

LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (Committee) convened at 2:30 p.m. on Wednesday, June 20, 2012. In attendance were Committee members Dr. David Hanson (Chair) Mr. Dan Wolford, Ms. Dorothy Lowman, Mr. Gordy Williams, Mr. David Crabbe, and Mr. Dale Myer. Also present were Council Executive Director Dr. Don McIsaac, Council Deputy Director Dr. John Coon, Council Staff Officer Mr. Chuck Tracy, Council Special Assistant to the Executive Director, Mr. Don Hansen, Council Member Mr. Mark Helvey, and the Executive Director of the West Coast Seafood Processors Association, Mr. Rod Moore.

The Committee briefly reviewed a variety of fishery-related bills in the 112th Congress and focused the majority of the meeting on the Fisheries Investment and Regulatory Relief Act of 2012 (S. 2184, Agenda Item G.2.a, Attachment 2). No formal request for Council comments on Federal legislation has been received at this time. The Committee approved the following recommendations for Council consideration in the event that a formal request for comments on the following bills is received between Council meetings.

S.2184 (H.R.4208) Fisheries Investment and Regulatory Relief Act of 2012

S.2184 amends the Saltonstall-Kennedy (S-K) Act to create a fund dedicated to supporting sustainable fishery management, scientific research, monitoring, and data collection programs. The bill was introduced March 12, 2012, by Senator Kerry and was referred to the U.S. Senate Committee on Commerce, Science, and Transportation. A companion bill was introduced in the U.S. House by Representative Barney Frank on March 26, 2012.

S.2184 would require each region's fishery management council to establish a fishery investment committee charged with developing a fishery investment plan to guide a grant process for distribution of funds to eligible projects in support of fishery management.

The Committee is generally supportive of the comments regarding S. 2184 (Agenda Item G.2.a, Attachment 3) submitted by North Pacific Fishery Management Council Executive Director, Mr. Chris Oliver in his April 13, 2012 letter to Senator Murkowski. In particular, the Committee is concerned about the potential for "net-loss" or "zero-sum-game" scenarios under which the reallocation of Saltonstall-Kennedy funds from the National Marine Fisheries Service (NMFS) to Regional Fishery Management Councils (RFMCs) could be offset or negated by NMFS program reductions. The Committee notes that the mechanism for distributing some of the funds proportionally between RFMCs based on the "*combined economic impact of commercial landings and recreational fisheries*" is undefined, making it impossible to assess the potential distribution in terms of magnitude, fairness, and exact impact on West Coast marine fishery management. The intent of S. 2184 is to improve the funding in support of sustainable fishery management, and the Committee strongly recommends that at a minimum, should S. 2184 become law, that a provision be added to clearly require that the total funding provided to Regional Fishery Management Council (RFMC) for all operational activities be held harmless from any reallocation consequences to any parts of the NMFS budget. Further, if there is an opportunity for S. 2184 to provide for stable, secure funding for all RFMC activities, as opposed

to just providing guidance for fishery management support projects, the Committee would recommend such a provision.

H.R. 2840 Commercial Vessel Discharges Reform Act of 2011

On March 30, 2005, the U.S. District Court for the Northern District of California ruled that the Environmental Protection Agency regulation excluding discharges incidental to the normal operation of a vessel from discharge permitting exceeded the Agency's authority under the Clean Water Act. Because the Court's decision is not limited to vessels with ballast water tanks, it appears to implicate a large number of vessels (including recreational vessels) and a wide range of discharges. This matter has been the subject of many bills in Congress since 2005, including H.R. 2840.

The Committee notes that the Council has reviewed several bills on this matter, most recently in 2008. The Committee notes that implementation of the Court's ruling has been postponed in response to Congressional action requesting additional time to review the matter. The 112th Congress is again taking up the matter, and the Committee recommends tasking Council staff with tracking the matter and directing the Council Executive Director to convey existing Council positions on the matter in the event a formal request is made before the September Council meeting.

Appropriations

The Committee notes that appropriation legislation in the U.S. House of Representatives represents considerable reduction in NMFS and potentially Council budgets. Included in the cost savings provisions is a proposal to merge the NMFS Southwest and Northwest Regional Offices into a single West Coast Regional Office. The Committee recognizes the large volume of important work the current Regional Offices provide in support of fishery management and opposes the proposed merge.

Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA)

Several bills to amend the MSA have been introduced in 112th Congress. It is the Committee's understanding that Congressional hearings on issues related to MSA reauthorization are being organized to occur this fall. This would be similar to a hearing in the U.S. House in December 2011. The Committee intends to follow this matter closely and will report results of any Congressional MSA hearings to the Council.

Future Meeting Plans

The Committee anticipates the need to meet at the September Council meeting as indicated on the draft September Council agenda (Agenda Item G.7.a, Attachment 2) to review and discuss the status of existing or newly-introduced Federal legislation.

The Committee adjourned at 3:15 p.m.

Legislative Committee Recommendations

It is recommended the Council:

- 1. Review Committee recommendations and direct the Council Executive Director to convey comments, as appropriate, in response to potential Congressional inquiries between the June and September Council meetings.**
- 2. Tentatively schedule a September Committee meeting.**

PFMC
06/23/12