

NPFMC Legislative Committee Report

April 3, 2017

The Committee met on Monday, April 3 from 1 to 4 pm. Members in attendance were: Dan Hull (Chair), Bill Tweit, Roy Hyder, Sam Cotton, Jim Balsiger, Chris Oliver (staff)

Chris Oliver reviewed the briefing materials for the Committee, including status of NPFC implementing legislation and commissioner appointments; bills related to monument designations; and, a section-by-section assessment of the provisions of HR200 (proposed MSA reauthorization bill).

Public comment was offered by Clem Tillion – Primary issue raised was that conflict of interest was envisioned by the original drafters of the MSA, which includes membership on Councils by affected constituents. Recusal issue should be reviewed, and allow Chair to require all members to vote if necessary to approve will of the majority.

Committee discussion/recommendations:

NPFC implementing legislation – The Committee recommends that the Council send a letter to DOJ/DOS/NOAA seeking clarification of the NPFC Commissioner appointment process, and status of the Advisory Panel nomination/appointment process, given that the next meeting of the NPFC is this July.

S33/HR222 – revising the monument designation process – reiterate previous comments underscoring the positive benefits of the proposed legislation.

Other (non-HR200 specific) potential reauthorization issues:

The Committee expressed interest in the issue of recusal determinations (for example the attribution policy), and whether this issue might be raised in reauthorization discussions, but recognizes that we would need to be asked by Congressional offices or Committees before providing input, and further discussion would be necessary prior to taking any Council position.

The Committee also expressed interest in further clarity on delegation of management authority to a State (above and beyond the date change proposed in HR200). Similarly, we would need to be requested for input on specific proposed legislation.

Regarding Section 313 fee authority for observers, the Committee discussed whether this section allows for fees to be established for EEZ salmon fisheries. The current Act (section 313) specifically excludes salmon from this fee.

HR 200 specific provisions

The Committee discussed specific provisions of HR200 in order to inform development of a draft comment letter (or testimony at a Congressional hearing) if requested by Congressional offices or Committees, and to inform our input to the CCC positions paper to be finalized in May. The Committee generally approved staff's initial assessment of the various sections, noting that several of the sections of HR200 are very similar to HR1335, and that our previous comments (from April 2015) will be relevant as comments on HR200, adjusted as appropriate. Based on full Council concurrence, staff will prepare a draft comment

letter for Council review prior to the end of this meeting. The Committee recognized the need to provide technical or factual comments in the context of how proposed legislation might affect the Council's ability to fulfill its role under MSA and the performance of the grant, and to avoid language that would suggest advocacy or lobbying. In addition to our April 2015 comments, and staff's initial assessment of HR200, the Committee raised the following points for inclusion in the draft comment letter:

-WRT section 7 (Transparency and public process), the Committee expressed interest in the actual costs (monetary and personnel) associated with the proposal to webcast/record meetings of the SSC. With regard to the NEPA issue, the Committee discussion highlighted the potential benefits to our process associated with the intent of this section, but the discussion also underscored some of the concerns identified by staff (potential workload associated with development of implementing regulations, potential for new body of litigation; potential for increased workload on Council staff (given that NEPA is technically a NMFS responsibility); potential for marginal, realized improvements to our process)

-WRT section 14 (Ensuring consistent management for fisheries throughout their range), the Committee noted the positive impacts to our process, based on the presumed intent of this section, but recommends seeking clarity on the actual net effects of this section.

-WRT section 15 (Limitations on harvest of North Pacific pollock), the Committee noted that additional information would be necessary in order to take any position, such as history of the current 17.5% cap, genesis for the proposed legislation allowing the Council to increase the cap, and potential impacts of such an adjustment.

-WRT section 24 (Arctic CDQ), the Committee noted that it is unclear which villages would be included, and the proposed legislation could provide additional direction in that regard.

-WRT section 29 (Alternative fishery management measures), the Committee recommends further clarity on the effect of this section; i.e., whether the alternative measure are intended to be in lieu of ACL requirements. The Committee also raised the possibility that such alternative measures could be considered as appropriate for subsistence fisheries as well.