letter proposed for signature by all eight chairs of the RFMCs by Chris Oliver, Executive Director of the North Pacific Fishery Management Council (Agenda Item B.4.a, Supplemental Attachment 6) with some recommended adjustments. The Committee recommends the following improvements to the letter:
 - Add an introductory paragraph stressing the fact that the positions expressed in the letter carry the full support of all eight RFMCs should such support develop.
 - The phrase "primary provisions" in the last sentence of the first paragraph could be replaced with a specific reference to the five provisions of concern in the letter as it is not clear the portions of H.R. 21 with potential fishery management duplication represent the primary provisions of the bill. Provisions calling for ecosystem-based approaches to management and Title II, the National Oceanic and Atmospheric Administration Organic Act are not counter to the Reauthorized Magnuson-Steven Fishery Conservation and Management Act (MSA).
 - Modify the first sentence of the second paragraph to describe the limitations on the management of habitat and community development allowed under the MSA and therefore, the limitations of a full ecosystem-based management approach.
 - Delete the phrase "important piece of" in the second to last sentence of the last paragraph of the letter to avoid this phrase being taken out of the context of the letter's criticism of the bill.
 - Add West Coast members of the U.S. Senate and U.S. House of Representatives to the distribution list.

2. The Committee recommends the Council direct the Executive Director send a letter to principle sponsors of H.R. 21 which conveys additional or unique Council comments on H.R. 21 including:
 - A discussion on the Council’s effort to implement an ecosystem-based fishery management plan as well as efforts noted by the Pacific States Marine Fisheries Commission report to improve the role of science in the application of ecosystem-based principles on the West Coast and the North Pacific.
 - A statement that H.R. 21, like the MSA, imposes higher standards on the conservation and management of Pacific highly migratory species than many foreign fisheries are held to,
 - a recommendation to fully fund existing mandates under the MSA before identifying funding for provisions in H.R. 21 that have been identified as potential conflicts with MSA, and
 - a mention of Council support for the letter to Congressman Young proposed for signature by the eight RFMC chairs.

The Committee also reviewed the *National Offshore Aquaculture Act of 2007* as introduced in both the U.S. House of Representatives and the U.S. Senate. The Committee discussed the Council’s previous position recommending that States have the ability to opt out of aquaculture activities in Federal waters off their coasts, as well as the proposed amendment to the bill by U.S. Senator Ted Stevens (R-AK) which would prohibit finfish aquaculture in State or Federal waters off Alaska. The Committee recommends the Council direct the Executive Director to send a letter to U.S. Senator Gordon Smith and the principle aquaculture bill sponsors recommending the bills be modified to require States to “opt in” to offshore aquaculture within the Exclusive Economic Zone off their coasts before Federal permits could be issued.

The Committee adjourned at 11:15 a.m.

PFMC
09/13/07