

Ocean Policy, Magnuson-Stevens Act, the Catch Share War, and Other Ocean Issues: A Capital Perspective

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PSMFC Annual Meeting 2011

- National Ocean Policy -- “Implementation.101”
- Magnuson-Stevens Act -- 12 bills and counting...
- Catch Share Programs -- a hot time in the City!
- PSMFC “Grab Bag” -- fun for the whole family!

National Ocean Policy: Where Are We Headed?

- New National Ocean Policy/NOC/GCC
- Forming a structure for federal/state/local/tribal coordination
- Address 9 national priority objectives
- Implement Framework for CMSP in 5 years
- Ongoing constituent briefings, listening sessions, work shops, incl. a national CMSP event in Washington, DC (6/11)

9 National Priority Objectives

[See 76 FR 4139 on 1/24/2011]

- Implement CMSP
- Adopt Ecosystem-Based Management
- Inform Decisions and Improve Understanding
- Coordinate & Support Integrated Management
- Resiliency & Adaptation of Climate Change & Ocean Acidification
- Regional Ecosystem Protection & Restoration Strategy
- Promote Water Quality & Sustainable Practices on Land
- Address Changing Conditions in the Arctic
- Ocean, Coastal & GL's Mapping & Infrastructure

CMSP Implementation: What To Expect?

- GCC sets 8 Regional Planning Bodies (RPBs): Fall '11
- RFMCs submit comment letter (6/11)
- RPBs draft Regional Plans: 1 yr
- RPBs formalize Plans: 2-3 yrs
- NOC approves plans consistent with National Policy
- RPB Plan Implementation: 4-5 yrs
- Existing agreements between States included (?)
- States may elect to "opt out" of the Regional Plans (?)

Need More Information on the GCC & RPB Process?

- *Alaska Region:*

Mark Robbins (Associate Director, Office of the Governor;
mark.robbins@alaska.gov)

- *West Coast Region:*

Brian Baird (Assist. Secretary for Ocean & Coastal Policy, CA
Natural Resources Agency)

Jacque Hostler (CEO, Cher-Ae Heights Indian Community of the
Trinidad Rancheria, CA)

Micah McCarty (Makah Tribe Chairman, Neah Bay, WA; GCC Vice
Chairman; klaowus@hotmail.com)

Kevin Ranker (WA State Senator; kevin.ranker@leg.wa.gov)

Magnuson-Stevens Act (MSA) Chronology Post Reauthorization

- MSA reauthorization late 2006
- NOAA Implementation Framework ongoing
- House Natural Resources Subcommittee on Insular Affairs, Oceans & Wildlife 1st MSA Oversight (10/09)
- Post-reauthorization LAPPs (WC groundfish; MA tilefish; GOMEX snapper/grouper; "Sectors" in New England)
- 2010 "MARCH ON WASHINGTON" by approx 3,000 commercial/sport fishermen calling for MSA reform and opposing LAPPs
- Overfishing & ACL/AM requirements online 2010-11

MSA Activities: Senate

- Senate Commerce Committee hearings on NOAA OLE (3/10) & MSA Implementation (3/11)
- Legislation: "RI Fishermen's Fairness Act" (Reed; D-RI); "Asset Forfeiture Fund Responsibility Act" & "Fishing Impact Statement Honesty Act" (Sen. Brown; R-MA); "Flexibility in Rebuilding American Fisheries Act" (Sen. Schumer; D-NY) ; "Fisheries Fee Fairness Act" (Sen. Kerry; D-MA)
- No MSA in 2011 but more reform legislation anticipated along with a NOAA OLE/Catch Share hearing in Fall 2011

MSA Activities: House

- Some NOAA fishing constituencies pushing for MSA reform; (Sen. Snowe/Rep. Frank letter to NOAA requesting MSA NRC Study; 2/10)
- House OLE hearing (3/10) & Catch Share Oversight hearing (3/10)
- House hearings on NOAA Budget (3/11) & NOAA Science (7/11)
- Next up... MSA legislative hearing (9/11)

MSA Activities: House

- Natural Resource Committee hearing planned for 7 bills...
 - H.R. 594 "Coastal Jobs Creation Act of 2011" Rep. Pallone (D-NJ)
 - H.R. 1013 "Strengthen Fisheries Management in New England Act of 2011" Rep. Keating (D-MA)
 - H.R. 1646 "American Angler Preservation Act" Rep. Runyan (R-NJ)
 - H.R. 2304 "Fishery Science Improvement Act" Rep. Wittman (R-VA)
 - H.R. 2610 "Asset Forfeiture Fund Reform & Distribution Act of 2011" Rep. Frank (D-MA)
 - H.R. 2753 "Fisheries Management Transparency & Accountability Act" Rep. Jones (R-NC)
 - H.R. 2772 "Saving Fishing Jobs Act of 2011" Rep. Runyan (R-NJ)

National Catch Share Policy

- NOAA finalizes Policy (11/10)
- ***Primary purpose*** “is to encourage well-designed catch share programs to help maintain or rebuild fisheries, and sustain fishermen, communities and vibrant working waterfronts, including the cultural and resource access traditions that have been a part of this country since its founding.”

Catch Share Policy: Bottom-up Management or Seeds of Controversy?

The following legend appeared on a map of catch share programs in NOAA's initial National Catch Share Policy PowerPoint Presentation to the RFMCs in Summer/Fall 2009 (it has since been omitted ...)

- **12 Programs in place now**
- **5 Scheduled to be implemented in FY 2011**
- **32 Additional Programs will begin development in FY 2012**

National Catch Share Controversy Heats Up...

- IFQ programs implemented since 2006 MSA amendments – West Coast Groundfish; GOMEX Snapper-Grouper; Mid-Atlantic Tilefish; Northeast Cod “Sector” Management
- Litigation abounds
- EDF initiates well-funded national pro-catch share campaign; recruits “fishing” groups
- Mistrust of EDF & NOAA’s “bottom up” approach

Catch Share Policy: Fire in the Hole!

- The FY11 “Jones Amendment” (2/11)
- Triggers EDF full court press for FY12
- NOAA legal opinion on Amendment (4/11)
- Commercial, Charter, Sport sectors engage
- Year-long battle over a Rep. Jones repeat in FY12
- Impacts new LAPPs in Northeast, Mid, Southeast, GOMEX
- Pro/Con Member letters & West Coast briefing in US Capitol

Catch Share Programs: Where Do We Stand?

- EDF-funded groups cover Capital Hill weekly with pro-catch share ads/flyers
- GOMEX commercial/charter/sport sectors respond with aggressive lobby campaign
- Rep. Runyan's H.R. 2772 protects jobs & curtails new LAPPs (8/11)
- FY12 Funding for LAPPs...TBD!

PSMFC "Grab Bag" #1

- Vessel proximity regulations to protect killer whales (4/11)
- Beluga Whale critical habitat designation (4/11)
- NOAA revising policy on scientific integrity (2/11)
- DOI to form Secretarial Commission on Indian Trust Administration & Reform (7/11)
- EPA/USCG MOU to coordinate enforcement & compliance (2/11)
- NOS establishing linkage between MPAs and CMSP
- New NOAA Policy on Fishery Disaster Assistance (6/11)
- NOAA contracts for review of allocation policy (3/11)
- Rep. Hastings' H.R. 946 to address CA sea lion predation on salmon, House hearing 6/14 (OR, WA & Yakama)
- HSUS lawsuit forces NOAA to rescind permits to remove CA sea lions (7/11)
- Independent Review of NE fisheries management programs (4/11)

PSMFC "Grab Bag" #2

- "New England" loses anti-catch share lawsuit (6/11)
- New Commerce/NOAA Aquaculture Policy (6/11)
- Rep. Don Young's H.R.574 limit ocean fish farming (6/11)
- Loggerhead sea turtle 9 DPS ESA listing delayed 6 mos. (expected by 9/16/2011)
- House adopts ban on genetically modified salmon for human consumption (6/11)
- S.1201 (Sen. Lieberman +9) The National Fish habitat Conservation Act (6/15)
- AK delegation introduces Maritime Lien Reform Act to protect fishing permits/quota from lien exposure (3/11)
- USCG cannot meet 10/12 deadline for dockside examinations of commercial fishing vessels once every 2 years (5/11); House T&I Committee to address
- H.R.2241 & S.1208 to reform the CCF to allow a penalty-free withdraw absent reinvestment requirements
- NOAA policy on marine mammal injuries (76 FR 42116)

PSMFC "Grab Bag" #3

- NMFS implements SSL protection measures in Atka Mackerel/P-cod fisheries; AK/WA Independent Review inconsistent with NOAA BiOp; industry litigation active
- Legislative fix passed for the Pacific Whiting Treaty (12/10)
- AFA vessel replacement provision passed (12/10)
- S.2856 (Snowe; R-ME) for NE transboundary stock rebuilding flexibility passes (12/10)
- NOAA revising NS #10 Guidelines regarding safety of life at sea (76 FR 22342)
- CA adds 31 sites to the federal list of Marine Protected Areas
- Rep. McDermott's (D-WA-7) Salmon Solutions & Planning Act (6/11)
- "Lack of Chinook Salmon May Be Harming Puget Sound's Killer Whales" (NOAA, 2/11)

PSMFC "Grab Bag" #4

- US District Court denies CBD suit on ESA listing for polar bear (6/11)
- ESA Critical Habitat designation pending for leatherback sea turtle covering 70,600 sq nm off CA/OR/WA
- House T&I looking to improve regulations addressing ballast water and other incidental discharges
- RI Aquinnah Tribe joins 12 plaintiffs opposing Cape Wind project citing major archeological finds (6/11)
- DOI's BOEMRE to conduct 2-yr archeological study along the Pacific coast
- EPA sets new clean air standards for Indian Country (6/11)
- NMSA reauthorization - no activity to report