

LEGISLATIVE MATTERS

The Legislative Committee (Committee) is scheduled to meet Sunday, April 6th at 1:00 p.m. to review a variety of legislative matters of interest to the Council.

The *Flexibility in Rebuilding American Fisheries Act of 2008* (H.R. 5425), introduced in the U.S. House of Representatives February 13, 2008 by Representative Frank Pallone (D-NJ), seeks to amend the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to extend the authorized time period for rebuilding overfished species. The bill would provide exceptions to the requirement to rebuild overfished stocks within 10 years, including situations where the biology of the stock or international agreements dictate otherwise, where the cause of the decline is outside Council jurisdiction, to minimize economic impacts or provide for a multi-species fishery if the stock is on a positive rebuilding trend. H.R. 5425 has been referred to the House Subcommittee on Fisheries, Wildlife, and Oceans.

The *Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act* (H.R. 1187) has been the subject of Council comment in the past (Agenda Item C.2.a, Attachment 2) and was the subject of a mark-up session held by the House Committee on Natural Resources on March 12, 2008. No new version of the bill is available at this time.

The National Marine Sanctuary Act (NMSA) was last reauthorized in 2000 with funds appropriated through 2005. Reauthorization of the NMSA is anticipated in the near future and was the subject of a House Subcommittee on Fisheries, Wildlife, and Oceans hearing on November 3, 2007. Testimony was heard from a variety of perspectives including those of Mr. William Douros, West Coast Regional Director of the National Marine Sanctuary Program (Agenda Item C.2.a, Attachment 3), and Mr. Jim Martin, West Coast Regional Director of the Recreational Fishery Alliance and Groundfish Advisory Subpanel member (Agenda Item C.2.a, Attachment 4). For a full report on the hearing, please visit the House Subcommittee's website. As with the reauthorization of the MSA, the question of fishery regulatory authority within National Marine Sanctuaries is likely to be a point of interest for the Council during the NMSA reauthorization process.

Inter-American Tropical Tuna Commission (IATTC) adopted the Convention for the Strengthening of the [IATTC] (Antigua Convention) (Agenda Item C.2.a, Attachment 5) which cannot be fully implemented without U.S. ratification and implementing Federal legislation. The Administration, through the Department of State, has put forward a bill to implement the Antigua Convention (Agenda Item C.2.a, Attachment 6), but the bill has not been introduced in Congress. During deliberations on highly migratory species management matters at the 2008 March Council meeting, the Council tasked the Committee with reviewing this matter and making recommendations at the April meeting. National Marine Fisheries Service has submitted background material to assist in the review (Agenda Item C.2.a, Attachment 7).

In a written statement to the Council, the Highly Migratory Species Advisory Subpanel requested Council Staff review two items from the California State Legislature; Assembly Bill Number 2712 which would require the California Department of Fish and Game to develop a State Forage Species Management Plan (Agenda Item C.2.a, Attachment 8) and California Concurrent Resolution Number 85, relative to the Pacific bluefin tuna (Agenda Item C.2.a, Attachment 9).

Since, the Committee's primary focus has typically been on Federal legislation, the Council directed Council Staff to review relevant Council Operating Procedures on Committee review protocols. Council Staff found no reference to the Committee in the Council Operating Procedures, and considering both Assembly Bill Number 2712 and Senate Concurrent Resolution Number 85 directly mention the Council and/or its Coastal Pelagic Species Fishery Management Plan, the Committee may proceed with the review as time permits and report on ways existing Council fishery management actions address these topics.

Time permitting, the Committee may also discuss legislation it has reviewed in the past for which no new information is currently available, such as H.R. 21 the *Oceans Conservation, Education, and National Strategy for the 21st Century Act* and H.R. 2010, the *National Offshore Aquaculture Act of 2007*.

Council Action:

Consider the recommendations of the Legislative Committee.

Reference Materials:

1. Agenda Item, C.2.a, Attachment 1: H.R. 5425, Flexibility in Rebuilding American Fisheries Act of 2008.
2. Agenda Item, C.2.a, Attachment 2: October 9, 2007 letter from Dr. McIsaac to U.S. Senator Smith (R-OR) regarding H.R. 1187.
3. Agenda Item C.2.a, Attachment 3: Written statement of Mr. Douros to the House Committee on Natural Resources on reauthorization of the NMSA.
4. Agenda Item C.2.a, Attachment 4: Written statement of Mr. Jim Martin to the House Committee on Natural Resources on reauthorization of the NMSA.
5. Agenda Item C.2.a, Attachment 5: Convention for the Strengthening of the Inter-American Tropical Tuna Commission (Antigua Convention).
6. Agenda Item C.2.a, Attachment 6: Administration Bill implementing the Antigua Convention.
7. Agenda Item C.2.a, Attachment 7: NMFS Report on implementation of the Antigua Convention.
8. Agenda Item C.2.a, Attachment 8: California Assembly Bill Number 2712, Forage Species Management Plan.
9. Agenda Item C.2.a, Attachment 9: California Senate Concurrent Resolution Number 85, Relative to the Pacific bluefin tuna.
10. Agenda Item C.2.d, Public Comment.

Agenda Order:

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

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