

## LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (Committee) convened at 2:00 p.m. on Friday, March 4, 2011. In attendance were Committee members Dr. David Hanson (Chair), Mr. Rod Moore (Vice Chair), Pacific Fishery Management Council (Council) Vice Chair Mr. Dan Wolford, Council Vice Chair Ms. Dorothy Lowman, Mr. Dale Myer, and Mr. Gordy Williams. Also present were Council Executive Director Dr. Don McIsaac, Council Special Assistant to the Executive Director Mr. Don Hansen, Council Staff Officer Mr. Mike Burner, and Dr. Laura Hoberecht, the Northwest Regional Aquaculture Coordinator for the National Oceanic and Atmospheric Administration (NOAA) Aquaculture Program.

The Committee reviewed existing Federal legislation and the U.S. House Committee of Natural Resources Oversight Plan (Agenda Item K.1.a, Attachment 4). The Committee has received no specific requests for comments on these bills and has not identified substantial issues at this time, and recommends that Council staff continue to track these matters.

### DOC and NOAA Aquaculture Policies

Dr. Laura Hoberecht provided a brief overview of the draft Department of Commerce (DOC) and NOAA Aquaculture Policies (Agenda Item K.1.a, Attachment 1 and Agenda Item K.1.a, Attachment 2). Dr. Hoberecht took questions and noted that comments on both draft policies will be accepted through April 11, 2011. She confirmed for the Committee that although Federal legislation governing aquaculture practices may be pursued in the future, these draft policies do not carry the weight of law. They are intended to guide the review of future or existing aquaculture activities. She also confirmed that the policies are intended to cover the aquaculture of marine species whether in state or Federal waters or inland. The policies are intended to cover existing salmon hatchery practices.

The Committee discussed the draft policies and recommends the Council direct the Council Executive Director to submit the following comments by the April 11 deadline.

- The Committee stresses the importance of close coordination with the regional fishery management councils when developing aquaculture policies or considering aquaculture operations. The Committee recommends that the collaboration with the Council extend beyond potential habitat impacts from aquaculture facilities, including potential impacts from the sourcing of broodstock, unintentional releases, and the role of aquaculture in the enhancement of wild stocks.
- The Committee is concerned with the potential implications the draft policies may have on the operation of Pacific salmon hatchery operations. The Committee recommends that the draft Department of Commerce and NOAA aquaculture policies not apply to salmon hatchery practices because adequate oversight and coordination of these facilities exists under other state, Federal, and tribal policies and authorities.
- The Committee remains supportive of the ability of west coast states to opt out of aquaculture policies and regulations in either state or Federal waters off their coasts. The Committee recognized that these draft policies do not carry the weight of law and would

not directly permit such operations, but the Committee recommends that “opt-out” provisions be included in any subsequent legislation or regulations pertaining to aquaculture.

#### California Assembly Bill: Forage Species Conservation and Management Act of 2011 (AB 1299)

California State Assembly Member Jared Huffman (D-San Rafael) introduced AB 1299 (Agenda Item K.1.a, Supplemental Attachment 5) which, in summary, intends to implement a precautionary management policy that accounts for the ecological role of forage species and puts an emphasis on human consumption as a primary utilization of forage species landings. The bill would require the California Department of Fish and Game and California representatives to the Council to implement or advocate for management policies that are consistent with the policies of the bill. Additionally, the California Fish and Game Commission would be required to restrict the development of an emerging fishery or the expansion of an existing fishery for forage species without robust scientific information on the ecosystem role and population status that demonstrates no negative impacts to the ecological value of forage species.

The Committee’s primary focus has typically been on Federal legislation, but because Assembly Bill 1299 directly mentions the Council and its California State representation, the Committee briefly reviewed these matters. The Council practice has been to not formally comment on state legislation unless input is requested by the state. At this point, the Council has not received any request for comment. However, the Committee notes that individual Council members and other members of the Council family are not restricted from contacting California Assembly members.

#### Congressional Caucus on Wild Salmon

The Committee notes that a new caucus has formed in the 112<sup>th</sup> Congress with a focus on wild salmon conservation and management issues. The Congressional Caucus on Wild Salmon is chaired by Congressman Don Young (R-AK) and Congressman, Mike Thompson (D-CA) on the U.S. House side and Senator Ron Wyden (D-OR), and Senator Lisa Murkowski (R-AK) on the U.S. Senate side. The Committee welcomes this Congressional focus on wild Pacific salmon issues and will track the activities of this new caucus.

#### Future Meeting Plans

The Committee did not identify an urgent need to meet at the April 2011 Council meeting but notes that the April Council agenda will need to be finalized shortly after the March Council meeting ends. The Committee recommends the tentative scheduling of an April Committee meeting to preserve the option of responding to pressing legislative matters that may arise between the March and April Council meetings. If no pressing legislative matters arise, the Committee will recommend a postponement to a future Council meeting.

The Committee adjourned at 3:30 p.m.

## **Legislative Committee Recommendations**

**It is recommended the Council:**

- 1. Review and approve Committee comments and recommendations on the DOC and NOAA Aquaculture Policies and direct the Council or the Council's Executive Director to convey these comments by April 11, 2011.**
- 2. Tentatively schedule an April Committee meeting to preserve the option of responding to pressing legislative matters that may arise between the March and April Council meetings.**

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