

**Draft Minutes  
NPFMC Legislative Committee  
February 2, 2016**

The Legislative Committee met in Portland Oregon on the morning of February 2, 2016. Members present were Dan Hull, Bill Tweit, Roy Hyder, Jim Balsiger, and Sam Cotton. Staff support was provided by Dave Witherell (filling in for Chris Oliver). Others present included Lauren Smoker (NOAA GC). A summary of Committee discussion is provided for each agenda item.

**1. Comments on NOAA's draft guidance for review of catch share plans**

In October, NMFS released draft guidance for conducting reviews of catch share programs, and requested initial comments by the end of January. Detailed comments on behalf of the Council were provided in a January 22 letter by Mr. Oliver. The letter raises several major concerns with respect to the draft guidance, noting that the guidance suggests a level of analytical complexity that is beyond any legal requirements which apply to original development of the program, be impossible to achieve, and would require all available resources devoted to reviews rather than proactively addressing numerous other important management issues. In addition, the guidance proposes a signoff process whereby the Council, Regional Office, Science Center, Enforcement, and NOAA General Council would all have to approve the review before it is considered final.

The Committee reviewed and supported the contents of the letter and determined that no additional comments were necessary at this time. It was suggested that staff investigate the process and requirements for EFH 5 year reviews and possibly raise this in the discussion at the CCC meeting later this month.

**2. Update on request for review of recusal determinations**

The Committee reviewed the issue relative to the 10% rule interpretation, and wished to press forward with this issue at the CCC meeting. Two possible fixes had been identified in June (MSA revisions, or revisions to implementing regulations), and several committee members re-iterated that the option of simply not appointing members with potential conflict of interest was counter to the intent of the MSA whereby people most knowledgeable of the fisheries would be part of the management process. One possible improvement would be having recusal determinations earlier in the process such that employment conflicts could potentially be addressed prior to voting on an issue. Lauren noted that there has been a working group looking at best practices and possible substantive and procedural changes in recusal determinations, including clarifying the criteria used in making the determinations. The results and recommendations from the working group will be presented and discussed at the upcoming CCC meeting.

**3. Status of potential hearings on MSA reauthorization**

A hearing on general MSA status by the Senate Commerce Committee has been scheduled for February 23. The only witnesses will be NOAA Administrator Eileen Sobeck or Sam Rouch. Erik Elam from Senator Sullivan's office doesn't anticipate any additional MSA hearing this year. The Committee agreed that no pressing changes to MSA were needed, pending NOAA responses on the recusal determination issue.

**4. Status of implementing legislation for the North Pacific Fisheries Convention**

Dan Hull briefed the committee on developments relative to the North Pacific Fisheries Convention and our previous comment letter on this legislation. One concern that has been raised is the size of the advisory delegation with respect to its utility and funding for travel etc. Dan will be testifying at the upcoming House Natural Resources Subcommittee on March 1. The committee offered no additional suggestions for testimony not previously contained in the letter.

##### **5. Informational reports from all-Council legislative liaison**

Dave Whaley, recently retired staff from the House resources committee, has been contracted by the Councils to prepare monthly reports on legislation updated. The committee noted that the information contained in the reports has been extensive and very informative, and will be useful in determining when legislative committee meetings will be needed in the future.

The meeting concluded at approximately 10:35 am.