

**OCEAN resources policy committee**

Chair: Nate Pamplin (WA)

Vice-Chair: Dave Golden (NJ)

Tuesday, September 24, 2024

10:00 AM – 11:45 AM

114th Association of Fish & Wildlife Agencies Annual Meeting

Madison, Wisconsin

**Agenda**

10:00 am Call to Order/Review Agenda/Approval of Minutes – *Nate Pamplin, WA*

* Minutes approved

10:05 am Introductions - *All*

10:10 am NOAA Update– *Heidi Lovett, NOAA*

* N. Atlantic right whale vessel speed rule- FR at OIRA
  + Rule est’d to be finalized in Nov, nothing else to share on this
* MRIP
  + FES issue- pilot project looking at order of questions, found overestimation of numbers resulted from current order of questions
  + Full re-design and testing of new survey underway
  + Developed guidance and shared with fisheries managers, stock assessors. Keep using MRIP data for now. Data from new design available in 2026.
  + State data collection in Gulf of Mexico, collaborating with states to incorporate into stock assessments for several species
  + Joint initiative to re-eval rec fishing data
  + Listening sessions underway, often in conjunction with council meetings
* EBFM Roadmap
  + Policy went through revisions earlier this year
  + Roadmap guides implementation of EBFM policy
  + Link EBFM work with other initiatives e.g. climate ready fisheries, socioeconomic, etc.
  + Completed a lot of what was in original roadmap
  + Improving ecosystem plans for most regions, scenario-planning for future in context of changing climate, etc.
  + Final will be released in the next week or so
* National Standards update- 8,9
  + Review guidelines
  + Allocation
  + Communities
  + Bycatch
  + Hope to be published by spring 2025
* How has NFMS world changed post-Chevron? How to provide guidance post-Chevron?
  + DOJ taken stance on fisheries mgmt.
  + Know things might be shifting, changing…ensure agency provides as much justification as it can to support proposals
  + Don’t have marching guidelines yet
* Offshore Wind (OSW)
  + Not reg agency but involved in NEPA analyses, consultations, etc.
  + Time and effort from NMFS on this?
  + Authorized $ in appropriations for doing this work, 2023- $19.2 M enacted for this, same in 2024
  + Have grown team
  + In 2025- requested $43M, unlikely to get this funding. Senate marking has kept steady at $19.2 M
  + Support admin’s goal of deploying 30 GB of wind energy by 2030
  + Funding is very important part of work to address agency’s priorities while also supporting OSW (doesn’t just support OSW….ex- fisheries surveys)
  + Allocation across regions? How it’s distributed? Different across each coast. More resources on Atl because this is where OSW is most advanced.
  + Separate team in NMFS office of policy
  + Pacific- want cumulative impacts analysis. Fed power system impacts on Columbia- don’t want a repeat! Can still do cumulative impacts analysis early. Concerned flying blind. Will be really advocating for this.
    - Need to make BOEM aware as well
    - Analysis should be across coast, not just specific areas
* NMFS budget update
  + Req- for ops and research- $1.11B (9.7M below fy24 enacted)
  + Increase for OSW
  + Req adjustment of $10M for Mitchell Act hatcheries
  + House mark- net decr of $248M below fy24 enacted; didn’t include Mitchell act hatcheries request
  + Senate mark- $1.16B, no OSW activities, but did include $10.4M for hatcheries
  + V. wide spread this year, more so in the past
  + Appreciate support states can give on the items important to them
* MAFAC marine mammal deterrent survey
  + Input from public to id what they’re using as deterrents, is it working, other ways to deter interactions
  + Appreciate states sharing survey to constituents
* EJ Strategy
  + Extensive outreach process
  + 10 implementation plans- how to implement EJ strategy
  + Specific and responsive to needs of underserved communities
  + Each region developed plan, engaged communities in development of plan
  + Welcome feedback
* ESA?
  + FWS has workplan for species coming up for review either due to court settlements, petitions, etc. Does NMFS have workplan of species coming up for review? Regular schedule?
  + No work plan, can see list of petitions on website
  + Atlantic horseshoe crab petition- decision pending
  + Oceanic whitetip – proposed 4d rule
  + Green sea turtle critical habitat by end of year
  + Giant clams multispecies rule out for comment- first similarity in appearance listing for NOAA
  + Revise critical habitat for n. pacific right whale
  + Rice’s whale critical habitat- rule drafted and sitting at OIRA, don’t expect to come out until end of year
  + Being able to forecast what you have coming up in next couple of years so states can compile information, etc.
  + Usually statutory timeline that dictates schedule because no backlog at NMFS
  + Don’t require 30-day advanced notice to states from petitioners- burden, not required. But some petitioners may still notify.
* How many states have incidental take permits for listed fish species taken by commercial fisheries?
  + New-ish territory
  + States are getting taken to court for lack of authorization for incidental take
  + NJ issue with Atlantic sturgeon (also issue for NY, DE)
  + Also issue on west coast- Dungeness crab and sablefish…fixed gear. Standing up take reduction team, states creating conservation plans.
  + NC and GA have ITPs in place for commercial fisheries

10:30 am USFWS Update –*Hugh Morrison*

* Now rep for FWS for this committee
* OSW
  + FWS involved from Migratory Bird Treaty Act perspective, also from bat perspective
  + No designated line item for OSW, comes out of ES line item in the budget. So can’t identify how much goes specifically to OSW.
* Fish Passage
  + Interagency task force
  + Transformational FP project list—will soon be able to release list of 10 TFPPs
* 1 year left of BIL/IRA funding for fish passage
  + NOFO for 2026 funds will go out summer/fall 2025
* What does committee want to hear from FWS? Let Hugh know
  + Interested on national marine monuments?
* AIS
  + EDRR framework
  + $1M for pilot rapid response fund, hope to grow this
  + Funding decision on eradication awards- announced end of Aug.
  + Invasion hotspot pilot for invasion detection surveillance- current one in SE US
    - Some projects planned for next year- SE Alaska, one in GLs, one in w. USA, etc.
    - Coord with states on this work
* Promulgating rules on injurious wildlife
  + Salamanders/ Bsal- go to FR this fall/winter. Final rule and interim rule for a number of genera
* Budget
  + Different marks in House and Senate
  + Planning for difficult budget year
* National Aquatic Animal Health Plan
  + Drafting new version- interagency

10:40 am Roundtable Discussion on Pinniped Predation – *All*

* Want to survey states that have coastal jurisdiction, asked for feedback on whether there is depredation of concern for TE/recovering species, also haul-out impacts on infrastructure
* Issue in WA, Puget sound
* Pinniped predation inhibiting salmon recover, but MMPA effectively blocks any intervention
* Are other states encountering similar issues? What are those constraints? Interest in discussing further as committee, pursuing on congressional fix?
* S109 of MMPA- states have lots of authority to do non-lethal for nuisance species…but if requires lethal action to remove particular individuals/geographic areas, need new tools
  + 3 ways to do lethal removal under MMPA- request of waiver (takes forever), transfer mgmt. authority to states (never done), s120 (specific to PNW, for removing individually identifiable seals and sea lions- not useful in other areas)
  + Allies on this to talk to congress?
* Send NOAA survey to committee and beyond
* AFWA state director survey when we get back (next week)

11:00 am National Fish Habitat Partnership Update – *Ryan Roberts, AFWA*

* NFHP around since ’06, codified in ’20.
* Need new chair soon, appointed by AFWA
* ACE Act reauthorization in the works
* Website revamp/demonstration
* Projects/project accomplishments dashboard- all project data since ’06. 1600 projects.
* Break down by year, partnership, location, etc.
* If state is a partner, can find these on dashboard

11:20 am Government Affairs Update - *Ali Schwaab, AFWA*

* State Boating Act (S4113, H.R. 9636)
  + to allow States to require payment of State fees related to boating as a condition for issuance of a vessel number and to collect such fees in conjunction with other fees related to vessel numbering
  + Senate version introduced by Sen. Shaheen (D-NH) , Sens. Crapo (R-ID) and Risch (R-ID) in April.
  + In September, Reps. Pappas (D-NH), Kiggins (R-VA), Moore (R- UT), and Molinaro (R-NY) introduced a House companion to S4113.
  + allow states to collect fees to fund activities directly related to improving recreational boating programs, boater safety, boating access, use of waterways by recreational boaters, and aquatic invasive species prevention and management program
  + This will strengthen the bill’s prospects for being incorporated into a larger package such as this year’s U.S. Coast Guard reauthorization. Backup will be SFR reauthorization.
* Coast Guard Reauthorization (HR7659)
  + House passed its USCG reauthorization bill in May
  + reauthorize the Coast Guard for fiscal years 2025 and 2026
  + authorize $14.8 billion for the maritime enforcement branch in fiscal 2025 and $15.5 billion in fiscal 2026 (up from $11.8 billion in fiscal 2024)
  + No Senate version introduced
  + likely reauthorization will be included in larger National Defense Authorization Act after informal negotiations between House and Senate later this year
* Right whale vessel speed rule/HR8704
  + HR 8704 would prevent NMFS from implementing changes to vessel speed rule through 2030
  + Approved by HNR on Sept 19 on vote of 23-13
* Sportfish Restoration and Boating Trust Fund Reauthorization and Angling and Boating Alliance Discussions
  + - Discussions among members of the Angling & Boating Alliance (ABA) on the reauthorization of the Sport Fish Restoration and Boating Trust Fund continue to progress. The current authorization for the fund expires at the end of FY26, and the ABA is aiming to have draft legislation ready for introduction by November of this year to lay the groundwork for reauthorization in the next Congress.
    - At this point, we are not anticipating many big changes in this reauthorization round.
* FISHES Act (HR5103, S4262)
  + The FISHES Act would expedite the federal fishery disaster relief funding process by enacting a 30-day decision requirement for OMB to deny/approve a State’s spend plan
  + AFWA endorsed this bill
  + The House bill passed out of House Natural Resources by UC last week
  + A Senate companion recently introduced by Sen. Rick Scott.
* SHARKED Act (hr4051)
  + the Supporting the Health of Aquatic Systems through Research, Knowledge, and Enhanced Dialogue Act (SHARKED Act, H.R. 4051) was passed by the House in early February
  + aims to address the increasing problem of sharks depredating on anglers’ catches.
  + It directs the Secretary of Commerce to establish a task force to identify and address shark depredation needs.
  + The task force will consist of representatives from the regional Fishery Management Councils, Marine Fisheries Commissions, the National Marine Fisheries Service, coastal state fish and wildlife agencies, and other experts.
  + No senate companion introduced yet
* HR8705
  + Bipartisan MRIP Improvement bill introduced in June by Rep. Graves
  + Referred to HNR
  + MRIP is NOAA Fisheries’ state-regional-federal partnership that collects recreational fishing data and produces estimates of total recreational catch to inform stock assessments and management decisions.
  + The bill includes:
    - establishment of a standing committee within National Academies to advise on recreational fisheries data collection and management
    - a requirement for NOAA Fisheries to use state data in place of data collected pursuant to MRIP (and without calibration to MRIP)
    - direction to establish a grant program for states interested in establishing/improving their own recreational catch data programs
    - Some amendments to the Magnuson Stevens Act to define stock assessments and require stock assessment plans
    - A requirement to establish a program for independent entities to conduct fishery-independent abundance surveys (inspired by the Great Red Snapper Count)
  + The draft was circulated to members of the Ocean Resources Policy Committee and fish chiefs of the coastal states for feedback. Didn’t receive too much feedback, some states provided feedback directly to Rep. Graves office individually and ASMFC provided constructive feedback as well.
* Resilient Coasts and Estuaries Act (HR 6841) – Ali
  + Bill to reauthorize and update the Coastal and Estuarine Land Conservation Program and require NOAA to designate five additional national estuarine reserves within 5 years of enactment
  + Based on feedback from the Ocean Resources Policy Committee, AFWA signed on to a letter of support (organized by TRCP) for the Resilient Coasts and Estuaries Act (HR 6841).
  + The bill was included in an HNR Subcommittee on Water, Wildlife and Fisheries legislative hearing in June.
  + No further action since then

11:40 am Wrap up and Adjourn – *Nate Pamplin, WA*