

LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (LC) met on Thursday, September 10, 2015. The meeting was attended by committee members Ms. Dorothy Lowman, Mr. David Crabbe, Mr. Dan Wolford, Mr. Buzz Brizendine, and Mr. Dave Hansen; Council Vice Chair Herb Pollard; Council Executive Director Dr. Donald McIsaac; Council staff Ms. Jennifer Gilden, Mr. Chuck Tracy, Mr. Mike Burner, and Mr. Don Hanson; and Mr. Phil Anderson and Mr. Rod Moore.

The LC first heard a staff review of recent Federal legislation (Agenda Item C.2, Attachment 1). The West Coast Dungeness Crab Management Act (HR 2168/S 1143) was reported favorably by the committee this Friday. No significant progress has been made in reauthorizing the Magnuson-Stevens Act.

The LC discussed the Congressional request for comment (Agenda Item C.2, Supplemental Attachment 9) on the three California drought bills, HR 2898: Western Water and American Food Security Act (Valadao); S 1894: California Emergency Drought Relief Act (Boxer and Feinstein); and HR 2983/S 1837: Drought Recovery and Resilience Act of 2015 (Huffman and Boxer). The LC recommends sending a letter reiterating any relevant points made in previous letters on California drought legislation (specifically a December 6, 2014 letter to Rep. Huffman on HR 5781, sponsored by David Valadao) and with some additional comments related to the current bills, including the intent to begin the more detailed analysis requested. A draft letter is attached.

Future Meetings

The LC proposes to meet in conjunction with the November Council meeting.

PFMC
09/13/15

DATE, 2015

The Honorable Jered Huffman
United States House of Representatives
1630 Longworth House Office Building
Washington, D.C. 20515

The Honorable Mike Thompson
United States House of Representatives
ADDRESS
Washington, D.C. 20515

Dear Mr. Huffman and Mr. Thompson:

Thank you for your letter of August 20, 2015 requesting Pacific Fishery Management Council (Pacific Council) comment on the three drought-related bills currently under consideration (HR 2898: Western Water and American Food Security Act; S 1894: California Emergency Drought Relief Act; and HR 2983/S 1837: Drought Recovery and Resilience Act of 2015). The Pacific Council and its Legislative Committee met September 9-16, 2015 in Sacramento, California and reviewed these bills as well as your request. The Pacific Council would like to express the following general observations and intends to provide more specific comments at a later date.

As you know, HR 2898 would override the Endangered Species Act protections for salmon, steelhead, and other species in the Bay-Delta in order to allow increased pumping from the Delta in excess of scientifically justified levels. These measures also protect salmon stocks not currently listed under the ESA (and not addressed by the bill), which are a primary source of healthy sport, commercial, and tribal fisheries from Central California to Northern Oregon.

Measures that weaken protections for both ESA-listed salmon and the non-listed stocks could lead to irreparable harm to the salmon stocks and to the West Coast sport and commercial fisheries that depend on them. This includes measures that override California water law, reduce

or eliminate review of water storage projects, blur the distinctions between hatchery and wild stocks, and threaten tribal fisheries in the Trinity and Klamath rivers. The water situation in California is exceptionally complicated; adding another layer of complexity and potential litigation reduces the state and Federal agencies' flexibility and authority to take immediate action to protect salmonids.

The California Emergency Drought Relief and the Drought Recovery and Resilience Acts both emphasize water conservation through water recycling and other measures, including desalinization. Measures such as these have the potential to sustain favorable freshwater conditions for fish stocks that are vital to west coast fisheries. However, the Council is concerned about the habitat implications of desalinization, but has not had sufficient time to complete a thorough analysis of these proposals. The Council believes that increased communication and coordination between state and federal agencies regarding water management and its implications for salmon, particularly during the driest years, would be beneficial to the stocks and the communities that depend on them.

The proposed drought legislation is complex, extensive, and substantially different than drought legislation previously reviewed by the Council. The Council intends to further analyze the implications of these drought bills, as well as any relevant bills that may be introduced during the fall, and provide a more detailed response subsequent to its November meeting.

Thank you again for the opportunity to comment on this legislation; please don't hesitate to contact me or Ms. Jennifer Gilden of the Pacific Council office if you have any further questions.