

LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (LC) met on Tuesday, November 14, 2017. The meeting was attended by committee members Mr. David Crabbe (acting Chair), Mr. Rich Lincoln, and Ms. Dorothy Lowman; and Council members Mr. Phil Anderson, Mr. Marc Gorelnik, Mr. Buzz Brizendine, Mr. Pete Hassemer, and Ms. Marci Yaremko; Council staff Ms. Jennifer Gilden, Mr. Chuck Tracy, Mr. Mike Burner, and Mr. Don Hansen; Ms. Corey Ridings, Mr. Jim Yarnall, Mr. Richard Heap, Mr. Dave Bitts, Mr. Seth Atkinson, and Mr. Brett Kormos.

The LC first heard a staff review of recent Federal legislation (Agenda Item G.1, Attachment 1).

Magnuson-Stevens Fishery Conservation and Management Act (MSA) Legislation

Currently, five bills have been introduced to amend the MSA: HR 200 (Young), HR 2023 (Graves), S 1748 (Rubio), S 1520 (Wicker), and a discussion draft released by Representative Jared Huffman (Attachments 7 and 8). Hearings have been held on MSA in both the House and Senate, but the bills have not yet been reported by committee. Attachment 9 summarizes the differences between the current MSA reauthorization bills.

Dave Whaley, the Legislative Monitor on contract with the Regional Councils, has indicated that HR 200 will likely be the MSA reauthorization vehicle going forward in the House. The Senate may introduce a reauthorization bill early next year. Elements of all the bills that have been introduced could eventually be included in any final reauthorization bill.

Recently, the state of Washington and the North Pacific Fishery Management Council submitted comments on MSA bills; these are attached (Supplemental Attachments 12 and 13, respectively).

Draft Drift Gillnet Bill

Senator Dianne Feinstein (CA) has drafted, but not yet introduced, a bill that would amend certain MSA sections relating to the Federal drift gillnet fishery (Supplemental Attachment 14). The bill is directed at “large scale” drift gillnet fishing, which it defines as using a net with a mesh size of 14 inches or greater. The bill adds a finding to the MSA to the effect that large-scale drift gillnet fishing causes significant entanglement and mortality of protected species, and other species, despite limitations on net lengths. It states that it is Congress’s policy to “prioritize the phase out of large-scale driftnet fishing in the EEZ and promote the development and adoption of alternative fishing methods and gear types that reduce the incidental catch of living marine resources to the maximum extent possible.” The bill also creates a transition program for phasing out large-scale driftnet fishing, including compensating participants for loss of income, forfeiture of gear, and purchase of alternative gear.

Requests for Comment

The Council received requests for comment on HR 3916 (Attachment 6), the Federally Integrated Species Health (FISH) Act, introduced by Congressman Ken Calvert (CA), which would transfer responsibility for anadromous and catadromous species listed under the Endangered Species Act from the National Marine Fisheries Service to the U.S. Fish and Wildlife Service. A draft response letter is included in the briefing book (Supplemental Attachment 11), which the LC revised after discussion and public comment (see Supplemental Attachment 15). Public commenters expressed the view that this bill would have negative impacts on salmon management and that the reasons for transferring ESA responsibility were not clear.

The Council also received a request for comment from Representatives Huffman and Thompson on HR 23 (Attachments 2 and 3), the Gaining Responsibility on Water Act, introduced by Congressman David Valadao (CA). The Council has commented on previous versions of this bill. The LC made revisions to the draft letter in the briefing book (Attachment 10) to further emphasize the likelihood of severe negative impacts to West Coast salmon populations and to request greater consideration of the importance of fisheries and fishing communities (see Supplemental Attachment 16).

Future Meetings

The LC recommends meeting both at the March and April Council meetings due to the multiple bills currently being considered to reauthorize the MSA, potential requests for comment on such bills, and the benefits of extra time for drafting and reviewing responses.

PFMC
11/16/17