

National Ocean Issues: A Washington, DC Perspective

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PSMFC 2010

PSMFC Annual Meeting 2010

- Protected Species
- National Ocean Policy
- National Marine Sanctuary Act
- EPA NPDES Vessel Permits – are we done yet?
- Magnuson-Stevens Act Reform – is it alive yet?
- NOAA Catch Share Policy – is it soup yet?
- Healthcare Reform...what's up with 2014?
- PSMFC “Grab Bag”

Protected Species News #1

Steller Sea Lion

- * 5-year review of Eastern DPS under construction (6/10)
- * New ESA BiOp published (8/2/10)
 - Jeopardy found for Western DPS in western/central Aleutians
 - RPAs limited to Areas 541, 542 and 543
 - Targets P-cod/Atka mackerel fisheries
 - NOAA can implement RPAs via NPFMC or Emergency action; NPFMC BiOp review (8/17/10)

Protected Species News #2

- **Loggerhead Turtle**

- Petitions to ESA list N Pacific & NW Atlantic DPS
- Final determinations in early 2011 (comment period extended to 9/10)
- NRC Report on sea turtle status (7/10)

- **Leatherback Turtle**

- Petition to revise critical habitat; add 70,000 sq nm off CA/OR/WA under consideration (1/10)
- Petition for CH off Puerto Rico denied; lack of substantial scientific information (7/10)

Protected Species News #3

- ***So. Resident Killer Whales***

- Endangered in 2006 (<100 individuals)
- 2008 study points to boat traffic
- Regulatory process ongoing to reduce vessel contact in Puget Sound; FR expected fall 2010

- ***AT1 Killer Whales***

- DPS “depleted” in 2004 (no calves since 1984)
- Cause of mortality remains unknown
- Monitoring to determine best course of action

Protected Species News #4

- **Southern Sea Otter** (a.k.a. CA Sea Otter)
 - Final EIS expected in 2010
 - USFWS sued over EIS; Agency next steps?
 - 2010 survey (unofficial results) = 2,719;
3yr avg=2,711; ESA delist=3,090; MMPA
depleted=8,400; K=16,000;
 - Pup count lowest in recent years (El Nino)
 - Population downturn (shark predation & other
causes)

Protected Species News #5

- **No. Sea Otter** (a.k.a. SW Alaska DPS)
 - ESA threatened status 2005
 - Final Critical Habitat designation 10/1/09
 - Stock recovery varies by area (next survey 2011)
 - Recovery Team Draft Plan submitted 4/10 under review; avail for public comment in 2010

Protected Species News #6

- **Cook Inlet Beluga Whale**

ESA endangered listing & conservation plan final 10/08
Critical habitat FR expected 12/10

- **Seals**

Petition to ESA list Ribbon rejected 12/08
Spotted Southern DPS listing proposed 10/09
Actions pending for 2 other species

- **Pacific Walrus**

Petition to ESA list filed & status under review
Finding expected 9/10

- **Polar Bear**

ESA listed as threatened 5/08
Critical habitat proposed 10/09; FR in 2011?

National Ocean Policy Task Force

- **President Obama:** "Need to act within a unifying framework under a clear national policy, including a comprehensive, ecosystem-based framework for the long-term conservation and use of our resources." Source: Presidential Memo 6/12/09
- **Final Task Force Recommendations (7/19/10)**
- **Executive Order adopting recommendations & directing agencies to implement under National Ocean Council (NOC) guidance (7/19/10)**
- **NOAA constituent briefings (8/10)**

National Ocean Policy Task Force

- TF composed of 24 senior-level officials; chaired by CEQ
- Website portal; 38 roundtable discussions; 6 regional public meetings; 5,000+ public comments; NOAA constituent briefings
- Federal/State/foreign policies & models; past/pending legislation (“BOB”); two earlier Ocean Commissions’ Reports

Task Force Recommendations

- First ever National Ocean Policy
- Strengthened/Coordinated Policy & Governance Structure
- Implementation of 9 national priority objectives
- Framework for coastal/marine spatial planning
- Detailed 5-year plan (incl. 9 Regional Planning Bodies (RPBs) w/ State & constituent reps)

Task Force Recommendations

- Policy sets forth guiding principles for coordinated management decisions & actions
- NOC coordinates Federal efforts; development of strategic action plans...
- National Priority Objectives: adopt ecosystem-based mgmt; implement CMSP; information; coordination; climate change adaptation; ecosystem protection; water quality; Arctic stewardship; strengthen mapping/infrastructure

Task Force Recommendations

- NOC chaired by CEQ & OSTP
- 5-member Steering Committee
- Committees: Ocean Resource Management; Ocean Science & Technology; Governance Coordinating; Ocean Research & Resources
- Science/Consensus/'Bottom-up" process

National Marine Sanctuary Act

- Last reauthorized in 2000
- 13 sanctuaries + NW HI Islands National Monument
- H.R. 6537 introduced in 2008 by Rep. Bordallo (D-GU)
- 2 hearings on H.R. 6537 in 2008
- New "Discussion Draft"; Rep. Capps (D-CA) (4/10)
- 3 constituent "listening sessions"
- Discussion Draft being "reworked" ; Final version (9/10)
- Reauthorization a key 2-yr ENGO objective
- What can we expect during 2011-2012?

National Marine Sanctuary Act Reauthorization

- Mission: protect, conserve, preserve, restore and recover biodiversity, ecological integrity and cultural legacy...
- Long term protection of living/non-living resources within a national "System"
- Protect, restore and recover habitat and populations and provide for ecosystem resiliency

National Marine Sanctuary Act Reauthorization

Key Provisions..

- "Ecosystem Management"
- 2-yr inventory/candidate site list (incl. States)
- Designation prohibition repealed; "System" expansion goal added
- Full range of habitats, heritage resources, MPA, HAPC, unique areas
- Changing penalties

Key Provisions...

- Sec of Commerce primary authority for "System"
- Fishery mgmt process
- Bottom trawling ban
- Water-Dependent Recreational Use permits
- Marine Ecosystem Review Board (incl. States)
- Interagency Cooperation

NPDES Vessel Discharge Permits

- 9th Circuit Court invalidates 35-yr exemption '07
- 1st Congressional intervention (7/08) results in exemption for 13M pleasure boats & 2-yr exemption for commercial & charter fishing boats, and commercial vessels <79ft
- 2nd intervention (7/10) results in 3-yr permit moratorium (thru 12/2013) for all commercial/charter fishing boats, and commercial vessels <79ft; EPA study continues

Magnuson-Stevens Act Reform?

- February 2010 “MARCH ON WASHINGTON” by approx 3,000 commercial/sport fishermen pushing MSA reform and opposing catch shares
- Overfishing/Mixed Stock/Science Reforms
 - S. 3594 (Sen. Nelson, D-FL)
- FMP 10-year rebuilding flexibility
 - S. 1255 (Sen. Schumer, D-NY)
 - H.R. 1584 (Rep. Frank Pallone)
- Post-reauthorization LAPPs (WC groundfish; MA tilefish; GOMEX snapper/grouper; Sectors in New England)

Magnuson-Stevens Act Reform?

- Some NOAA fishing constituencies pushing for MSA reform; (Sen. Snowe/Rep. Frank letter to NOAA requesting MSA NRC Study; 2/10)
- House Natural Resources Subcommittee on Insular Affairs, Oceans and Wildlife MSA Oversight hearing (10/09)
- House & Senate OLE hearings (3/10) & House catch share hearing (3/10)

Magnuson-Stevens Act Reform?

- House Natural Resources Subcommittee on Insular Affairs, Oceans and Wildlife “MSA” hearing (7/10)
 - H.R. 5180 Rep. Shea-Porter (D-NH)
 - H.R. 4914 Rep. Pallone (D-NJ)
 - H.R. 3910 Rep. Larsen (D-WA)
- No MSA reauthorization in 2010; outlook uncertain for 112th Congress

NOAA Catch Shares Task Force

- NOAA forms TF in June 2009
- Recommendations = guidance
- “Catch Shares” broadly defined
- Ecosystem-based approach
- Draft Policy December 2009
- Comment period closed 4/10
- Final Policy expected late 2010?

Healthcare Reform & 2014

- Beginning in 2014 all individuals will be required to have health insurance for themselves and their dependents
- Monthly penalty for non-compliance
- Qualified individuals will receive subsidies to pay for premiums
- Firms employing 1099/independent contract workers /P-T & seasonal employees will not be responsible for providing coverage for these individuals/dependents

PSMFC "Grab Bag" #1

- Recovery Plans for Sei (7/10) & Fin Whales (8/10)
- ENGOs file suit to expand North Atlantic Right Whale critical habitat (5/10)
- Pacific Smelt DPS (coastal No. CA to British Columbia) ESA listing proposed (3/10)
- Rep. Capps' H.R.4363 the "National Sustainable Offshore Aquaculture Act of 2009" (12/09)
- Sen. Merkley's S.3025 the "Columbia River Restoration Act of 2010" (2/10)
- Petition to list Puget Sound Coho rejected (7/10)
- Petition to list Coho south of San Fran Bay review (4/10)
- Humpback whale 5-yr ESA status review
- Recovery Plan for So. DPS of Green Sturgeon
- Commerce IG Reports on NOAA OLE activities & Asset Forfeiture Fund
- US/EU sign IUU cooperative agreement (11/09)

PSMFC "Grab Bag" #2

- NOAA Nat'l Enforcement Summit with 66 invited attendees (8/3/10)
- "New England" files anti-catch share lawsuit (5/10)
- Rep. Baird introduces H.R.3650 the "National Harmful Algal Bloom and Hypoxia Act (3/10)
- EPA Memorandum on ocean acidification expected (11/10)
- A federal appeals court rules that 5 of the largest electric utilities can stand trial for damage from greenhouse gas emissions (9/09)
- Sen. Reid (D-NV) introduces S.3063 authorizing \$400M for "The Invasive Species Emergency Response Fund Act" (6/10)
- EPA to determine if seafood waste disposal practices in Alaska should be changed (4/10)
- NOAA awards contract for new fisheries survey vessel for West Coast (4/10)
- Sam Waterston, Sigourney Weaver & Ted Danson testify on various ocean issues