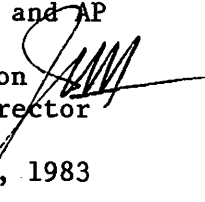


M E M O R A N D U M

TO: Council, SSC and AP
FROM: Jim H. Branson 
Executive Director
DATE: September 21, 1983
SUBJECT: Update of Relevant Legislation Pending in Congress

ACTION REQUIRED

No action required. For information only.

BACKGROUND

The following status reports relate to legislative proposals currently before Congress that should be of interest to the Council family.

H.R. 5/S. 800 Outer Continental Revenue Sharing with States

These bills provide a portion of the revenues from OCS oil and gas production and lease sales to all coastal states. The money is to be used by the states for coastal resource development and management and mitigation of the impacts of OCS exploration. It is estimated that \$300 to \$400 million annually would be shared by 35 coastal and Great Lake states and U.S. territories.

H.R. 5 passed the House on September 14, 1983 by a vote of 301-93. Senate action on S. 800, sponsored by Senator Stevens is expected within the next few weeks.

The Reagan Administration has opposed this legislation, but the Congressional support seems to be sufficient to override a Presidential veto.

H.R. 2061/S. 750 Implementation of a U.S. Economic Zone

Action on either bill is not expected before the end of the current Congressional session. Representative Breaux has been designated as the member of Congress to take the lead on this legislation, but H.R. 2061 has yet to be reported out of the House Committee on Merchant Marine and Fisheries. No action on S. 750, introduced by Senator Stevens, has been reported.

H.R. 2062 Amendment to Marine Protection, Research and Sanctuaries Act of 1972

As reported to the Council at the July meeting, H.R. 2062 is still before the Senate Committee on Commerce, Science and Transportation. The Committee, reportedly will act on the legislation within the next few weeks. No schedule

for hearings has yet been announced. Senator Stevens is expected to propose amendments that will continue access to sanctuary areas under rights that pre-date the proposed legislation.

H.R. 2853/S. 1238 Establishment of a National Ocean Policies Commission

Both bills, introduced in May 1983, seek to establish a commission to develop recommendations for Congress and the President on a comprehensive national oceans policy. H.R. 2853 has been reported out of the House Committees on Foreign Affairs and Merchant Marine and Fisheries and has strong support in the House. S. 1238 is still in the Senate Committee for Commerce, Science and Transportation.

The Reagan Administration is reported opposedly to both bills. There is also some concern in Congress that the commission will contain too many members from government agencies and academia. Both bills create a 15-member commission. H.R. 2853 provides for three members from the federal Executive Branch, two members who are governors of coastal states, two members who are ocean policy specialists from the academic community and eight members from the private sector. S. 1238 also includes eight members from the private sector and three from the Executive Branch, but only require that the four remaining members be, "recognized experts in one or more ocean policy fields."

H.R. 3381 NOAA Organic Act

No action on H.R. 3381 by the House Committee on Merchant Marine and Fisheries has been reported. Hearings should be scheduled on this legislation in the next two or three weeks.

H.R. 3806 U.S. Fisheries Development Act

This bill, introduced on August 4, 1983 by Representative Edwin Forsythe (R., N.J.), establishes a National Fisheries Development Corporation. The purpose of the bill is to, "stimulate the full development of all sectors of the U.S. fishing industry." An executive summary of the legislative proposal is included here as Attachment C-3(a). Hearings by the House Committee on Merchant Marine and Fisheries are scheduled this week. There has been some expression of interest in this legislation, but the Congressional support is, reportedly, not overwhelming.

National Fisheries Marketing Board

This legislation, to be introduced by Senator Stevens, is still in draft form. It should be introduced before the end of this Congressional session. The purpose of this proposal is to establish the National Fisheries Marketing Board to expand markets for products of the U.S. fishing industry through a coordinated program of research, education and promotion. Copies of the bill will be provided to all Council members after its introduction to the Senate.

August, 1983

UNITED STATES FISHERIES DEVELOPMENT CORPORATION (H.R. 3806)

ESTABLISHMENT

- A not-for-profit Corporation, with its principal office in the District of Columbia Metropolitan Area; U.S. Branch Offices and Trade Offices in foreign nations.

BOARD OF DIRECTORS

- 25 voting Directors appointed by the President by and with the advice of the Senate; three non-voting observers (Secretary of State; Secretary of Commerce; United States Trade Representative).
- 24 members appointed for 3-year terms from among nominees of the harvesting, processing, and marketing sectors of the United States fishing industry, with three from each geographical area over which each of the Regional Fishery Management Councils has jurisdiction. Chairman of the Board, appointed by the President, must be an individual knowledgeable and experienced in Corporation operations and finance. Board Members receive travel expenses and per diem, and are compensated at GS-18 rate, except that no Director may receive more than \$5,000 in any fiscal year.

FINANCIAL ADVICE

- Financial Affairs Committee composed of 5 members appointed by the President, none of whom shall hold an office or position with the Federal Government, plus the Secretary of the Treasury as an observer. The Committee is charged with advising the Board regarding policies and procedures leading to the operation or initiation of financial assistance programs administered by the Corporation and such other financial matters as the Board may request advice on. Committee members are paid at a GS-18 rate, with a limitation of \$5,000 in compensation in any fiscal year.

OFFICERS AND EMPLOYEES

- Executive Director responsible for the day-to-day management of the Corporation. The Board would have the authority to fix the compensation of officers and employees as the Board deems necessary. No officer may be paid in excess of \$63,800 unless a recommendation for a higher salary level is transmitted to the President, and the President does not disapprove such a recommendation within a specified period. Upon request of the Board, the head of any Federal agency may detail to the Corporation, on a reimbursable basis, personnel to assist the Corporation.

INITIAL FUNDING

- Initial funding of \$100 million, including monies transferred to the Secretary from the Fisheries Loan Fund and the Saltonstall-Kennedy Fund which are unobligated as of the close of September 30, 1984.

CONTINUING FUNDING

- 18 percent of the gross receipts from duties under the Customs laws on fishery products (to be used only for the Corporation's grants program);
- Foreign fishing fee receipts after Fiscal Year 1984;
- Such sums as may be necessary to pay the personnel and administrative costs of the Corporation each fiscal year;
- Up to \$1,500,000,000 in obligations purchased by the Secretary of the Treasury through the Federal Financing Bank; receipts from the issuance of mortgage-backed securities for sale through the private market;
- Receipts from fees, charges, or premiums imposed and collected by the Corporation.

MANDATORY FUNCTIONS OF THE CORPORATION

- a loan program for fishing vessels and shoreside facilities;
- a loan guarantee program to finance any purpose for which a loan may be applied for, to provide working capital, and to refinance any obligation that would have been eligible for guarantees;
- a grant program to assist the United States citizens to carry out research and development projects where there is a reasonable likelihood that the private sector will later participate, on a financial or other basis, in the further development or use of the project product;
- a continuing analysis of the effects of the economic, physical, legal, institutional, and social constraints that inhibit the full development of the United States fishing industry;
- studies and experiments on a contractual basis to determine the effectiveness of ideas with the potential for advancing innovation in the United States fishing industry;
- a domestic information service;

- information exchange with foreign nations and institutions; provision of appropriate translation services;
- assistance of U.S. citizens in the evaluation and development of new entrepreneurial ventures to expand the United States fishing industry;
- general technical assistance and advisory services to the U.S. fishing industry;
- insurance services where the Board determines such insurance cannot be obtained on reasonable terms and conditions from other sources;
- programs, through Foreign Trade Offices, to increase the effectiveness of export promotion of U.S. fisheries products;

DISCRETIONARY FUNCTIONS OF THE CORPORATION

- On a contractual basis, aid in the expansion of domestic markets, or the development of new and additional foreign markets;
- On a contractual basis, provide management and program services to national or regional fisheries marketing boards;
- On a contractual basis, provide specialized technical assistance and advisory services to members of the U.S. fishing industry;
- Provide equity capital for ventures with United States citizens, either directly or in cooperation with other investors, for carrying out any project which, in the judgment of the Board, will contribute to the development of the United States fishing industry. The Corporation's participation in any such ventures would be solely as a limited partner;
- Facilitate through loans, guarantees, and insurance (including coinsurance and reinsurance) made or issued under such terms and conditions as the Board deems appropriate, export transactions which will foster the expansion of foreign markets for the products of the United States fishing industry. The aggregate of the loans, plus the contracted liability of guarantees and insurance outstanding at any one time under this authority may not exceed \$500,000,000.

BM:dl

PACIFIC MARINE FISHERIES COMMISSION

Memorandum •

REPRESENTING THE STATES OF ALASKA, CALIFORNIA, IDAHO, OREGON AND WASHINGTON

AGENDA C-3 SUPPLEMENTAL

SEP 28 1983

528 S.W. Mill Street, Portland, OR 97201
Phone: (503) 229-5840

DATE: 19 September, 1983
TO: North Pacific Fishery Management Council
FROM: John P. Harville *John P. Harville*
RE: Recommendations of the Marine and Estuarine Committee of the International Association of Fish & Wildlife Agencies (IAFWA)

I think you'll find certain of the recommendations of this Committee interesting and supportive of our Regional Council concerns. The IAFWA maintains a full-time lobbyist in Washington, and has considerable clout on legislative matters, particularly when we are able to coordinate our interstate marine fisheries commission positions with IAFWA. Traditionally the organization has been wildlife and inland fisheries oriented, but in recent years has broadened its scope considerably to include marine and estuarine affairs. The Marine and Estuarine Committee is its principle advisor in those areas, and therefore a useful voice for Council concerns. Bill Gordon chaired the Committee in 1981-82; I am Chairman 1982-84.

We will want to keep an eye on the artificial reef program (issue 1) to make sure that gear conflict problems are not created or the program degraded to ocean dumping in disguise. The thrust of the IAFWA position is to enter State experience and responsible judgements into development of any national plans or guidelines for reef placement, materials, monitoring, etc.

Concerning issue 2, this endorsement of comprehensive planning for fisheries management throughout the range (per National Standard 3) is especially relevant to our salmon management needs.

Topic 6, covering legislation referred to the Committee for recommendations, emphasizes Federal responsibilities for financial support of State-Federal cooperative programs (items b, d and e) with particular concern for Council funding (item e).

Note also emphasis on fisheries development consistency with fisheries conservation and management by State and Federal agencies and the Regional Councils.

Further details can be provided on any of these items. I'll welcome your comments and suggestions.

West Coast members of this Committee are:

*Don Collinsworth	ADFG	Juneau
Guy Thornburgh	ADFG	Juneau
Joe Greenley	PFMC	Portland
James Messersmith	CDFG	Sacramento
*Dick Myshak	USFWS	Portland
Dale Evans	NMFS	Portland
Larry Six	PMFC	Portland
*John Harville	PMFC	Portland

*E.C. Fullerton is not a Committee member, but participated.

*Attended the September 11-14 meetings.

JPH:jc

14 Sept. 1983
Milwaukie, Wisconsin

Report and Recommendations of the
Marine and Estuarine Committee
International Association of Fish and Wildlife Agencies

Committee activities have focussed principally on the living marine and estuarine resource issues identified by the Committee in 1982, as adopted by the IAFWA at Hilton Head; and upon federal legislation relevant to those issues. In addition the Committee addressed other legislation referred for its consideration by IAFWA's Secretariat and the Legislative Committee.

The Committee recommends the following as IAFWA positions and proposed actions regarding those issues and that legislation.

1. Artificial Reefs

The Committee recommends that the IAFWA commend and support the general intent and approach of the Department of Interior's "Rigs to Reefs" initiative for use of obsolete petroleum platforms in suitable locations as artificial reefs for enhancement of fisheries and fishing opportunities, with the understanding that the IAFWA and its member agencies will be actively involved in development of standards, policies and guidelines for that proposed national program. Similarly the Committee recommends support for the intent and approach of H.R. 3474, the National Fishing Enhancement Act of 1983, and its intent to establish a National Reef Plan. In order to be prepared to contribute effectively to plans and policies for both these initiatives the Committee proposes that the IAFWA charge its Marine and Estuarine Committee to collect, analyze, and collate existing guidelines, policies, and procedures of its member States and other agencies as groundwork for the national planning process. The Committee also is charged to establish an appropriate liaison with the scientific and technical community to assure that the best available technical and scientific information is incorporated.

2. Marine and Estuarine Environment--protection and wise use

Committee discussion focussed on the need for effective State-Federal interagency coordination for protection and wise use of marine and estuarine environments for nurture of living marine resources. The Committee recommends two actions:

- a. The IAFWA commend and support the recent NMFS statement of policy on habitat conservation, particularly for its declaration of intent for NMFS cooperation and coordination with Federal and State agencies in the protection and wise use of marine and estuarine habitats subject to multiple jurisdictions; also that the IAFWA actively support appropriate augmentation of NMFS manpower and funding resources for full implementation of that policy.

- b. The Committee also recommends IAFWA adoption of the following general policy statement concerning proper planning for conservation and management of widely distributed marine and anadromous fish stocks:

The IAFWA believes that proper conservation and management of living marine, estuarine, and anadromous resources requires the capability to manage stocks of fish as units throughout their range. In order to achieve the social and economic benefits of coherent resource management, the IAFWA believes that the provisions of existing legislation, regulations, and organization structures for the conservation and management of these resources should be fully utilized. For some stocks of fish, a complete fishery management plan must, in addition to allocating and regulating harvest, include production (natural and artificial) and habitat management elements. The IAFWA therefore believes that the Regional Councils and the respective States should jointly establish production and habitat management plans which address appropriate matters for concern throughout the range of the stocks to be managed.

3. Marine Recreational Fishing licenses

The Committee reaffirms its 1982 recommendation that the IAFWA promote the implementation of universal licensing for marine recreational fishermen. To this end, the Committee recommends that the IAFWA designate one of its present Committees, or an ad hoc special Committee to review alternatives and mechanisms for such licensing. The Marine and Estuarine Committee is willing to undertake this function if so designated and in that case would establish a special working group for that purpose. The Committee strongly recommends that any national licensing scheme be designed to encourage State initiatives in licensing, not to displace those initiatives with a Federal program, also that any such scheme not require major changes in existing well-established State licensing programs. The Committee finds current legislation (H.R. 2965) deficient in these allowances for existing or pending State licensing programs.

4. Comprehensive National Information and Education Program

The Committee reiterates its recommendation of last year that the IAFWA assign to an existing Committee, or to a new one created for that purpose, the development of a national information and education program supportive of IAFWA goals and objectives generally, and including conservation and wise use of marine and estuarine environments. The Committee believes that such a program should:

- o be implemented through the conservation agencies of IAFWA;
- o support research and management programs of those agencies;
- o be channelled through public service radio and TV outlets as well as through educational systems;
- o be aimed at public support and cooperation in wise use of natural resources.

The Committee pledges its cooperation with such an effort with respect to marine and estuarine needs and issues.

5. Urban Fishing

The Committee took notice of increasing interest in problems of fish and wildlife management for urban populations, including the upcoming Urban Fishing Symposium October 4-7 in Grand Rapids, Michigan. The committee reiterates last year's recommendation that the IAFWA encourage and support urban fishing programs by its member conservation agencies, and toward that end, proposes acceptance of the following statement of policy:

The IAFWA encourages communities to develop urban fishing programs, and state fisheries agencies are encouraged to develop programs to assist communities in realizing their goals. The IAFWA recommends that the urban fishing commitment at both local and state levels be formally adopted/recognized by their governing bodies.

Clearly these efforts need to be coordinated closely with an overall Urban Wildlife Program. The Committee will seek to integrate its efforts with those of the Non-Game Wildlife Committee toward that end.

6. Reviews of relevant legislation

At the request of the Secretariat and the Legislative Committee, the Marine and Estuarine Committee reviewed five additional issues under current administrative or legislative consideration, and offers the following recommendations for IAFWA action:

a. Draft Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region

The Committee recommends that the IAFWA support the intent of this Convention, to generate international cooperation for protection of the fragile ecosystems of the marine environment of the wider Caribbean region, as a logical international extension of existing U.S. policy and practices for marine and estuarine protection and wise use. The IAFWA also urges that the U.S. State Department and other Federal authorities concerned with implementation of this Convention consult with affected coastal States in all aspects affecting their territorial waters.

b. Transfer of NOAA to Independent Agency Status

Legislation presently before the Congress (H.R. 3381 and H.R. 3355) would transfer NOAA to independent agency status under an organic act making essentially no change in NOAA's scope of authority and responsibility. This proposal has Administration approval, contingent upon Congressional approval of the proposed new Department of International Trade and Industry. The Committee recommends that the IAFWA support this legislation as the best immediately available alternative for the future of NOAA as the nation's lead agency for oceanic and atmospheric affairs. In the longer term, the IAFWA

federal organization for fisheries and related oceanic affairs should be undertaken, thereafter, perhaps through NACOA or the proposed new National Oceans Policy Commission ("Stratton II," per H.R. 2853). IAFWA also recommends that language be incorporated into the proposed NOAA Organic Act which more clearly defines on-going Federal responsibilities for financial support of and effective participation in State-Federal cooperative programs for conservation and management of shared living marine resources.

c. United States Fishery Development Corporation Act

The Committee recommends that the IAFWA support the general intent of the Act (H.R. 3806) as outlined in its findings, purpose and policy to augment "Federal, State, local, and industry fisheries related programs, thereby enabling the industry to reach its full potential, aiding the United States in meeting its future food needs and contributing to the growth of the United States economy". The Committee urges, however, that the interactive roles of fisheries development and fisheries conservation and management be made more explicit in this legislation, which should include language to assure that fisheries development will be carried out in consonance with the management responsibilities and objectives of Federal and State agencies, and the Regional Fisheries Management Councils. The IAFWA believes that the private sector is best qualified to comment on operational aspects and practicality of the proposed legislation.

d. Outer Continental Shelf Revenue-Sharing for Fisheries Programs

In 1982, the IAFWA approved Resolution No. 4, under the above title, which endorsed "establishment of a fund derived from a portion of revenues generated pursuant to the Outer Continental Shelf Lands Act, such fund to be applied to Federal cost-sharing for fish and wildlife research and management programs, coastal zone management programs, and related activities". That Resolution was predicated upon legislation pending in the 1982 Congress, but not subsequently enacted. The Committee is concerned that current bills pending floor action in both Houses (H.R. 5 and S. 800) have been so modified in the political process that they no longer reflect the intent of the 1982 Resolution. All earmarking of funds for either fisheries or coastal zone management has been removed, the bills require that a significant portion of State grants be passed through to local coastal entities, and the allocation formula among the States will place most of the available funds in five or six heavy OCS-activity States, leaving very much smaller grants for other coastal States. Because these factors make it unlikely that significant funding will be available for fish and wildlife research and management programs, the Committee recommends that the IAFWA seek insertion of language into pending legislation which specifies Congressional intent that funds made available to the States under this Act are in addition to, not replacement for funds for State grants-in-aid and related programs under existing Congressional authorizations and the normal appropriations processes. (e.g. for the Anadromous Fish Conservation Act, the Commercial Fisheries Research and Development Act, and for programmatic purposes of the Regional Fishery Management Councils.)

programmatic purposes of the Regional Fishery Management Councils.)

e. Adequate funding in 1984 for fishery grant-in-aid programs and for the Regional Councils

The Committee notes with considerable concern that while both Houses of Congress propose restoration of most of the funds deleted by the Administration from the 1984 budget for fisheries affairs, the Senate proposal falls significantly short of the House proposal in areas vital to management of living marine and estuarine resources (\$5.5 million less than the \$16 million proposed by the House for support of the Anadromous Fish Conservation Act, Commercial Fisheries Research and Development Act, and support for the Regional Fisheries Management Councils). The Marine and Estuarine Committee therefore strongly supports the recommendations of the Grant-in-Aid Committee for the two named fisheries programs, and also recommends that the IAFWA seek Senate concurrence with the House level of funding for Regional Fisheries Management Council support.

7. Tentative Plans for 1984

Pending approval by 1984 officers, the Marine and Estuarine Committee plans designation of three ad hoc working groups to address high priority issues on a timely basis during the year:

- a. Artificial Reef Working group, to proceed on an urgency basis with the tasks proposed, and with such other measures as may be necessary to assure full participation by the IAFWA and its member agencies in planning for and implementing a national artificial reef program.
- b. Urban Fishing
- c. Marine Recreational Fishing License if so designated.

Distribution: Marine & Estuarine Committee
Dr. James Timmerman, Executive Director, South Carolina
Wildlife
Mr. C. D. Besadny, Secretary, Dept. of Natural Resources
Jack Berryman, Executive Vice President, International
Association of Fish & Wildlife Agencies
Wes Hayden, Legislative Counsel, International Association of
Fish & Wildlife Agencies

Participants in September 11, 1983 meeting of the Marine and Estuarine
Committee, IAFWA. (Names starred are official Committee members)

*John P. Harville, Chairman	Pacific Marine Fisheries Commission, Portland, OR
*Richard Schaefer, Vice Chairman	National Marine Fisheries Service, Washington, DC
Jim Barrett	Florida Department of Natural Resources
*I. B. Byrd	National Marine Fisheries Service, SE Region, St. Petersburg, FL
*Don W. Collinsworth	Alaska Department of Fish and Game Juneau, AK
*John M. Cronan	Rhode Island Division Fish and Wildlife, Providence, RI
Maurine Fleetwood	Department of Interior, Washington, DC
E. C. Fullerton	California Department of Fish and Game Sacramento, CA
*Paul Leach	National Marine Fisheries Service--S.E. Region, St. Petersburg, FL
Richard H. Miller	Department of Interior, Minerals Management Service, Washington, DC
*Richard J. Myshak	U. S. Fish & Wildlife Service, Portland, OR
*Villere Reggio	Department of Interior, Minerals Management Service, LA
Mike Spear	U.S. Fish & Wildlife Service, NM