

Ocean-Based Climate Solutions Act

Ocean-Based Climate Solutions Act (H.R. 8632)

- Introduced by Raul Grijalva (D-AZ) on October 20, 2020. (Final text not yet available)

TITLE I: BLUE CARBON

Blue carbon = coastal habitats that sequester carbon

Creates a Blue Carbon program within NOAA to:

- Find ways to incorporate ecosystem carbon storage into existing policy
- Develop a database of blue carbon stocks
- Explore potential for carbon credits for restoration projects
- Restore/protect habitats that are carbon sinks

Creates grant program, maps, pilot programs, Interagency Working Group
Requires designation of “coastal carbon areas of significance.”

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TITLE II: MARINE PROTECTED AREAS

- Similar to Governor Newsom's Executive Order N-82-20
- Aims to prohibit any commercial extractive or destructive human activity on 30% of the ocean by 2030.
- Establishes a 30x30 Agency Task Force to undertake this goal. Includes Commerce, many other agencies. Task Force must:
 - Develop a plan within one year.
 - Update MPA inventory, identify candidate areas for protection.
 - Inventory “all areas that are subject to prohibition on all bottom-tending fishing gear, prohibition on all fishing gear with bycatch rates that adversely affect marine wildlife populations, and identify additional prohibitions on nonfishing commercial activities...”
 - Plans are subject to public comment and carried out with Regional Fishery Management Councils.

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TITLE II: MARINE PROTECTED AREAS, cont'd.

- Commerce must begin designating areas in NOAA's Inventory of Successful Nomination as National Marine Sanctuaries. For the West Coast, this means the Chumash Heritage Site off Morro Bay.
- Commerce must designate "Deep Sea Coral Marine Conservation Areas" where a Council has (already) prohibited the use of bottom-contact gear, trawls, hydraulic dredges, or seines (except purse-seine). Many activities prohibited including use of bottom trawl nets and bottom tending-gear, anchoring on corals, oil exploration/production.
- Commerce must develop "marine biodiversity gap analysis" that identifies types of species, habitats, and ecosystems necessary to protect biodiversity and provide climate change resilience. Commerce must biennially publish a report on candidate areas to be protected.

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TITLE III: OFFSHORE ENERGY.

- Prohibits new oil and gas leasing in all areas of the Outer Continental Shelf.
- Strongly encourages offshore wind development.
- Interior must permit “not less than 12.5 gigawatts” of offshore wind on the OCS by 2025, and not less than 25 gigawatts by 2030.
- Amends MSA to ease data sharing for offshore wind projects.
- Requires 30% of offshore wind lease revenue to be used for coastal conservation and resilience.

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TITLE IV: CLIMATE-READY FISHERIES, EFFICIENT FISHERY VESSELS, AND BUY AMERICAN SEAFOOD. Secs. 401-404

- Emphasizes importance of U.S.-caught seafood; encourages agencies that purchase seafood to buy American-caught seafood.
- Provides grants for research on seafood harvesting, processing, marketing promotion.
- Prohibits subsidies that contribute to overcapacity, overfishing, or IUU fisheries.
- Calls for an increase in fuel efficiency for fishing vessels.
- (Continued on next slide)

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TITLE IV: CLIMATE-READY FISHERIES, EFFICIENT FISHERY VESSELS, AND BUY AMERICAN SEAFOOD, Sec. 405.

- Amends the MSA to establish a Climate and Fisheries Research and Management Program with consultation of Councils.
- Goal: “To identify, develop, and implement adaptive strategies.. To improve the management of fisheries.. Under climate change.”
- Expands fisheries science to support climate-informed management
- Promotes a precautionary approach using tools such as scenario planning and MSEs.
- Promote climate-informed stock assessments, improve understanding of stock shifts, promote climate-responsive control rules.
- Promote management that increases resilience through protecting genetic diversity, habitat; minimizing bycatch, incorporating role of forage fish in food web.

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TITLE IV: CLIMATE-READY FISHERIES, EFFICIENT FISHERY VESSELS, AND BUY AMERICAN SEAFOOD, Sec. 405-406.

- Increase understanding of the socioeconomic impact of climate change on fishing participants and industries
- Consider racial and socioeconomic equity
- Promote incorporation of climate change data into RFMOs
- Establishes a “Climate-Ready Fisheries Program,” including grants, to develop tools to increase the capacity of fisheries management to adapt to climate change.
 - Includes routine consultation with Councils
 - Includes outreach to private sector, fishery participants

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TITLE IV: CLIMATE-READY FISHERIES, EFFICIENT FISHERY VESSELS, AND BUY AMERICAN SEAFOOD, Sec. 407.

- Establishes a “Shifting Stocks Task Force,” including one member recommended by each Council and its HMS advisory body.
- Within one year, the Task Force shall develop criteria to make decisions that minimize the risk of overfishing and maximize resilience to climate change
- Make recommendations to NOAA/Councils for the allocation and distribution of fishing privileges based on these criteria.
- Any member of the public may submit a petition to review a potentially shifting stock. If petition approved, Task Force must review concerns, conduct public hearing, submit recommendations to Council. NOAA will work with Council on changes to relevant FMPs.

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TITLE IV: CLIMATE-READY FISHERIES, EFFICIENT FISHERY VESSELS, AND BUY AMERICAN SEAFOOD, Sec. 408.

- Strengthens MSA's EFH provisions.
- Adds requirement that no Federal agency can take, fund, or authorize an action that would have an adverse effect on EFH unless a consultation with the Secretary determines it is being undertaken in a manner designed to mitigate its effects on EFH.
- No Federal agency can take, fund, or authorize an action that would adversely affect a HAPC.
- Secretary must recommend avoidance/mitigation measures when state and Federal action may have an adverse effect on EFH.

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TITLE IV: CLIMATE-READY FISHERIES, EFFICIENT FISHERY VESSELS,
AND BUY AMERICAN SEAFOOD: Sec 409.

Establishes an Ocean Aquaculture Research and Policy Program to address opportunities, challenges, innovation related to restorative ocean aquaculture [shellfish, seaweed, “restorative” species that improve ecosystem conditions].

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TITLE V: COASTAL BARRIER RESOURCE ACT AMENDMENTS

Amends the Coastal Barrier Resources Act, which currently is not applicable to the West Coast, to include the West Coast and Pacific territories.

Relates to sand mining, coastal islands, coastal hazard projects.

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TITLE VI: COASTAL ZONE MANAGEMENT ACT AMENDMENTS

- Authorizes grants for tribal coastal zone objectives.
- Creates a Coastal and Estuarine Land Conservation Program.
- Establishes a Coastal Zone Management Fund for responses to severe coastal hazards and floods.
- Establishes at least five new National Estuarine Reserves within five years.
- Establishes a long-term data monitoring program on impacts of climate change on estuaries, lakes, and sea levels.

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TITLE VII: INSULAR AFFAIRS

- Relates to coastal management, climate change research, coral reefs, mapping, etc. in U.S. territories and freely associated states.

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TITLE VIII: STRENGTHENING MARINE MAMMAL CONSERVATION

- Amends the Marine Mammal Protection Act to require Climate Impact Management Plans for species at risk from climate change, and strategies to mitigate risks.
- Authorizes NOAA/Coast Guard to designate areas where there will be a speed limit of 10 knots or less for all vessels 49 feet or over in order to protect marine mammals and sea turtles. Requires automatic identification systems for commercial vessels over 49 feet and certain other vessels.
- Expands systems to measure noise in the ocean.
- Provides grants for ports to work on vessel traffic/marine mammal issues.

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TITLE IX: INTERNATIONAL AGREEMENTS, EFFORTS IN THE ARCTIC, AND BUREAU OF INDIAN AFFAIRS TRIBAL RESILIENCE PROGRAM

- States that it is the sense of the House of Representatives that the Senate should give its advice and consent to the ratification of the U.N. Convention on the Law of the Sea.
- Reinstates an Executive Order creating a Northern Bering Sea Climate Resilience Area.
- Calls for a multi-agency plan to cut black carbon emissions.
- Establishes a BIA Tribal Resilience Program to improve resilience to climate change, build resilient tribal communities, and ensure fulfillment of trust responsibilities.

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TITLE X: COASTAL RESILIENCY AND ADAPTATION

- Establishes several grant programs:
 - Living Shoreline Grant Program
 - NOAA grants on coastal resilience and sustainability
 - Research on oyster management/restoration in estuarine ecosystems
 - Shovel-ready restoration grants for coastlines and fisheries, with a focus on job creation and employment of fishermen who have been affected by COVID or who are able to lease their vessels for projects
- Establishes a Strategic Climate Change Relocation Initiative to assist communities that are interested in relocating due to climate change impacts such as floods and fire.

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TITLE XI: OCEAN HEALTH: OCEAN ACIDIFICATION AND HARMFUL ALGAL BLOOMS

- Requires ocean acidification (OA) community vulnerability assessments every seven years.
- Establishes a prize program related to OA resilience, research, etc.
- Amends the Federal OA Research and Monitoring Act in terms of the roles of NOAA, the National Science Foundation, and NASA in monitoring and researching OA.
- Includes harmful algal blooms as the cause of a disaster in the Stafford Disaster Relief and Emergency Assistance Act.

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TITLE XII: NATIONAL OCEAN POLICY, DATA, AND COORDINATED WEBSITE FOR GRANT PROGRAMS

- Designates West Coast Ocean Alliance as official Regional Ocean Partnership for West Coast.
- Establishes Interagency Ocean Exploration Committee.
- Establishes Committee on Ocean Policy to succeed the former Ocean Policy Committee.
- NOAA must establish opportunities to engage indigenous, subsistence, and fishing communities to understand their needs and provide improved services.
- Establishes a National Coastal Data Information System.
- Establishes the “Digital Coast” program to integrate geospatial data.
- Reauthorizes Coastal and Ocean Observation System Act.
- Calls for NOAA to maintain public website with links to grants.

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TITLE XIII: WETLANDS

- Creates a Coastal and Estuary Resilience Grant Program.
- Requires NOAA to maintain a Coastal Wetland Restoration Database and technical assistance program.
- Provides for coastal wetland restoration grants. NOAA must award grants to restore 1.5 million acres over 10 years.
- Calls for Interior to conduct coastal wetland restoration.

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TITLE XIV: MEASURES TO ADDRESS GREENHOUSE GAS POLLUTION FROM SHIPPING VESSELS

- Requires monitoring and reporting of greenhouse gas emissions from all vessels of 5,000 gross tons or more using U.S. ports.
- Establishes a voluntary “Quiet Seas and Clear Skies Vessel Speed Reduction Award Program” to reduce air pollution, harmful underwater acoustic impacts, and marine mammal/turtle strikes.

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TITLE XV: STUDIES

- Requires the following studies:
 - Study of greenhouse gas emissions from deep sea mining (NOAA/National Academies)
 - Study of oceanic blue carbon (National Academies)
 - Impacts of ocean acidification & other stressors on estuarine environments (National Academies)
- Requires the following reports:
 - Report on impacts of climate change on the ocean and coastal ecosystems (NOAA)
 - Report on ecological & economic effects of high seas fishing on the high seas (NOAA/State Dept)
 - Assessment of public access to the coasts (National Academies)

End