

## **STATUS REPORT FOR 2021 BUSINESS MEETING**

### **Lingering Effects of COVID**

The COVID Pandemic continues to restrict public access to the Capitol and the House and Senate office buildings. Face-to-face meetings in the Senate and House were banned until June. It is now possible to enter these buildings for face-to-face appointments, but the congressional offices must send staff to escort people into the buildings. There are also heightened security protocols as a result of the January 6 breach of the Capitol. In similar fashion, we have not seen any evidence that NOAA Fisheries or other federal agencies are having widespread meetings with their constituencies.

This has acted as a disincentive for groups to make the rounds on Capitol Hill and with the agencies. Our advocacy efforts on behalf of the Commission have been done exclusively with phone calls, emails, and virtual technologies such as Zoom and Microsoft Teams. This appears likely to be the status quo going into the Fall.

### **The New Congress**

The Democrats have control of the House and Senate. The majorities in both bodies of the Congress are razor thin. The Democrats have a four vote edge in the House, and the Senate is split 50-50 with Vice President Kamala Harris being called upon when necessary to break ties. The Senate filibuster rule remains in place, requiring a 60 vote majority in most cases to move most contested legislation. There is a special budget mechanism referred to as Reconciliation that requires only a 51 vote majority, but this mechanism cannot be used for non-budgetary legislation.

Senator Maria Cantwell (D-WA) is the new Chairwoman of the powerful Senate Commerce Committee. Senator Roger Wicker (R-MS) serves as the Republican Ranking Member for the full Committee. Chairwoman Cantwell has restructured the subcommittees. The new Subcommittee on Oceans, Fisheries, Climate Change, and Manufacturing has jurisdiction over matters relating to oceans, coasts, and inland waterways, including: coastal zone management; marine fisheries; marine mammals; and oceans, weather, and atmospheric activities. The Subcommittee oversees NOAA, the U.S. Coast Guard, the Marine Mammal Commission, the U.S. Global Change Research Program, the Department of Commerce manufacturing bureaus, and the Minority Business Development Agency. Senator Tammy Baldwin (D-WI) serves as the Subcommittee Chair, with Senator Dan Sullivan (R-AK) resuming Republican Ranking responsibilities.

In a panel before the Council Coordinating Committee, Senate Commerce Committee staff stated that the Committee intends to focus on salmon issues, habitat, ocean acidification,

IUU/Labor issues, and the Seafood Import Monitoring Program. The Senate Committee staff does not believe there is a realistic dynamic to making sweeping changes to the Magnuson-Stevens Act in an evenly divided Senate, but left open the possibility of smaller changes to the MSA that can garner bipartisan support.

The House Committee on Natural Resources continues its current Democratic leadership. Representative Raul Grijalva (D-AZ) remains as Chair of the full Committee. Representative Jared Huffman (D-CA) continues as the Chair of the Water, Oceans, and Wildlife (“WOW”) Subcommittee. Representative Bruce Westerman (R-AR) takes over as the Republican Ranking Member of the full Committee. New Member of Congress Cliff Bentz (R-OR) from Eastern Oregon (replacing Greg Walden) is the Republican Ranking Member of the WOW Subcommittee.

As part of the CCC panel discussion, House Natural Resources Committee staff indicated that they will focus on habitat, community resiliency, shovel-ready grants to fishermen, climate ready fisheries, Essential Fish Habitat consultation improvements, and working waterfronts. The staff also mentioned the IUU and human trafficking, and expansion of the Seafood Import Monitoring Program. House Natural Resources Chairman Grijalva introduced the “Ocean Based Climate Solutions Act”. It is a massive bill, taking on, among other issues, oil and gas leasing activities in the OCS; acceleration of maritime wind energy capacity; climate change and the impact on coastal community resiliency; Essential Fish Habitat; Working Waterfronts; and the real time monitoring and mitigation for large whales at risk. The legislation stays away from the “30 x 30” initiative, which calls for the Federal Government to set aside and conserve 30% of all land and water by 2030. The Committee stated that the 30 x 30 Initiative is being addressed through President Biden’s Executive Order 14008.

### **The Biden Administration**

The upper echelons of the Commerce Department leadership are now in place. The Senate confirmed former Rhode Island Governor Gina Raimondo as the new Secretary of Commerce in March.

President Biden subsequently nominated Dr. Rick Spinard to be the new Under Secretary of Commerce for Oceans and Atmosphere and Administrator of NOAA. Dr. Spinard served as NOAA’s Chief Scientists in the Obama Administration. Prior to his nomination, Dr. Spinard was Professor of Oceanography and Oregon State University. The Senate confirmed Dr. Spinard in June.

The President appointed Janet Coit to be Chief of the National Marine Fisheries Service. Coit directed the Rhode Island Department of Environmental Management for more than ten years. She will also serve as acting Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy NOAA Administrator.

In the Oceans & Fisheries policy arena, the Biden Administration intends to focus on climate readiness, wind energy, and environmental justice/racial equity. The President's FY '22 Budget Request reflects these three themes. Additionally, the President issued Executive Order 14008 in January. The E.O. establishes a National Climate Task Force. Section 216 of the E.O. calls for the Department of the Interior, the Department of Agriculture, and other federal agencies (e.g. Commerce) to set aside and permanently conserve 30% of all land and water in the United States by 2030. There appears to be some ambiguity about whether this applies to all land and water (including under State jurisdiction or private ownership) or simply land and water under the jurisdiction of the United States.

The Departments of Agriculture, Interior, Commerce, and the Council for Environmental Quality have submitted a preliminary report to the Task Force titled *Conserving and Restoring America the Beautiful*. This report includes a recommendation for the Federal Government to expand the National Marine Sanctuaries System and the National Estuarine Research Reserve System. The report also recommends that NOAA work closely with the Regional Fishery Management Councils to use the authorities provided under the Magnuson-Stevens Act to improve conservation outcomes for the protection of marine species and habitats.

### **Budget & Appropriations**

The following information is from in the President's Budget Request for Fiscal Year 2022 and the actions of the House Commerce Justice Science Appropriations subcommittee—

- **Councils & Commissions:** The President's Budget ("PBR") proposes an increase of \$1.4 million to this line item. The House CJS bill would provide a \$1.5 million increase.
- **IJFA:** Both the PBR and House CJS would provide a \$7000 increase to the Inter Jurisdictional Fisheries Act line item.
- **Fisheries Data Collection, Surveys, and Assessments:** There is a big jump in this account. The President's budget is calling for roughly a \$19.6 million increase. House CJS included roughly \$16.3 million in additional funding over the FY '21 base. This funding includes \$24 million earmarked for the Fishery Information Networks.
- **Salmon Management:** House CJS increased this account by roughly \$4 million. The CJS proposal allocates \$41.5 million to activities relating to the Pacific Salmon Treaty implementation and \$24 million to the Mitchell Act hatcheries.
- **PCSRF:** Both the PBR and House CJS fund this account at the \$65 million base amount.

- **Habitat Conservation and Restoration:** The PBR proposes a whopping increase of roughly \$42 million for this account. House CJS provided a modest increase of just under \$4 million.
- **Harmful Algal Blooms:** The House CJS bill provides \$15 million to the National Ocean Service for research focusing on HAB-causing nutrient impacts from nitrogen and phosphorus as they enter coastal areas from tributaries.
- **Video Review of Electronic Monitoring Data:** House CJS included \$400,000 for the video review of the West Coast Groundfish electronic monitoring data and \$400,000 for the video review of the Gulf of Alaska partial coverage electronic monitoring data.
- **Electronic Monitoring & Reporting:** House CJS included \$3.75 million for continued implementation of the electronic monitoring program, including \$1.25 million to go to NMFS enforcement.
- **Offshore Wind:** House CJS provided \$20.3 million for the promotion of offshore wind energy, in accordance with the President's request.
- **Climate Ready Fisheries:** House CJS provided \$20 million for the President's Climate Ready Fisheries initiative. \$10 million comes from the Protected Species account and \$10 million comes from the Fisheries Management account.
- **Southern Resident Killer Whales:** House CJS provides \$2 million to continue research and monitoring of the Southern Resident population. The House report encourages NMFS to enter into partnerships that would reduce noise impacts.
- **ESA Salmon:** House CJS includes \$5 million to address Hatchery and Genetic Management Plan reviews. The House report also encourages NMFS to adopt a Civilian Conservation Corps-style model to carry out salmon restoration and habitat projects.
- **Aquaculture:** House CJS has appropriated \$17.5 million for the NMFS Aquaculture initiative.

The House Appropriations Committee has resumed the practice of earmarking funds for constituent projects. Eligible earmark recipients are State, Local, and Tribal Governments and non-profit organizations. House CJS provided—

- \$892,000 to WDFW for Columbia River pinniped removal;
- \$100,000 to ODFW for whale entanglement research; and

- \$322,000 to the Oceans Initiative for Targeted Acoustic Startle Technology at the Ballard Locks.

The Senate Appropriations Committee has not yet acted on any of its FY '22 appropriations bills. We don't expect to see any movement in the Senate until September.

### **Status of Fishery Disaster Assistance Petitions**

There are twenty three active fishery disaster assistance petitions currently pending with the U.S. Department of Commerce for the West Coast and Alaska. They are—

#### **Approved with Funding Allocated**

- Gulf of Alaska Pacific Cod, 2018: Approved on September 25, 2019. \$24,416,440 has been allocated.
- Alaska Sockeye Salmon Fishery, 2018: Approved on October 30, 2019. \$10,327,039 has been allocated.
- Klamath River Fall Chinook Commercial Fishery, 2018 (Yurok Tribe): Approved on October 30, 2019. \$2,226,068 has been allocated.
- California Red Sea Urchin Fishery, 2016 and 2017: Approved October 30, 2019. \$3,329,343 has been allocated.
- Pacific Sardine Fishery 2017-19: Approved October 30, 2019. \$2,218,904 has been allocated.

PSMFC has submitted official grant applications for these approved disasters and they are pending with the NOAA Grants Division. PSMFC has modified the official start dates to August 1, 2021 and is waiting to receive the grant awards and transfer of funds. Once this has occurred, the PSMFC website will provide information to the stakeholders and the Commission will work with the States to expedite the disbursement of funding.

#### **Approved with Funding not yet Allocated**

- Washington Puget Sound Coho Salmon Fishery (Port Gamble S'Klallam Tribe), 2018: Approved on June 29, 2021. Funding has not yet been allocated.

- Washington Chehalis River Spring Chinook Salmon Fishery (Confederated Tribes of the Chehalis Reservation), 2019: Approved June 29, 2021. Funding has not yet been allocated.
- Alaska Norton Sound Red King Crab Fishery, 2019: Approved June 29, 2021. Funding has not yet been allocated.

### **Pending Disaster Determinations**

- Washington Fraser River and Skagit River Salmon Fisheries (Swinomish, Tulalip, Upper Skagit Tribes), 2019: Disaster requests filed with the Secretary of Commerce 1/23/2020 and 12/31/2019.
- Washington Fraser River Sockeye, Chum, Coho and Pink Salmon Fishery (Lummi Nation) 2015, 2016, 2017, 2019: Disaster requests filed with the Secretary of Commerce 3/5/2020 and 6/9/2020.
- Washington Green River Chinook, Chum, Coho and Pink Salmon Fishery (Muckleshoot Indian Tribe), 2017 and 2019: Disaster requests filed 5/14/2020 and 4/5/2021.
- Washington Puget Sound Chum Salmon Fishery (Squaxin Island Tribe), 2019: Disaster request filed 6/1/2020.
- Washington Fraser River Sockeye, Puget Sound Chum and Coho Salmon Fishery (Port Gamble S'Klallam Tribe) 2014 and 2019: Disaster requests filed 1/28/2020 and 9/15/2020.
- Klamath River Fall Chinook Salmon Fishery (Yurok Tribe), 2019: Disaster request filed 10/30/2020.
- Washington Columbia River, Wallipa Bay, Puget Sound Salmon Fisheries, 2019: Disaster request filed 2/10/2021.
- Washington Ocean Salmon Fisheries: Disaster request filed 2/10/2021.
- Washington Fraser River Sockeye and Puget Sound Fall Chum Salmon Fisheries (Port Gamble S'Klallam Tribe), 2020. Disaster request filed 2/24/2021.
- Alaska 2018 East Side Set Net and 2020 Upper Cook Inlet Salmon Fisheries: Disaster request filed 3/8/2021.

- Alaska Copper River Salmon Fisheries 2018, 2020: Disaster request filed 3/8/2021.
- Alaska Bering Sea Tanner Crab Fishery, 2019, 2020: Disaster request filed 3/8/2021.
- Alaska Gulf of Alaska Pacific Cod Fishery, 2020: Disaster request filed 3/8/21.
- Alaska Norton Sound, Yukon River, Chignik, Prince William Sound and Southeast Salmon Fisheries, 2020: Disaster request filed 3/8/2021.
- Alaska Kuskokwim River Salmon Fisheries, 2020: Disaster request filed 3/8/2021.

Additionally, the 2021 COVID Emergency Relief legislation included an additional \$300 million for fishery disaster assistance. NOAA announced its allocation at the end of March. The West Coast States receiving an allocation were (in round numbers): Alaska (\$40 million), Washington State (\$40 million), California (\$15.5 million) and Oregon (\$13.5 million). Additionally, \$30 million was allocated to federally recognized Tribes in coastal states.

### **Harmful Algal Bloom Legislation**

Representative Suzanne Bonamici (D-OR) and her staff are continuing their work on a comprehensive bill dealing with Harmful Algal Blooms (“HABs”) and Marine Hypoxia. One provision being discussed is to provide an authorization for the three interstate marine fisheries commissions to develop and implement regional plans to respond to HABs and hypoxia events. This would include working with their member states to assess the states’ existing capability and to coordinate a regional response plan in each region to guide actions to detect, predict, control, and mitigate and respond to HABs and hypoxia events. The proposal contemplates that each interstate marine fisheries commission would receive a \$1 million per year for five years, which could be distributed to the states pursuant to the regional plans.

The HAB/Hypoxia bill is still being drafted. Mrs. Bonamici intends to seek feedback from NOAA once the initial draft has been put together. The timeline for moving the bill forward remains uncertain.

### **Land & Water Conservation Fund**

Senators Whitehouse (D-RI) and Cassidy (R-LA) have produced a draft bill titled “*The Reinvesting in Shoreline Economies and Ecosystems (“RISEE”) Act*” to create funding

streams for coastal infrastructure and resiliency projects, using a portion of Federal energy lease sales in the OCS. One provision of the draft bill would lift the Land & Water Conservation Fund's state side funding cap of \$125 million. The timing of this legislation is uncertain.