

LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (LC) met on Friday, November 2, 2018. The meeting was attended by committee members Dave Hanson (Chair), Rich Lincoln, Herb Pollard, Christa Svensson, and Marc Gorelnik; Council Chairman Phil Anderson; Council member, Louis Zimm; Council staff Chuck Tracy, Mike Burner, and Jennifer Gilden; Corey Ridings (Ocean Conservancy), Anna Weinstein (Audubon Society), Gilly Lyons (Pew Charitable Trusts), and Noah Oppenheim (Pacific Coast Federation of Fishermen's Associations).

The LC heard a staff review of recent Federal legislation (Agenda Item I.1, Attachment 1) and discussed the request from Senators Cantwell and Harris for Council comment on the AQUAA Act (HR 6966).

The AQUAA Act would establish an Office of Aquaculture within NOAA Headquarters and regional National Marine Fisheries Service (NMFS) offices. NOAA would serve as the lead permitting agency for aquaculture permitting in state and Federal waters, with initial permits lasting 25 years with the potential to renew for an additional 25 years in the future. NOAA would be required to initiate a programmatic environmental impact statement to locate areas in the ocean that are "highly favorable for marine aquaculture and likely compatible with other uses."

The bill states that when permitting projects, NOAA must "recognize the importance of fishery resources to communities," and projects must not interfere with conservation measures contained in the Magnuson-Stevens Act. States could oppose certain species and locations.

The LC believes the language in the bill could be strengthened, particularly in regard to the Councils' role in reviewing projects. A draft response letter on the AQUAA Act is attached.

Presidential Memorandum

The LC also discussed the Presidential Memorandum release on October 19. The Memorandum (similar to an Executive Order) calls for the Secretaries of Interior and Commerce to streamline western water infrastructure regulatory processes and "remove unnecessary burdens" for Columbia Basin water infrastructure and California water projects, with challenging deadlines starting within 30 days of the memo, by which time Commerce must identify any regulations that "unduly burden" certain major hydropower projects. The memorandum is included in full as Informational Report 4.

Next Meeting

The LC proposed tentatively scheduling a meeting at the March Council meeting, dependent on whether the Council receives requests for comment on legislation by Federal Register notice filing deadline.