

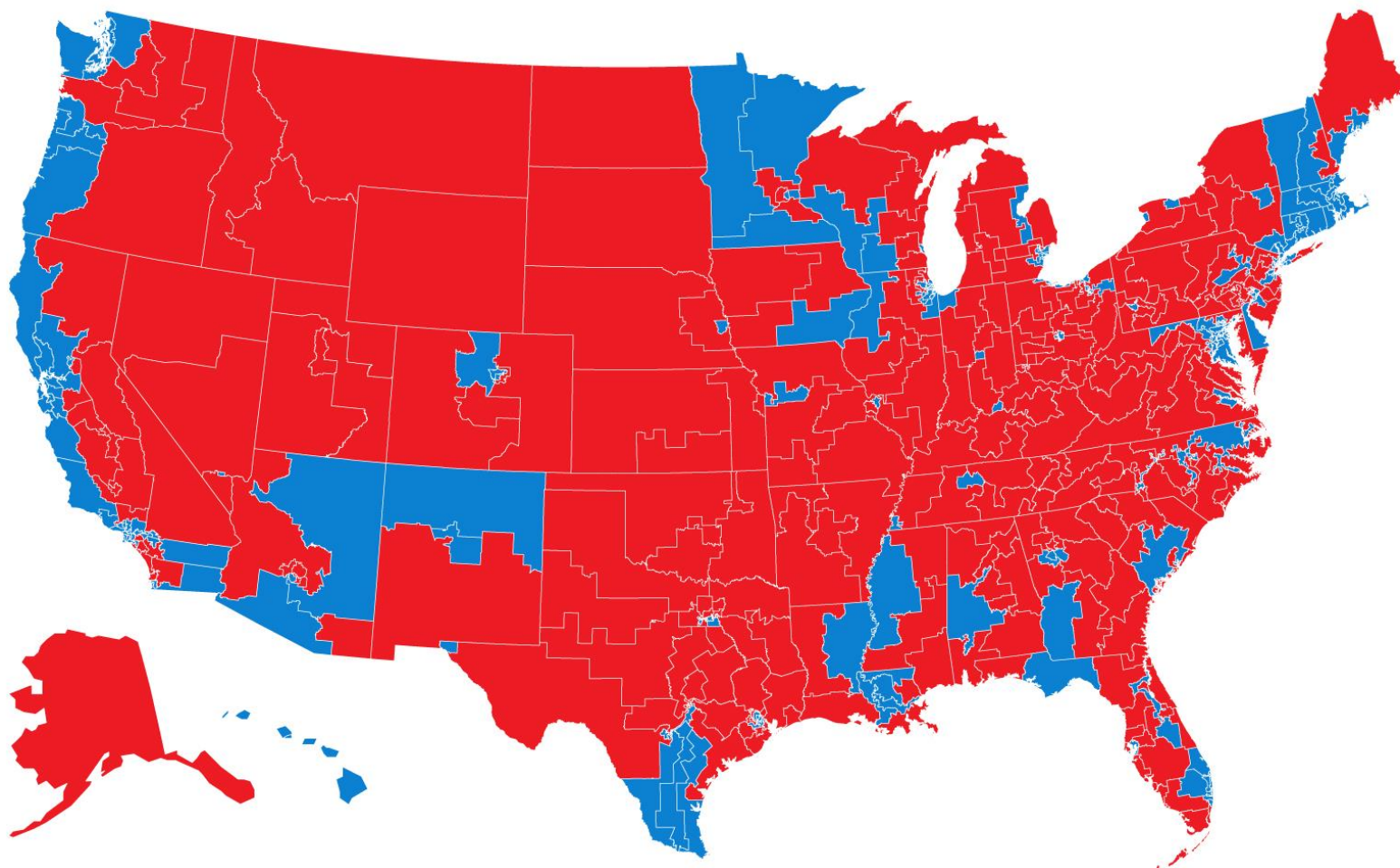
Marine Resources: A Washington D.C. Year in Review

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PSMFC 2015

Marine Resources: A Washington DC Year in Review: Rick Marks, PSMFC 2015

- Magnuson-Stevens Act
- National Ocean Policy
- Climate Change
- Sanctuaries,
Monuments & MPAs
- Protected, Endangered
Threatened Species
- NPDES
- USCG
- IUU & Seafood Fraud
- Aquatic Invasive
Species
- Catch Share/Allocation
- "*Shark/Human
Interactions*"
- PSMFC "*Grab Bag*"
- *Summer Reading tips*
- *You heard it here!*

114th Congress: House of Representatives map



NATIONAL JOURNAL Graphic

Sources: Staff reports; AP

Magnuson-Stevens Act (MSFCMA)

- NOAA revising NSG's 1-3-7; Proposed Rule (6/15)
- NOAA revising National Bycatch Strategy (7/15)
- NOAA implementing "Prioritizing of Fish Stock Assessments" (Final Report, 8/5/15 at <http://www.st.nmfs.noaa.gov/stock-assessment/stock-assessment-prioritization>; concurrently revising Stock Assessment Improvement Plan (SAIP)
- NOAA issues Nat'l Habitat Policy (6/15); EFH Summit to be mediated by Fisheries Forum (5/16);
- NMFS releases Regional Electronic Technology Plans (2/8/15)
- NOAA/NMFS OLE rescinds 2011 AFF policy, institutes new policy effective 7/15/15
- D-Crab legislation: S.1143;H.R. 2168; House Nat Res Subcom hearing 7/23/15 positive; possible movement separate from MSFCMA reauthorization...

MSA Reauthorization: House

- House Natural Resources Committee moves H.R. 1335 *"Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act"* (5/29/2015)
- GOMEX Red Snapper complications
- House passes "clean" H.R. 1335 (vote of 225-152; 6/1/2015)
- Administration issues veto threat
- **OUTLOOK**: House waits on Senate...

MSA Reauthorization: Senate

- Commerce Subcommittee Chairman Marco Rubio (FL-R) introduces S.1403 – "*Florida Fisheries Improvement Act*"; moved by full committee (6/25/2015); bipartisan opposition (AK/WA)
- S.1403 limited in scope; unclear if the bill is a reauthorization bill; more red snapper woes?
- **OUTLOOK**: Unlikely to get to the Senate floor in 2015; unclear if Member(s) offer competing legislation...reauthorization unlikely in 2015...start here in 2016...

National Ocean Policy Update

- West Coast Ocean Summit (1/15, Portland, OR); Final Report available at <http://www.westcoastoceans.org> ; West Coast Training Conference on CMSP (2/15)
- Administration releases “Report on the National Implementation of the National Ocean Policy” (3/15) for 2010 EO 13547 at https://www.whitehouse.gov/sites/default/files/docs/nop_highlights_an_nual_report_final_-_150310.pdf
- WOC releases report detailing ocean industry concerns with NOP; See <http://www.oceancouncil.org/site/pdfs/NOP%20Comments%20Summary%20Paper%20-%20June%202015.pdf>
- 70+ commercial/recreational groups request no FY16 funding for EBM & CMSP (4/15); Since 2012 ~ 2 doz. votes by Congress to trim \$\$\$ & scope of NOP
- CEQ to announce NOC/GCC appointments; WCGA/RPB merging to form pseudo-RPB “West Coast Ocean Partnership”; NE/MID RPB’s project 2016 plan completion

Climate Change #1

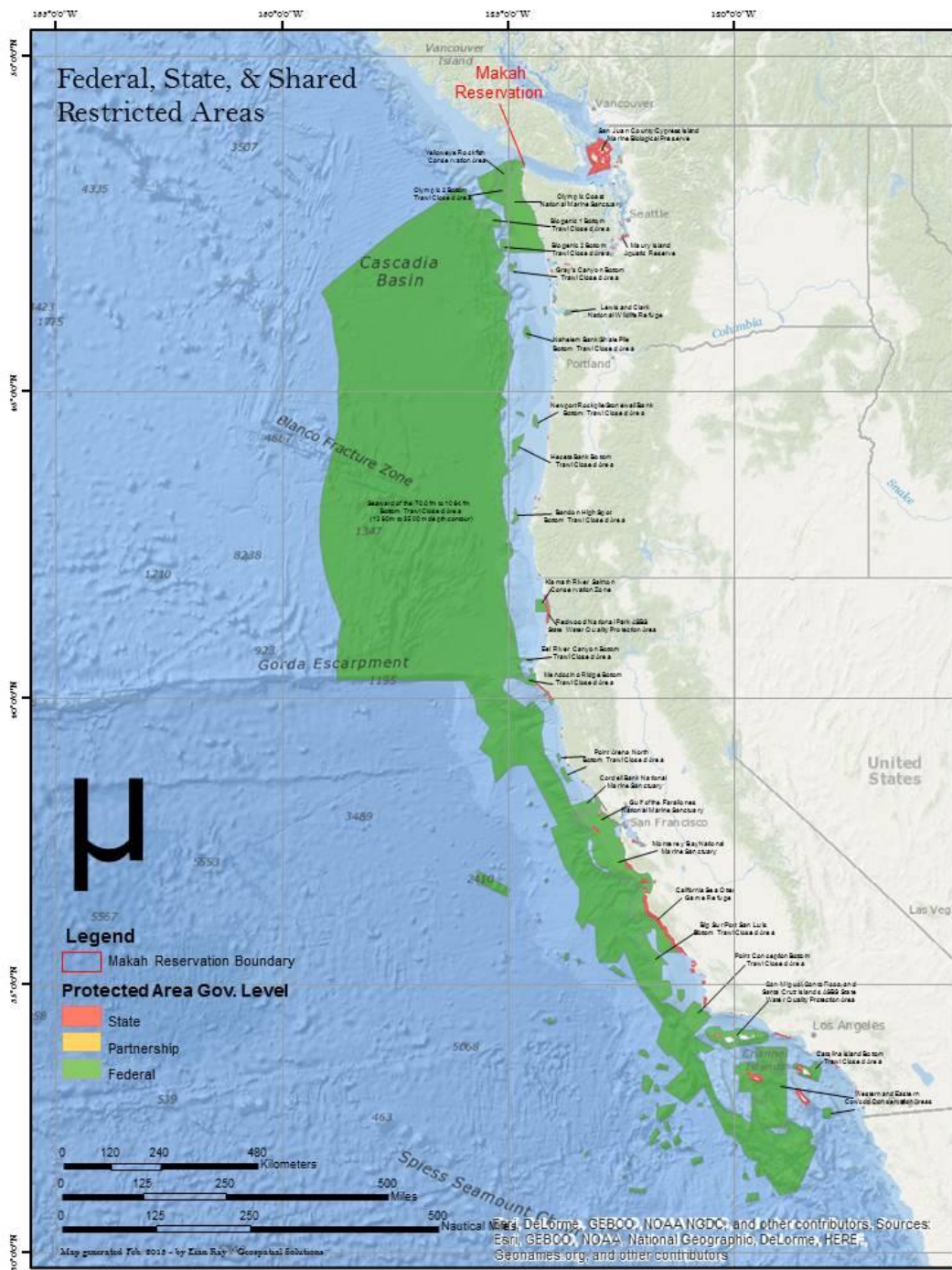
- Administration seeking global climate treaty (11/14; to be signed in 2015?)
- WH CEQ issues revised draft guidance for federal agencies for consideration of greenhouse gas emissions under NEPA for federal resource management actions (79 FR 77801; 12/24/14)
- NOAA/NMFS release 81-pg Draft Climate Science Strategy (1/15); See (<http://www.st.nmfs.noaa.gov/ecosystems/climate/national-call-for-comments>); Regional Plans in 2015?

Climate Change #2

- DOI, USDA, EPA, NOAA, USACE announce Resilient Lands & Waters Initiative sites in CA and MT to prepare natural resources for climate change (2015)
- Admin announces #1 FY2017 budget priority: *Climate Change* (7/15)
- Admin mandates steep cuts in greenhouse gas emissions; 32% by 2030, from 2005 levels; costs to U.S. power plants ~ \$8.40B per year (8/2/15)
- President to visit Alaska on 8/31 to attend Arctic Conference; focus on climate change; MAJOR announcement? See www.wh.gov/Alaska

Sanctuaries, Monuments & MPAs

- NOAA/NOS petition process (79 FR 33851; 6/14) leads to nominations off AK, OR, FL – all rejected, lack local support
- NOAA/NOS Summer 2015 “*Sanctuary Watch: Coalition Building*” highlights new petition process www.nominate.noaa.gov
- H.R. 1335 provision specifies MSA as the controlling law in cases of statutory conflict (i.e. NMSA, ESA, Antiquities Act)
- NOAA updates *Framework for a National System of MPAs* (2/15)
- S.437; H.R.330; H.R.332 -- all contain provisions designed to limit Administration’s executive authority
- NOAA expands Cordell Bank & Gulf of Farallones Sanctuaries (3/15; 80 FR 13078) linkage with Point Arena Nat’l Marine Monument (4/14); reinforces Admin’s theme of **connectivity** of protected areas; MPA Advisory Panel charged with developing national connectivity plan (4/15)





Protected, Endangered, Threatened Species #1

- H.R. 564; WA Rep. Herrera Beutler/OR Rep. Schrader's "*Endangered Salmon & Fisheries Predation Prevention Act*"; State removal permits effective to 5/16; House Nat Res Subcom hearing (7/23/15)
- NOAA announces *Species in the Spotlight: Survive to Thrive* initiative, focus on 8 species, most in PSMFC region (incl. So. Res. Killer Whales, Belugas, Pacific Leatherbacks; 5/14/15)
- So. Res. Killer Whales: NGO petition to increase Critical Habitat from Cape Flattery, WA to Point Reyes, CA out to 47 miles (80 FR 9682; 2/24/15); ESA listing "*LOLITA*" at Miami Seaquarium (80 FR 7380; 2/10/15); NMFS completes tracking project (6/15); Nat Geo documentary under development
- NOAA proposes 14 DPS of global humpbacks; revises ESA listings (80 FR 22304; 4/21/15)
- NOAA Report *Threatened & Endangered Species FY 2013-2014 Report to Congress* (5/14/15)

Protected, Endangered, Threatened Species #2

- House Nat Res Comtee 36-pg Majority Report "*Under the Microscope: An Examination of the Questionable Science and Lack of Independent Peer Review in ESA Listing Decisions*" (12/15/15); See <http://naturalresources.house.gov>
- NMFS publishes comment request on guidelines for safely deterring marine mammals (79 FR 74710; 12/16/14)
- NGOs sue NMFS to ban seafood imports from countries that do not protect marine mammals to U.S. MMPA standards (7/14); Agency settles (1/15); proposed standards issued 8/10; See 80 FR 48172; comments due 11/9/15
- CBD petition to Congress "*Don't let Big Industry Gut the ESA*", collects 63,308 signatures
- NGOs request CA take *urgent* action to prevent whale entanglements in Dungeness crab & other fixed-gear fisheries (4/15)

Protected, Endangered, Threatened Species #3

- USFWS/NMFS issue FR revising ESA ITS provisions to address use of surrogate species (80 FR 26832; 5/11/15)
- USFWS/NMFS issue PR to revise ESA petition regs (80 FR 29286; 5/21/15; comments due 9/18/15)
- NMFS initiates 5-yr review of 32 listed species of Pacific Salmon, Steelhead, Puget Sound Rockfish & Euchalon (80 FR 6695; 2/6/15)
- NOAA Regional Science Center peer reviews continue;
(<http://www.st.nmfs.noaa.gov/science-program-review/index>) –
FY15 topic: Protected Resources Science
- Senate EPW Committee reviews 7 ESA bills (5/6/15), similar to pkg passed by the House Nat Res in 2014; House has 2 in the cue
- Recovering Predators Creates New Wildlife Management Challenges
http://www.nwfsc.noaa.gov/news/features/recovering_predators/index.cfm

EPA NPDES Update

- Moratorium on EPA NPDES permits sunsets 12/19/2017 for all commercial fishing & charter boats regardless of size, and all commercial-use vessels <79-ft
- Senate Commerce Committee moves USCG bill (S.1611) w/Sen. Rubio's S.373 attached amid opposition (i.e. CA & WA); H.R. 980 similar; AK's S.371 – permanent “clean” moratorium
- WA/OR/CA renew opposition (4th letter; 7/2/15)
- Admin opposes (RE: ballast water & state jurisdiction provisions, **and** permanent NPDES permit fix)
- Outlook: Highly controversial, likely see action in 2017...

USCG Update

- Class A/B Automatic Identification System (AIS) required on all vessels over 65-ft (3/2/16)
- Mandatory Dockside Safety Exams required (10/15/15); and at least 1X every 5yrs
- Survival Craft requirements ensuring “no part of an individual is immersed in water” effective 2/16/16; H.R. 1987 requires USCG study and exemptions; S.1611 **does not** contain similar provisions
- House/Senate USCG legislation: relaxing new-build classification requirements; expanding Fisheries Finance Program (FFP)
- Newport, OR USCG helo base closure up in the air

IUU Fishing & Seafood Fraud

- Final Report on the IUU Task Force available at http://www.nmfs.noaa.gov/ia/iuu/noaa_taskforce_report_final.pdf ; open comment period on species “at-risk” for fraud to 9/11/15
- Developing “minimum types of information that should be collected and the operational standards that should be applied to this data” to prevent IUU fishing/seafood fraud;
<https://www.federalregister.gov/articles/2015/07/01/2015-16185/presidential-task-force-on-combating-illegal-unreported-and-unregulated-iuu-fishing-and-seafood>
- House passes IUU H.R. 774; Senate Commerce moves companion S.1334; 2015 passage likely...
- Seafood safety/traceability legislation (H.R. 3282); multi-committee referral; 2015 passage unlikely...
- State Dept sends \$4.3M to Asia-Pacific Region to combat IUU (8/15)

Aquatic Invasive Species

- Lake Tahoe Restoration Act (S.1724; 7/15) does not contain quagga Lacey Act injurious species listing or exemption for public water systems
- Next steps – find legislative (or regulatory) vehicle for quagga listing & resolve public water systems exemption
- Federal Lands Invasive Species Control Act (H.R. 1485; 3/15) requires agencies to reduce invasive species
- Similar bill did not move in 2014, current bill has 2 sponsors: Amodei (R-NV) & Lummis (R-WY)
- AIS issues present in NPDES S.373 & H.R.980

Catch Share/Allocation Update

- NMFS phasing-out West Coast IFQ observer subsidies on 9/30/15; See NMFS letter at <https://www.webapps.nwfsc.noaa.gov/ifq/>
- “Review of Laws, Guidance, Technical Memorandums and Case Studies Related to Fisheries Allocations”; NOAA Tech Memo NMFS-F/SPO-148 (11/14)
- GOMEX Red Snapper allocation issues complicate MSA reform & D-Crab legislation
- H.R.2646/S.1275: “Revitalizing the Economy of Fisheries in the Pacific Act” (“REFI”) for 2003 West Coast buyback loans; stalled due to fiscal issues; Sense of Congress in 2015 Defense Authorization; NMFS PR comment period ends 9/8 (on 8/6 @ 80 FR 46941) – final action contingent on 3 referenda PLUS \$10.3M federal appropriation...

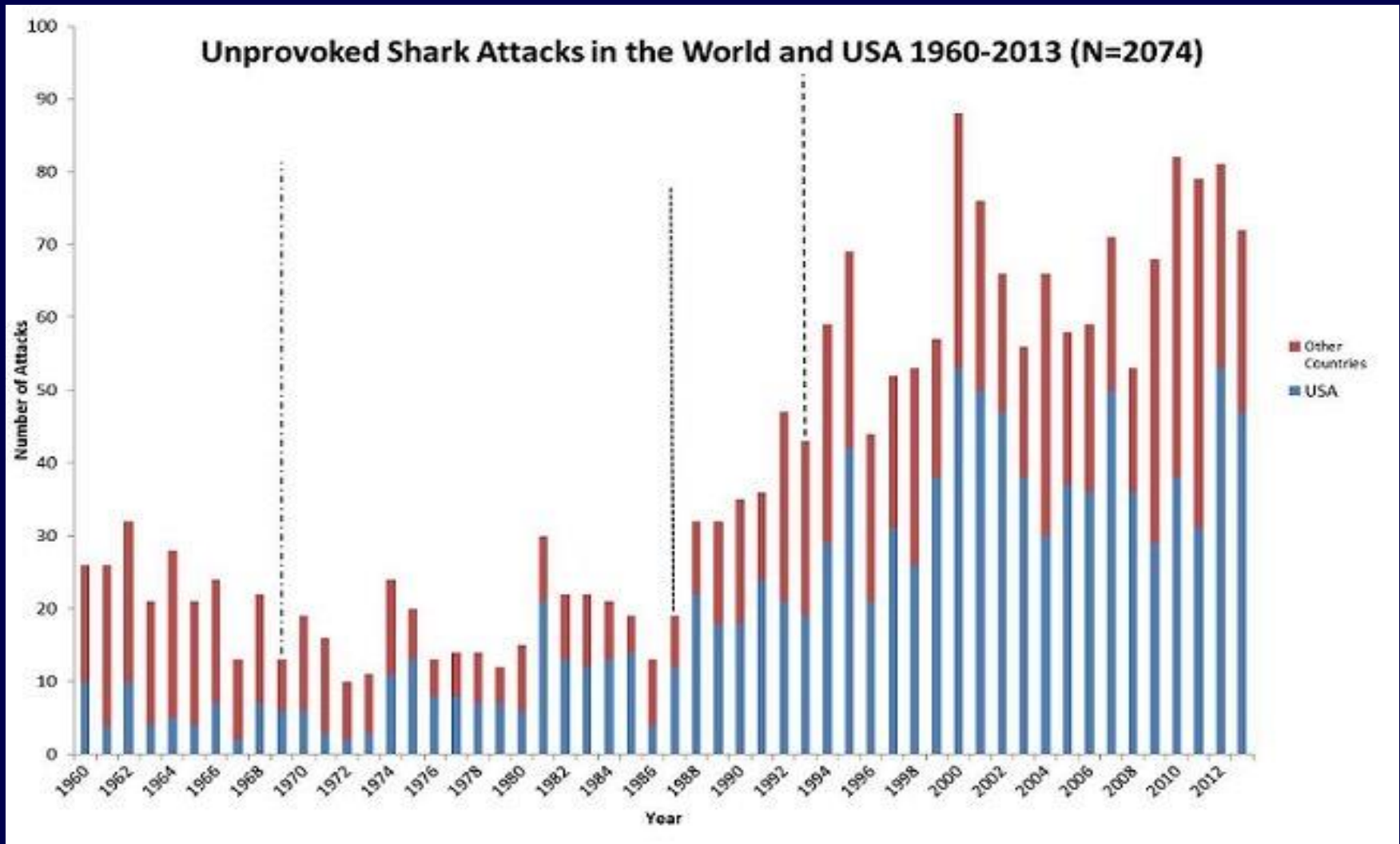
SHARK/HUMAN INTERACTIONS #1

Recent decades marked by substantial national/regional shark conservation; significantly reduced quotas/landings since the 1980's (~ 90%), harvest of 5 species prohibited (1997), 14 more added (2000); Shark Conservation Act (2010); CITES protects 5 commercially-valuable sharks (2013); AP bans phrase "*shark attack*" (2013); NGOs/Cuba conservation campaign; France bans shark meat @ Reunion Isle (1990's) & creates marine reserve (2007); Hilton bans shark fin soup; proliferation of ESA petitions; efforts at Congressional Resolutions; "U.S. leads the way...strongest shark management measures in the world" (NOAA, 7/8/15); 9 States ban fins, CA wins fin ban lawsuit (7/15); Cordell Banks/Gulf of Farallones Sanctuary expansion adds Great White Protection Zone (2015); NGOs launch #SaveGreatWhites Challenge with Hammermill Paper Co. (2015); FL (1992) & NC (2005) create inshore shark "sanctuaries" banning most shark fishing creating HAPC (from DSF; Hudson, R., 2015; "*Shark Sanctuaries: Unintended Consequences from Underfishing and Overregulation*")

SHARK/HUMAN INTERACTIONS #2

- FL Museum Nat Hist Internat'l Shark Attack File (*ISAF*): worldwide "number of unprovoked attacks grows every decade since the 1970s"
- MASS exploding seal pop.= tourism concerns/attracting sharks to beaches; tagging ongoing (*Aol.com*); So. Africa world surfing tourney cancelled due to attack on live T.V.(7/15); France's Reunion Isle -- 18 attacks/7 fatal – Gov't bans swimming in 2013 (*NYT*; 8/11/15)
- U.S. deadliest year 2011, 13 of 79 attacks fatal (*ISAF*); In 2015, 25 attacks thru July 4th wknd, one fatal (HI) and in NC -- most attacks (8) already recorded for full year; U.S. has top rated (and 5 of the top 10) highest risk locations in the world (2 are in FL, plus CA, HI & SC) (*Aol.com*); 5 fatalities in Australia, January 2015; Worldwide 54 attacks/31 fatalities thru 8/19/15 (*Fox News*; 8/19/15)
- Top 3 reasons media cites for increased attacks -- global warming; more people in the water (est. 2.0BM in 2001, 2.2B in 2010, by USACE); and "swimming near tasty bait fish" (*Science*, 7/2/15)
- Due in part to unbalanced mgmt policies -- or simply that "encounters with marine animals such as sharks [are] inevitable as long as people keep visiting their habitat" (*G.Skomal/aol.com*; 6/17/15)?

Official Shark Attack Records (Burgess, FL Museum of Natural History/ISAF)



PSMFC "Grab Bag"

- Kachemak Bay is Nat'l Habitat Initiative focus area (11/14)
- U.N. General Assembly adopts marine biodiversity position (6/15)
- Inter-Agency Sea-Level Rise Panel
<https://www.youtube.com/watch?v=5DK26UVZNMk&feature=youtu.be>
- NOAA publishes Framework for National System of Marine Protected Areas; adds concept "*sustainable production areas*" (80 FR 16626; 3/30/15; See <http://www.marineprotectedareas.noaa.gov>)
- *Saving Seafood* creating National Coalition of Fishing Communities (9/15); www.fisheriescoalition.org
- NOAA PR: fishing requirements for Pacific Remote Islands Monument Expansion (80 FR 1881; 1/14/15)
- "TPP" Trade Agreement on the ropes over cows, cars & drugs
- House Coastal Caucus (2/15; Reps. Heck (WA) & Capps (CA))
- Fish Kill: 400,000 spring chinook, Rock Creek Hatchery, OR (7/1/15)
- NGOs file CWA lawsuit: Leavenworth Hatchery, WA (7/15)
- NMFS issues Emerg Rule to provide ++ chinook bycatch for GOA CV sector (8/10/15; 80 FR 47864)
- NOAA releases Nat'l Saltwater Recreational Fisheries Policy (2/15)

Rick's End of Summer Reading Tips...

The 7 Deadly Virtues by Jonathan V. Last (2014)

Overcoming the Five Dysfunctions of a Team by Patrick Lencioni (2005)

MESSAGE TO GARCIA by Elbert Hubbard (1899)

Washington's General: Nathanael Green and the Triumph of the American Revolution by Terry Golway (2006) & Nathanael Greene: A Biography of the American Revolution by Gerald M. Carbone (2008)

Close to Shore by Michael Capuzzo (2002)

AND YOU HEARD IT HERE...

- Salmon semen found to be miracle substance for extracting rare earth elements from waste: *Bryan Nelson/Phys.org (1/15)*
- Will Environmentalists Fall for Faux Fish Made From Plants?: *NPR (1/23/15)*
- Google Chair, Wife, Give \$10.0M to Monterey Bay Aquarium's Seafood Watch: *J.Hopping, Monterey County Herald (2/20/15)*
- Global warming deniers are an endangered species: *D. Nuccitelli, The Guardian (7/22/15)*
- All Aboard! Slug Poop carries worms to destinations: *S. Pappas, Livescience (7/15/15)*
- Groups Urge Limits on Cremation Emissions: *B. Lewis, Reuters (1/12/15)*
- Whale Migration Record Broken by Female of Species Recently Thought to be Extinct: *San Francisco KCBS (6/24/15)*
- Humane Society on Bonneville Dam sea lions: "You're just setting up a treadmill of death": *S.Young, High Country News (7/6/15)*
- Bison Selfies Are a Bad Idea: *WashingtonPost.com (7/23/15)*
- "It is more likely that a human would bite and kill you than a shark": *The Active Times (7/5/15)*