

## STAFF SUMMARY OF EXECUTIVE ACTIONS AND FEDERAL LEGISLATION IN THE 115<sup>TH</sup> U.S. CONGRESS

A summary of recent Federal legislation is attached. This summary is intended as a general overview for discussion purposes. Full text of these bills, with background information and current status, can be found at the Library of Congress website (<http://thomas.gov>) or at <http://govtrack.us>.

The topics below are organized generally in order of priority to the Council. Figures in percentages (x%) are the bill's chance of passage as assigned by Skopos Labs.

### ***MSA Reauthorization Status***

On December 13, 2017, the House Natural Resources Committee held a session in which HR 200, the primary House bill for authorizing the Magnuson-Stevens Act (MSA), was marked up. Representative Young offered a revised version of HR 200 "Amendment in the Nature of a Substitute" (ANS), which was subsequently amended and reported by the committee. The staff summary of MSA reauthorization bills has been updated to reflect these changes (Attachment 6). The new version of HR 200 ANS is also provided (Attachment 7). An updated version of the MSA marked up with the proposed changes from the current MSA bills is provided as Attachment 9 (electronic only).

### ***Requests for Comment***

The Council was asked by Washington Senator Maria Cantwell and Oregon Representative Kurt Schrader to comment on the MSA bills. Senator Cantwell requested comments on HR 200, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young); S 2991, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2014 (Begich, 113<sup>th</sup> Congress); S 1520, the Modernizing Recreational Fisheries Management Act of 2017 (Wicker), and the (unnumbered) Strengthening Fishing Communities Through Improving Science, Increasing Flexibility, and Modernizing Fisheries Management Act (Huffman). A response to the Cantwell request is provided (Attachment 2). A similar letter was sent to Representative Schrader, who requested comment on HR 200 and "other legislation relevant to amending or reauthorizing the MSA."

## ***Signed Into Law***

### **S 2273: A bill to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel**

- Introduced by Dan Sullivan (R-AK)
- Status: **Signed into law** January 3, 2018

This one-sentence bill extended the exemption for certain discharges from fishing vessels from December 18, 2017 to January 19, 2018. (Discharges include effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, and other discharges incidental to the normal operation of a vessel).

This bill is related to the following bills:

- **S 2331** would extend the exemption to March 23, 2018. (Sullivan)
- **S 2194 and HR 4656** would extend the exemption to December 17, 2020. (Cantwell/Herrera Beutler)
- **S 168/HR 1154** (Wicker/Hunter). These bills require relate to the ballast water program in general, and do not set out a specific date for an exemption for discharges from small vessels.

## ***Bills That Have Passed in House or Senate***

### **S 669/HR 1630: Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act**

- Introduced by Jeff Merkley (D-OR)/Earl Blumenauer (D-OR) on March 29, 2017
- Status: S 669 **passed Senate** on November 29, 2017 (45%)

This bill would authorize the Secretary of the Interior to assess sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide affected Columbia River Treaty tribes' access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions.

### **S 1425: Coordinated Ocean Monitoring and Research Act**

- Introduced by Roger Wicker (R-MS) on June 22, 2017.
- Status: **Passed Senate** on January 8, 2018 (49%)

This bill would reauthorize the Integrated Coastal and Ocean Observation System Act of 2009.

### **HR 2872: Promoting Hydropower Development at Existing Nonpowered Dams Act**

- Introduced by Larry Bucshon (R-IN) on June 12, 2017.
- Status: **Passed House** on December 12, 2017 (23%)

This bill promotes hydropower development at existing nonpowered dams by establishing an expedited licensing process that will result in a final decision on an application in two years or less. The legislation also requires the Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers, and the Department of Interior, to develop a list of existing nonpowered Federal dams that have the greatest potential for non-Federal hydropower development.

### **HR 2936: Resilient Federal Forests Act**

- Introduced by Bruce Westerman (R-AR) on June 12, 2017.
- Status: **Passed House** on November 1, 2017 (49%)

The Republican party summary states that HR 2936 “expedites forest health projects under the National Environmental Policy Act (NEPA) and improves forest management activities on public lands and Tribal lands to return resilience to overgrown, fire-prone forested lands. The bill simplifies environmental process requirements, reduces project planning times, and lowers the cost of implementing forest management projects while still ensuring robust protection of the environment through environmental review. In addition, the legislation rewards collaboration, provides for an alternative process to resolve litigation against forest projects, and streamlines bureaucratic processes...”

The bill eliminates Endangered Species Act (ESA) consultation for certain logging operations. Sec. 123 allows the Forest Service and Bureau of Land Management to make “Not Likely to Adversely Affect” determinations for listed species.

The bill allows timber projects to log as much as 47 square miles of national forest without environmental review, and waives the NEPA process for a wide variety of projects. (Categorical exclusions are authorized for projects in response to insects and disease, to reduce hazardous fuel loads, protect municipal watersheds, improve or enhance critical habitat, increase water yield, produce timber, respond to catastrophic events, meet forest plan goals for early successional forests, to remove hazard trees and salvage timber, and to improve, restore, or reduce the risk of wildfire. Varying size limits are placed on each activity.)

The bill promotes logging in roadless areas and wilderness study areas for salvage logging and tree removal, and allows the Forest Service to waive stream buffer protections across the National Forest system.

The bill also prevents the public from suing to enforce environmental laws. For more details, see the summary prepared by the American Forest Resources Council (Attachment 10).

### ***Bills that Have Been Reported by Committee***

#### **HR 214/S 1322 American Fisheries Advisory Committee Act**

- Introduced by Don Young/Dan Sullivan (R-AK) in June 2017.

- Status: S 1322 **reported by committee** December 11, 2017 (56%)

Establishes the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants.

### **HR 3133: SEA Act**

- Introduced by Mike Johnson (R-LA) on June 29, 2017.
- Status: **Reported by committee** on January 10, 2018 (33%)

H.R. 3133 would amend the Marine Mammal Protection Act (MMPA) to expand the number of entities that may apply for permits to conduct research or build structures in offshore areas that could incidentally affect marine mammals. Among other things, the bill states that permits issued under the MMPA would satisfy similar permitting requirements under the ESA. There are concerns that the bill could lead to fast-tracking of seismic surveys for oil and gas exploration and other activities that could harm marine mammals that are currently protected by the MMPA. Fishing activities would not be affected.

### **S 2229: Coastal Communities Ocean Acidification Act**

- Introduced by Lisa Murkowski (R-AK) on December 14, 2017.
- Status: **Reported by committee** after three hearings, October 4, 2017 (30%)

S 2229 would direct the Secretary of Commerce, acting through NOAA, to conduct coastal community vulnerability assessments related to ocean acidification.

## Other Previously Discussed Bills

Note: Unless bill directly relates to West Coast fisheries, it is not included here if it has not progressed beyond being introduced.

Bill Number(s)	Title	Sponsor	Introduced	Chance of passage	Notes
HR 23	Gaining Responsibility on Water Act	David Valadao (R-CA)	January 2017	43%	Passed House in July 2017.
HR 26/S 21	Regulations from the Executive in Need of Scrutiny (REINS) Act	Paul (R-KY)/Collins (R-GA)	January 2017	28%/15%	Requires Congressional approval of major regulations. Reported by committee in October 2017.
HR 204/S 1528	Genetically Engineered Salmon Labeling Act	Murkowski/Young (R-AK)	July 2017	8%/5%	Hearing held October 4.
HR 654	Pacific Northwest Earthquake Preparedness Act	Peter DeFazio (D-OR)	January 2017	24%	Passed House March 2017.
HR 1308/S 513	Frank and Jeanne Moore Wild Steelhead Special Management Area Designation Act	Ron Wyden (D-OR)/Peter DeFazio (D-OR)	March 2017	28%/34%	S 513 reported by committee May 2017.
HR 1430	Honest and Open New EPA Science Treatment Act of 2017	Smith (R-FL)	March 2017	30%	Limits the types of data that can be used by the EPA. Passed House March 2017.
HR 1431	EPA Science Advisory Board Reform Act	Lucas (R-OK)	March 2017	32%	Limits who can serve on the EPA's Science Advisory Board. Passed House March 2017
HR 1456/S 793	Shark Fin Trade Elimination Act	Cory Booker (D-NJ)/Ed Royce (R-CA)	March 2017	21%/9%	Reported May 2017.

HR 2023	Modernizing Recreational Fisheries Management Act (relates to MSA)	Garrett Graves (R-LA)	April 2017	17%/16%	Introduced only, but elements included in HR 200.
HR 2079/S 1323	Young Fishermen's Development Act	Don Young/Dan Sullivan (R-AK)	June 2017	17%/16%	Introduced only.
HR 2083	Endangered Salmon and Fisheries Predation Prevention Act	Jaime Herrera-Beutler (R-WA)	April 2017	16%	Facilitates "lethal taking" of Columbia River sea lions. Reported by committee June 2017.
HR 2330	Yurok Tribe Klamath River Chinook Salmon Emergency Disaster Assistance Act	Jared Huffman (D-CA)	May 2017	13%	Introduced only.
HR 2637	Fishing Safety Training and Research Act	William Keating (D-MA)	May 2017	15%	Introduced only.
HR 2748/S 756	Save Our Seas Act	Don Young/Lisa Murkowski (R-AK)	May/March 2017	16%/34%	Reauthorizes, amends Marine Debris Act. Reported by committee July 2017.
HR 3108	Protecting Honest Fishermen Act	Blake Farenthold (R-TX)	June 2017	10%	Relates to seafood traceability/consumer protection. Hearing held October 2017.
HR 3144	To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time	Kathy McMorris-Rodgers (R-WA)	June 2017	30%	Hearing held October 2017. Among other things, would reduce spill at Columbia River dams.
HR 3916	FISH (Federal Integrated Species Health) Act	Ken Calvert (R-CA)	October 2017	10%	Hearing held October 2017.
S 129	National Sea Grant College Program Amendments Act	Roger Wicker (R-MS)	January 2017	53%	Passed Senate in Sept 2017.
S 396	A bill to make technical amendments to certain	Nelson (D-FL)	February 2017	56%	Passed Senate October 2017.

	marine fish conservation statutes, and for other purposes.				
S 1520	Modernizing Recreational Fisheries Management Act (relates to MSA)	Roger Wicker (R-MI)	July 2017	12%	Introduced only.
S 1748	Florida Fisheries Improvement Act (relates to MSA)	Marco Rubio (R-FL)	August 2017	18%	Introduced only.
Washington S.J.M. 8004	Requesting that certain Federal officials prevent the breaching of any dam in the Columbia River.		January 2017	n/a	Reintroduced January 2018.

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