

A Washington, D.C. Year in Review

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PSMFC 2018



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- Magnuson-Stevens Act
- EPA NPDES
- USCG
- Sanctuaries/Monuments
- National Ocean Policy
- Bourbon, Cherries
Soybeans & the
Seafood Trade War
- Aquaculture
- Protected, Endangered
Threatened Species
- Sharks!
- PSMFC "Grab Bag"
- *Summer Reading Tips!*
- *You Heard it Here!!*

MSFCMA Reauthorization

House Activity

- AK Rep. Don Young's H.R. 200; "*Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act*" (introduced 1/3/17; formerly H.R. 1335, which easily passed the House in 2015); H.R. 200 in the 115th Congress...no easy road!
- House NR Committee MSA oversight hearing (7/19/17)
- Legislative hearings (H.R. 200; H.R. 2023; H.R. 3588; 9/26/17)
- House NR Committee approves HR 200 (12/13/17)
- Negotiations to get the bill to the House floor precipitate changes ~ GOMEX red snapper, science, rebuilding, MSA as the controlling statute in monuments/sanctuaries/ESA & NEPA sufficiency...
- House vote postponed in June, proceeds on July 11th resulting in a contentious floor debate; 9 of 11 amendments approved w/ bipartisan vote, **HOUSE PASSES H.R. 200!** (222 to 193)

H.R. 200 ~ A Brief Overview

What's in?

- Subsistence definition
- "Depleted" (for "overfished")
- Science-based rebuild metric
- "Practicable" (for "possible")
- Multi-yr ACLs for stocks
- IFQ referendum + 1-yr ban
- Studies: GAO GOMEX/SA red snapper IFQ; NAS on LAPPs
- Ecosystem component species
- ACL exceptions
- Rebuilding flexibility
- RFMC/SSC transparency
- Stock assess. improvements
- Coop research/data collection/MRIP
- 90-day disaster declaration
- EFP provision
- Allocation study in GOMEX/SA
- Requirement to end overfishing unchanged

What's out?

- 10-yr rebuild requirement
- NEPA sufficiency
- MSA as controlling statute

MSFCMA Reauthorization

Senate Activity

- Senate Commerce Subcmte MSA hearings: NOAA (8/1/17); AK field hearing (8/23/17); commercial/sport (9/12/17); scientists (10/24/17)
- Sen. Wicker (R-MISS) introduces S.1520: The *Modernizing Recreational Fisheries Act of 2018*; Cmte approval (2/28/18)
- S.1520 submitted to the full Senate for Unanimous Consent (UC); bill withheld from passage since 6/20/18...
- Chairman Dan Sullivan (R-AK) may introduce a comprehensive MSA bill in summer 2018
- Plot thickens...assuming the R's hold the majority, Sen. Wicker is likely to become full committee chair in 2019; if the D's assume control, we are back to the drawing board...

Magnuson-Stevens Act (MSFCMA)

- NOAA hosts Nat'l Saltwater Recreational Fisheries Summit (3/28/18)
- NOAA OST issues new report "*Implementing a Next Generation Stock Assessment Enterprise*" (NOAA Tech. Mem. NMFS-F/SPO-184; 6/18)
- New NOAA MRIP catch estimates released July, 2018; impacts on regional management/allocations TBD
- NOAA developing *Best Scientific Information Available* framework document; RFMCs commenting; final version expected Fall '18
- In March, Alaska requests disaster declaration for 2018 GOA Pacific cod fishery

EPA NPDES VIDA/VDRA Update

- Moratorium on EPA NPDES permits expires 1/19/2018 for commercial fishing & charter boats regardless of size, and commercial-use vessels <79-ft. **[PSMFC Resolution]**
- Late April 2018, Senate fails by 3 votes to move USCG Reauthorization Act with "VIDA" attached (incl. permanent NPDES fix)
- 40 PACNW fishing stakeholders send letter to WA/OR/CA/HI Senate delegations supporting permanent NPDES fix (5/8/18)
- Hill negotiations ongoing, produce new "VDRA" – the *Vessel Discharge Reform Act* to address remaining sticking points...

USCG Update

- Senate Commerce Cmte approves USCG Reauthorization Act (S.1129; 6/5/17); incl. ASCP “floating” 3-year delay with a requirement for USCG to engage w/industry [**PSMFC Resolution**]; expanded stability exemption for newly-built commercial fishing vessels up to 180 ft. (up from 79 ft); requirement for additional public outreach -- Legislation stuck after the failed vote in April 2018...
- ...House USCG Reauthorization Act (H.R. 2518) added to Nat'l Defense Authorization Act (NDAA); conference completed (7/24/18); key USCG issues not included, but there is a plan!
- USCG issues “*Oily Bilge Water Management Compliance Guidance*” for ocean going vessels < 400 GRTs; vessels must discharge oily mixtures onshore – or -- carry approved oily water separator (OWS) equipment; enforcement activity evident (USCG MSIB Number 03-18; 4/12/18)

Marine Sanctuaries & Monuments

Slide #1

- H.R. 200 specified MSA as controlling law in cases of conflict w/ NMSA, ESA, Antiquities Act; RFMCs sent letter to Pres. Trump raising concerns over designation/expansion of monuments & urging support of MSA process (3/1/17) – **provision was removed from the final version of H.R. 200**
- DOI/DOC held 1st ever public comment on 27 monument designations >100,000 acres since 1/1/96 (5/8/17)
- Pres. Trump reduced the size of two Obama-era UT monuments – *Bears Ears* & *Grand Staircase* (12/3/17), NGOs file 5 complaints, implications for future **terrestrial** monument designations

Marine Sanctuaries & Monuments

Slide #2

- House Nat Res Fed Lands Subcmte hearing: *"Oversight on the Consequences of Executive Branch Overreach of the Antiquities Act"* (5/2/17)
- 9 Members of Congress request Administration revise NE Canyons Monument to allow fishing via MSA process (6/13/17)
- Pacific Legal Foundation/MA Lobstermen's Assoc. sue the federal gov't/NRDC (intervenor) over the 3/7/17 Obama Northeast Canyons Monument designation (Case: 1:17-cv-00406-JEB; filed 5/22/18)...court process ongoing, implications for future *marine* monument designations

National Ocean Policy

- Senate Commerce Subcmte NOP stakeholder oversight hearing (12/13/17)
- President Trump issues EO to "*Advance the Economic, Security and Environmental Interests of the U.S.*" (6/19/18); rescinds the 2010 Obama EO establishing the NOP
- The Regional Planning Bodies (RPBs) & National Ocean Council (NOC) replaced with a new Ocean Policy Committee -- focus shifts to improving the ocean economy; coordination to continue with state, tribal & local govt's & stakeholders; RPB proponents in the NE & MID have vowed to press on!
- White House Nat'l Science & Technology Council publishes *Decadal Vision for America's Oceans* (6/18); comments due 8/27/18
- Senate Commerce hearing on *NOAA's Blue Ocean Initiative* (7/24/18); "Listening Sessions" on NOAA's role in Commerce 2018-2022 Strategic Plan Implementation in Juneau (8/31); Seattle (10/4); San Diego (11/9); See 83 FR 3529

Bourbon, Cherries, Soybeans & the Seafood Trade War

- Round #1: March 2018, U.S. imposes tariffs on Chinese steel/aluminum; China places duties on U.S. nuts/sparkling wine
- Round #2: June 15th, U.S. announces list of Chinese imports being considered for new 25% tariff (\$50B); July 6th, U.S. imposes \$34B in new tariffs on computers/pacemakers with \$16B pending...
- China retaliates with \$34B (659 tariff lines), incl. a 25% tariff incl. on \$1B in U.S. seafood products; AK Delegation weighs-in with the Administration (5/21/18)
- Round #3: July 10th U.S. announces plans for 10% duty on \$200B of additional goods (effective Sept.'18); USTR DC public hearing (8/20-23); public comment thru 8/17; mid-July, China appeals to the WTO; Admin ups the 10% to 25% (effective 8/23!)
- 7/24/18: Admin announces \$12B in USDA "CCC" aid to US farmers
- 7/25/18: House Dems intro H.R.6528 to amend MSA to provide disaster relief to fishermen; EU agrees in principle to reduce tariffs

Aquaculture

- Commerce Sec. Ross/NOAA focus on U.S. marine aquaculture to reduce \$16B seafood trade deficit
- Senate Commerce hearings: Aquaculture oversight (1/30/18) & NOAA's *Blue Economy Initiative* (7/24/18)
- Sen. Wicker (R-MISS) introduces the "*Advancing the Quality and Understanding of American Aquaculture Act*" (or AQUAA; S.3138; 6/18); Rep. Palazzo (R-MISS) to offer companion bill
- S.3138: establishes a NOAA line office/regional presence; defines EEZ/inner State boundary; specifies regulatory/permit processes; intersection with CZMA, State/tribal permit reviews; grant program; clarifies enforcement/penalties; recognizes State laws specific to aquaculture; requires decommissioning of offshore structures; \$350M over 5-yrs, etc.
- 2018 NOAA S-K program incl. aquaculture; Congress tags \$36M for FY19; RFMCs to develop FMPs; US-CAN release marine net pen regulatory analysis (8/9/18)



Protected, Endangered, Threatened Species

Slide #1

- H.R. 2083 WA Rep. Herrera-Beutler/OR Rep. Schrader's "*Endangered Salmon & Fisheries Predation Prevention Act*"; intro. 4/8/17; HNR Cmte hearing 6/8/17; markup 7/25/17 **[PSMFC Resolution]**
- ID/OR/WA write Congress re: sea lion problems (1/25/18); "*Relocation of Sea Lions Inadequate to Protect Willamette Fish Runs*" Says Oregon DFW (4/24/18)
- HOUSE PASSES H.R. 2083! supported by all R's (but 5) and 68 D's (6/26/18); bill represents agreement between ID/OR/WA/Tribes
- Senate Commerce Subcmte hearing: *Enhancing the Marine Mammal Protection Act* (4/25/18), NW Power & Conservation Council testifies in favor of S.1702, the companion bill from Sens. Risch (ID)/Cantwell (WA); Commerce Cmte approves S.1702 (8/1/18); States on a roll & outlook positive but...
- ...some controversy ensues with OR Sens. Merkley/Wyden introducing "*Predation Reduction of Salmon Act*" (7/31/18)

Protected, Endangered, Threatened Species

Slide #2

- NOAA/NMFS withdraws 10/13/16 PR to establish “hard caps” for the CA/OR drift gillnet fishery for protected species; *Driftnet Modernization and Bycatch Reduction Act* (S.2773/H.R.5638) to address protected species/drift nets (Spring '18); Commerce Cmte approves S.2773 (8/1/18)
- NOAA/NMFS request information on foreign fishing operations that export to the US to determine impacts on marine mammals for certification program (82 FR 2961, based on 81 FR 54390); publishes 1st ever “LOFF” (3/16/18)
- So. Res. Killer whale genetics raise inbreeding questions (NOAA NWFSC, 4/18); SRKW “J52” dies of “malnutrition” (9/17); population drops from 86 (in 2016) to 76 (end of 2017); recent publicized calf mortality; work continues on Puget Sound Chinook RMP/BiOp on salmon FMPs
- Hoopa Valley Tribe files ESA NOI to sue Commerce RE: Klamath coho (7/18/18)
- NOAA issues formal OSP Determination for CA Sea Lions = 175,000-275,000 (1/17/18)

Protected, Endangered, Threatened Species

Slide #3

- House passes H.R. 3144 to provide for operations of the “*Federal Columbia River Power System Management Act*” to vacate court-ordered dam releases & put science back into mgmt (4/25/18)
- D-crab protected species entanglements: CBD sues CA (Sec. 7 ESA) in 9th Circuit (3/15/18); PCFFA intervenes (w/CA); settlement negotiations continue, next hearing Oct???
- CA Dungeness Crab Fishing Gear Working Group continues Risk Assessment & Mitigation Program (“RAMP”) for the 2017-18 season; meetings April/July/September 2018; support growing for gear mods & CA emergency management authority
- ESA 5-year status reviews initiated for 50 species in CA, NV and the Klamath Basin of OR (83 FR 28251)
- NOAA publishes final 2017 MMPA List of Fisheries (82 FR 3655)

Protected, Endangered, Threatened Species

Slide #4

- *Recovering America's Wildlife Act* (H.R. 4647; intro 12/14/17); amends Pittman-Robertson to use energy revenues to aid conservation efforts; broadly supported by State agencies
- Western SSL population 5-year review underway (82 FR 57955)
- No. Pacific Right Whale 5-yr review (82 FR 29842)
- MMC highlights unsustainable SE AK harbor porpoise/salmon gillnet interactions in 2017 SAR's
- TWO USFWS ESA policy withdrawals (effective 7/30/18):
 - (1) Compensatory Mitigation Policy published 12/27/16 requiring a mitigation planning goal of "net conservation gain" (83 FR 36469);
 - (2) Mitigation Policy published 11/21/16 (83 FR 36472); revert back to 1981 policy (46 FR 7644-7663)

Protected, Endangered, Threatened Species

Slide #5

- **ESA Regulatory Reforms**: NOAA/USFWS joint press release (7/19) outlining efforts to improve ESA regulatory processes. See proposed regulatory revisions: http://www.fws.gov/endangered/improving_ESA/regulation-revisions.html
- 83 FR 35193: Listing & Designating CH (Sec 4)
- 83 FR 35193: Prohibitions to Threatened Species (4(d))
- 83 FR 35178: Interagency Cooperation (Sec 7)
- **Comment period ends 9/24/18 for all 3 notices!**

Sharks!

- *Shark Fin Trade Elimination Act of 2017* (S.793/H.R.1456) v. *Sustainable Shark Fisheries Trade Act of 2018* (S.2764/H.R.5248)
- Senate Commerce Committee approves S.793 (5/18/17) & S.2764 (5/22/18)
- House Natural Resources Committee legislative hearing on H.R. 1456/5248 (4/17/18)
- “JAWS” Act (H.R. 3377; 7/26/17); Primary sponsor abruptly resigns from Congress
- House Oversight hearing on shark fin issue (11/2/17); Senate Commerce hearing on Shark Research & Technology (7/18/18)
- Unsuccessful efforts to attach H.R. 1456 to H.R. 200 (MSA); efforts to move H.R.1456 to the floor during “Shark Week” fail (7/18)
- 1,100 pound Great White “George” tracked near Florida Everglades: USA Today (2/17/18)
- *Volusia County, FL had more shark bites in 2017 than any place in the world, as usual*: G. Schuler, Orl. Weekly (2/16/18); U.S. remains #1 location in the world for highest probability of being bitten by a shark
- *SHARKNADO #6 premieres July 2018 – alas, the last installment! But have no fear, see rise of THE MEG in theaters August 10th!*



PSMFC "Grab Bag" #1

- Sail drones tested in West Coast Fishing Survey Program (in Neah Bay, WA; NOAA, 6/29/18)
- CA adds new MPA monitoring vessel the *R/V Mystinus* (6/18)
- *Alaska Copper River crash will cost commercial fishermen millions* (AK. J. Commerce; 6/21/18)
- NOAA publishes Priorities and Guidance Report for 2018: (1) maximize fishing opportunities; (2) recover protected species; (3) improve organizational excellence & regulatory efficiency
- FY19 Senate CJS Approps report language on impacts of the West Coast Groundfish buyback loan refinancing problem; (6/18/18)
- President Trump proclaims June 2018 National Ocean Month (5/31/18)
- Cantwell/Murray Senate Resolution 430 "*Expressing support for the designation of March 9, 2018 as a national day of remembrance in honor of the life, legacy and many accomplishments of Billy Frank, Jr.*"
- IUU Seafood Import Monitoring (SIMP) effective 1/1/2018; NOAA adds shrimp & abalone effective 12/31/18
- Senate/House pass S.396/H.R.4528; change "*The Billfish Conservation Act of 2012*" to prevent export of HI longline-caught billfish to US States; signed by POTUS 8/2
- EPA/USACE seek additional comment on "WOTUS" repeal; (6/29/18); See <http://www.epa.gov/wotus-rule>
- Western Congressional Caucus spearheads WOTUS repeal, gray wolf delisting, preventing actions on LPC/GSG in FY19 Interior Approps bill

PSMFC "Grab Bag" #2

- House Natural Resource Cmte holds roundtable on the ocean economy; ROMEA's R. Marks participates (6/6/18)
- Intro of "*Coral Reef Conservation Reauthorization Act of 2018*" (H.R. 5996; 6/18; edits/markup pending...)
- "*Coastal Communities Adaptation Act*" (S.2783) to provide loans to coastal communities affected by climate change (4/26/18)
- *Young Fishermen's Act* (S.1323; H.R. 2079); still mired in some controversy...
- WWF: "Sustainable Seafood Label MSC needs reform" (Marex; 3/30/18)
- Herring Larvae could benefit from CO2 Emissions (Gemini News; 3/30/18)
- S-K reform bills (H.R. 214/S.1322); Commerce Cmte approved S.1322 (8/2/17); Senate will pass this year; Some controversy persists...
- NOAA's *EcoCast* to help fisheries avoid protected species in near real time (NOAA; 5/30/18)
- Commerce Cmte approves S.3265, "*Waterfront Community Revitalization & Resiliency Act*" (8/1/18)
- Bipartisan *Save Our Seas Act* "SOS" (S.756/H.R.2748) passed Senate (8/3/17); expected to pass the House; help address global marine debris crisis

Rick's Summer Reading Tips!

Dead Wake ~The Last Crossing of the Lusitania

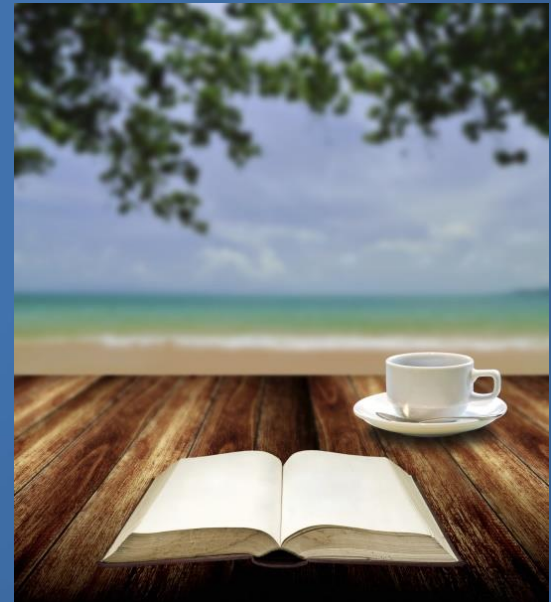
Erik Larson (2015)

The Frozen Hours

Jeff Shaara (2018)

The Sea is My Country

Joshua L. Reid (2015)



AND YOU HEARD IT HERE...

- Fed-Up Chef Breaks Down Deer Leg in Front of Vegan Protesters: G. Morabito (3/28/18)
- Why Your Bed is “Dirtier” Than a Jungle-Dwelling Chimp’s Bed: Live Science (5/17/18)
- Musician and Whale Whisperer Sued for Defrauding Investors of \$3.3M: A. Flanagan (6/6/18)
- This New Whiskey (*Eau de Musk*) is Flavored with Beaver, Yes, Like the Animal: Thrillist; J.Chrisman (6/10/18)
- 2,505 Naked Irish Women Break Skinny Dipping World Record: UPI (6/11/18)
- “People with a mission to save the earth want the earth to seem worse than it is so their mission will look more important”: P.J. O’Rourke, *All the Trouble in the World* (1994)
- World’s Oldest Dandruff Left Behind by Very Embarrassed Dinosaurs: Live Sci (6/18)
- San Francisco “Poop Map”: Real Thing or Rumor? The Mercury News (2/28/18)

