

Federal Legislative Outlook



Review and Discussion
February 20, 2019



Florida Fish and Wildlife Conservation Commission

This is a review and discussion of recent federal legislative items relating to fish and wildlife in Florida. This presentation may be updated as legislation is introduced by the new Congress.

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Unless otherwise noted, images throughout the presentation are by FWC.

Outline

- 115th Congress Review
 - Appropriations bills
 - Fishery issues
 - Wildlife issues
- 116th Congress Preview and Action Plan



The 115th Congress convened in January 2017 and adjourned on January 3, 2019. In the 115th Congress, FWC monitored legislative issues affecting Florida. These issues have manifested themselves in several different types of legislation.

The new (116th) Congress began last month. As the 116th Congress continues, staff will continue to monitor legislative activities and as directed by the Commission, advocate for outcomes that are best for Florida. This presentation will cover current and upcoming federal legislative issues that may affect Florida.

Appropriations Laws – FY2018

FWC issues enacted

- **Public Law 115-123**
 - Florida received \$44.6 million for Hurricane Irma fishery disaster
 - FWC received \$4.5 million for marine debris removal

- **Public Law 115-141**
 - Biscayne National Park
 - State Tribal and Wildlife Grants
 - Red snapper



FWC supported these bills

Photo courtesy of usgs.gov

In February 2018, Congress passed H.R. 1892, the Bipartisan Budget Act, which became Public Law 115-123. It provided \$200 million in fishery disaster assistance, with \$44.6 million of this disaster assistance awarded to Florida for damage caused by Hurricane Irma. In addition, this legislation provided \$18 million for marine debris removal, of which FWC received \$4.5 million.

In March 2018, Congress passed H.R. 1625, the Consolidated Appropriations Act, which became Public Law 115-141. This legislation included the following provisions:

- Biscayne National Park: Directed the National Park Service (NPS) under the U.S. Department of Interior to reestablish the Memorandum of Understanding (MOU) with FWC that had governed fishery management, to use inclusive scientific data, to consider less restrictive methods other than establishing a no-fishing Marine Reserve Zone, and to reestablish the Fishery Working Group.
- State and Tribal Wildlife Grants: \$63.5 million for State and Tribal Wildlife Grants for fiscal year 2018. Florida receives about \$2 million a year when this grant program is funded at these levels.
- Gulf red snapper: \$10 million for data collection and management.

Fisheries Management Legislation

- Recreational fisheries management
- Harmful algal blooms and hypoxia
- Marine debris
- Magnuson-Stevens Fishery Conservation and Management Act
- Aquaculture
- Red snapper



Lionfish photo courtesy of Jason Arnold

In addition to issues included in Appropriations bills, FWC tracked and engaged on bills that affected fisheries management. Legislation regarding recreational fisheries management, harmful algal blooms and hypoxia, and marine debris became law. These bills are summarized on the following slides. FWC also engaged on bills relating to amending the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson), lionfish, aquaculture, red snapper and sharks.

Modernizing Recreational Fisheries Management Act – Public Law 115-405

- Encourages alternative management of recreational fisheries
- Requires studies of allocations and Limited Access Privilege Programs (LAPPs) in mixed-use fisheries
- Allows for recreational data collection improvements, including state-federal partnerships



Photo courtesy of noaa.gov

Congress passed and President Trump signed S.1520, the Modernizing Recreational Fisheries Management Act, into law on December 31, 2018. S. 1520 became Public Law 115-405. Senators Wicker (MS) and Nelson (FL) introduced S. 1520. The original S. 1520 was similar to a House bill, but in an effort to move S. 1520 and overcome objections, several provisions were removed and others modified significantly.

Public Law 115-405 requires a study on mixed-use fisheries, allows the regional fishery management councils to use alternative management measures for recreational fisheries, requires a study on limited access privilege programs, requires a report on how to better incorporate state data, and establishes federal-state partnerships.

Harmful Algal Bloom and Hypoxia Act Public Law 115-423

- Inter-Agency Task Force submits reports to Congress on HABs
- Makes federal dollars available for assessing and mitigating HABs and hypoxia determined to be of “National Significance”



Congress passed S. 2200 in December 2018, and President Trump signed S. 2200 into law on January 7, 2019. S. 2200 became Public Law 115-423, which is designed to increase research on harmful algal blooms (HABs) and hypoxia levels in the nation’s water systems. Specifically, the bill reauthorizes the Harmful Algal Bloom and Hypoxia Research and Control Act, which initially became law in 1998. Public Law 115-423 adds a representative from the Army Corps of Engineers to an Interagency Task Force that studies HABs and hypoxia. Second, it requires the task force to submit a scientific assessment report to Congress on HABs and hypoxia in coastal and freshwater systems no less than once every five years. Third, it allows for a classification of “National Significance” when HABs and hypoxia reach benchmarks. Criteria used to determine “National Significance” would include: toxicity of the HAB, severity of the hypoxia, potential to spread, economic impact, geographic scope, and size related to the past five occurrences of HABs or hypoxia events that occur on a recurrent or annual basis. Lastly, it authorizes more than \$100 million over five years to assess and mitigate HABs and hypoxia once the federal government determines they are of “National Significance.” If a state or local government applies for a grant, the federal share of any grant will be a maximum of 50 percent of the total grant.

Save Our Seas Act – Public Law 115-265

- Allows NOAA Administrator to declare a “severe marine debris event”
- Authorizes \$50 million for marine debris prevention and removal
- Federal share of grants will be 75% and state share will be 25%



Photo courtesy of noaa.gov

Congress passed and President Trump signed S. 3508, the Save Our Seas Act, into law on October 11, 2018. S. 3508 became Public Law 115-265. The law reauthorizes and amends the Marine Debris Act, which governs marine debris investigation, prevention, and removal. Public Law 115-265 permits the NOAA Administrator to declare a “severe marine debris event” when debris has been caused by a natural disaster, such as a hurricane. A governor may request that the administrator declare such an event. Once a “severe marine debris event” has been declared, grants will be made available to remove the debris. The law authorizes \$50 million over four years for the grant program, and the federal government’s share of any grant will be 75 percent, and the state’s share will be 25 percent.

Magnuson-Stevens – H.R. 200

- Provide flexibility in stock rebuilding
- Exempt certain stocks from ACL requirements: spiny lobster
- Increase public involvement and transparency when data is collected
- Form a state-federal partnership to improve data collection

Passed U.S. House of Representatives



The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson) is the principal federal law governing marine fisheries in the United States and directs conservation and management of federal fisheries. It was originally passed in 1976 to address concerns about foreign fishing vessels in U.S. waters by creating a 200 nautical mile limit (Exclusive Economic Zone) of U.S. control over waters that were once heavily fished by foreign vessels. It also provides the framework for the federal fishery management councils and directs how federal fisheries regulations are promulgated and implemented. Magnuson includes deadlines for ending overfishing and rebuilding fisheries and also requires the federal councils to set specific harvest limits (i.e., annual catch limits or ACLs) for federally-managed species. It also outlines the framework for federal limited access privilege programs (LAPPs) like individual fishing quotas (IFQs).

Congress directs U.S. fisheries management and policy by amending Magnuson during reauthorizations. Magnuson has been eligible for reauthorization since 2013. The Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (H.R. 200) was introduced by Congressman Young (AK), is the main bill that would reauthorize Magnuson, and make several management improvements. For example, H.R. 200 encourages alternative management measures, cooperative data collection, includes a study for allocation in mixed-use fisheries, and provides flexibility for rebuilding fish stocks.

In December 2017, the House Natural Resources Committee approved the legislation. During the approval of H.R. 200, Congressman Webster (FL) offered an amendment that would prohibit the hand feeding of sharks in federal waters off Florida, which is supported by FWC and was approved by unanimous vote. The bill also includes language that exempts spiny lobster from any annual catch limits (ACL). In July 2018, H.R. 200 passed in the U.S. House of Representatives. Although this bill was not ultimately approved by Congress, it is highlighted here because it contains many provisions that are important to fisheries management in Florida, and FWC supported H.R. 200 enthusiastically.

Wildlife Conservation and Management Legislation

- Agriculture Improvement Act
- Recovering America's Wildlife Act
- Modernizing Pittman-Robertson for Tomorrow's Needs Act
- Chronic Wasting Disease Support for States Act



In the 115th Congress, several members introduced legislation related to conservation and wildlife management. Of these, the Agriculture Improvement Act was approved by Congress and signed into law.

Agriculture Improvement Act – Public Law 115-334

- Largest federal investment in conservation for private lands
- Voluntary conservation provides access to sportsmen
- Provide at least \$18 billion over five years for various conservation programs



President Trump signed H.R. 2, the Agriculture Improvement Act, into law on December 20, 2018. The Act, commonly known as the Farm Bill, became Public Law 115-334. The Farm Bill contains many important conservation provisions, including about \$2 billion for a land conservation program called the Conservation Reserve Program, \$50 million for states/tribal governments to increase public access to private lands for recreational activities and enhance fish and wildlife habitats, and \$450 million a year for financial assistance to help conserve agriculture lands and wetlands.

116th Congress

- New legislation summarized on next slides
- Many bills from last Congress could be reintroduced



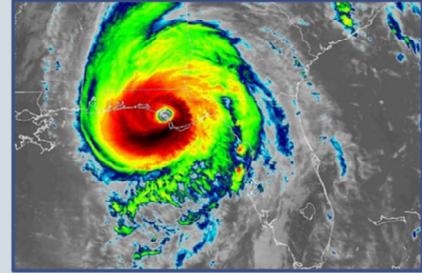
Photo courtesy of history.house.gov

The 116th Congress convened in January 2019. New legislation relevant to fish and wildlife issues is summarized on the next few slides. Staff expects that many bills from the 115th Congress will be reintroduced in the 116th Congress.

Appropriations – FY2019

Public Law 116-6

- Red snapper
- State and tribal wildlife grants
- Fishery disaster assistance
- Harmful algal blooms
- Hurricane Michael



Hurricane Michael Fisheries Disaster

- Congress may appropriate funding for fisheries disaster relief
- FWC working with Florida's Congressional delegation to determine economic impacts and funding needs



Public Law 116-6 was signed on February 15, 2019. Public law 116-6 funds the remaining nine agencies, including Commerce and Interior for the remainder of fiscal year 2019. It includes several issues that are important to Florida: (1) red snapper research dollars and support for the second year of Gulf red snapper state management under the Exempted Fishing Permit, (2) \$64.5 million for State and Tribal Wildlife Grants used to assist nongame species in need of attention, (3) \$15 million in general budgetary fishery disaster assistance, and (4) an increase in funding for Harmful Algal Bloom mitigation, including along the Gulf coast of Florida. Unfortunately, Congress failed to fund Hurricane Michael disaster relief.

On October 31, 2018, the U.S. Secretary of Commerce declared a fisheries disaster in response to Hurricane Michael. Congress may appropriate funding for fishery disaster relief to assist commercial fishermen, charter operations, and associated infrastructure for losses. If Congress appropriates funds, NOAA Fisheries will work with affected entities to distribute the funds consistent with the statutory requirements and conditions of the appropriation. FWC staff is working with Florida's Congressional delegation to determine economic impacts to Florida's fisheries and funding needs.

Harmful Algal Blooms

H.R. 414 – Protecting Local Communities from Harmful Algal Blooms Act

- Add algal blooms to the definition of disaster in the Robert T. Stafford Disaster Relief and Emergency Assistance Act

H.R. 335 and S. 10 – South Florida Clean Coastal Waters Act of 2019

- Inter-Agency Task Force must assess causes, consequences, and approaches to HABs and hypoxia in south Florida
- Develop plan for reducing, mitigating, and controlling HABs and hypoxia



Congressman Rooney (FL) introduced H.R. 414, which would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act by adding algal blooms to the definition of disaster in the Act.

Senator Rubio (FL) introduced S. 10, which would amend the Harmful Algal Bloom and Hypoxia Research and Control Act. Congressman Mast (FL) introduced H.R. 335, which is identical to S. 10. This legislation would require that no later than 540 days after enactment, an Interagency Task Force must complete and submit to Congress and President an assessment that examines the causes, consequences, and potential approaches to reduce HABs and hypoxia in South Florida as well as research, monitoring, management, prevention, response, and control activities. No later than 2 years after enactment, the Interagency Task Force must develop and submit to Congress a plan for reducing, mitigating, and controlling HABs and hypoxia.

Shark Fin Sales Elimination and Sustainable Shark Fisheries Trade

H.R. 737 – Shark Fin Sales Elimination Act

- Ban all possession, sale, and trade of shark fins
- FWC has concerns about this bill
 - Negative impacts to Florida commercial fishermen
 - Expected to have minimal conservation value



H.R. 788 – Sustainable Shark Fisheries and Trade Act

- Establish certification process to ensure any nation importing sharks into the U.S. has conservation program for sharks comparable to U.S.
- FWC supports this bill



Delegate Sablan (Northern Marianna Islands) introduced legislation that is identical to The Shark Fin Trade Elimination Act of 2017, which was introduced last Congress. H.R. 737 has 68 cosponsors, including Florida Congressmen Buchanan, Wilson, Soto, and Deutch. FWC has concerns about this legislation because it would negatively impact Florida commercial fishermen and is expected to have minimal conservation value.

Congressmen Webster (FL) introduced H.R. 788, The Sustainable Shark Fisheries and Trade Act. This bill would establish a certification process to ensure that any nation engaging in shark trade into or through the U.S. has regulatory conservation programs in place that are comparable to those in place for the U.S. FWC supported the bill. Members of the Florida delegation who are cosponsoring H.R. 788 include: Bilirakis, Yoho, Gaetz, and Posey.

Pittman-Robertson

H.R. 877 – Modernizing the Pittman-Robertson Fund for Tomorrow’s Needs Act

- Allow states flexibility to fund programs to recruit, retain, and reactivate recreational shooters and hunters

S. 94 – Target Practice and Marksmanship Training Support Act

- Allow states more flexibility to pay for acquiring land, expanding existing facilities, and constructing new public facilities



Congressmen Scott (GA), Veasey (TX), Dingell (MI), and Hudson (NC) introduced H.R. 877, the Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act. This bill would allow states to use these funds to conduct marketing campaigns to recruit, retain, and reactivate sportsmen. Current law prohibits states from using Pittman-Robertson funds for public relations campaigns. H.R. 877 is identical to the same bill that passed the U.S. House of Representatives last Congress.

Senators Capito (WV) and Bennet (CO) introduced S. 94, the Target Practice and Marksmanship Training Support Act. Current law caps the amount of money that states can use to build or operate a public target range. That cap is set at 75 percent. S. 94 would allow 90 percent of those funds to be used for public target ranges. In addition, states could use these funds to pay for acquiring land, expanding existing facilities, and constructing new public facilities. In the last Congress, similar legislation was introduced and was absorbed into larger bills.

Lionfish

H.R. 417 – Lionfish on Lacey

- Add lionfish to the injurious species list covered under the Lacey Act
- Dead lionfish could still be sold



Photo courtesy of Jason Arnold

Congressman Soto (FL) and Gaetz (FL) introduced H.R. 417, which would add lionfish to the injurious species list covered under the Lacey Act. The Lacey Act makes it illegal to import, export, sell, acquire, or purchase fish, wildlife, or plants that are taken, possessed, transported, or sold in violation of federal or state law. However, H.R. 417 would allow dead lionfish to be sold for commercial purposes.

Natural Resources Management Act – S. 47

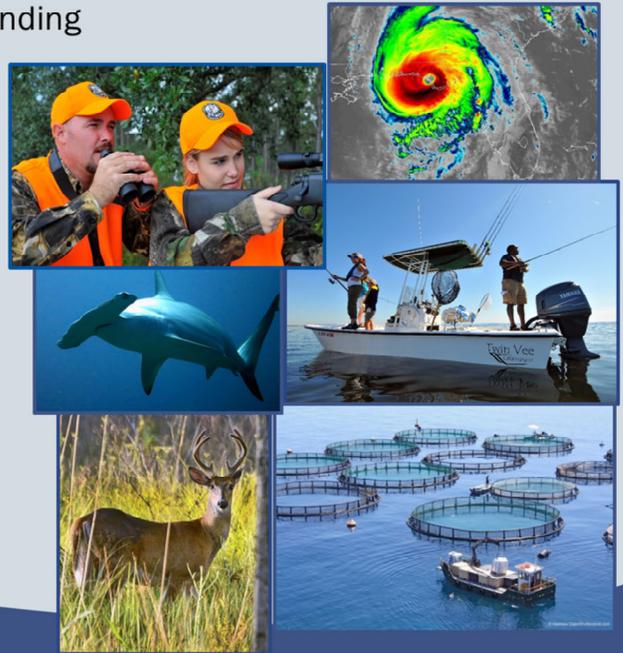
- Reauthorize a number of water and land conservation programs
 - Land and Water Conservation Fund
- Create five Theodore Roosevelt prize competition programs that award prizes for innovations
- Partners for fish and wildlife programs
- Potential increased hunting opportunities



The Senate recently passed S. 47, the “Natural Resources Management Act,” which has been called a “public lands” legislation. Senator Murkowski (AK) and Cantwell (WA) introduced S. 47. The legislation would reauthorize a number of water and land conservation programs, including the Land and Water Conservation Fund. Also, it would create five new competition programs that award prizes for innovations that address conservation, invasive species, endangered species, and other needs in the wildlife community.

116th Congress Legislative Watch List

- Hurricane Michael fisheries disaster funding
- Magnuson-Stevens Act
- Shark fin sales
- Lionfish
- Harmful algal blooms
- Aquaculture
- Recovering America's Wildlife
- Chronic wasting disease
- Pittman Robertson Funding
- Natural Resources Act
- Animal Cruelty
- Appropriations FY20



In summary, there are a number of topics on FWC's watch list for the 116th Congress. Legislation relating to the fish and wildlife issues listed on the slide above has already been or is expected to be introduced this Congress, and is of interest to FWC.

116th Congressional Action Plan

Staff will continue to advocate for FWC's positions

- Meet with Florida Delegation and Congressional staff
- Staff visits to D.C. to discuss issues important to Florida
 - Next visit in March 2019
- Comment on bills
- Coordinate with stakeholders and other states
- Testify as requested



Staff will continue to advocate for FWC's positions in speaking with members of the Florida Congressional Delegation, Congressional staff and organizations. As bills are prepared, staff will continue to provide comments on pre-draft versions and submitted versions. Staff will continue to coordinate with stakeholders and other states about new ideas that could improve management of issues such as Gulf red snapper. Finally, staff will also testify as requested at future Congressional hearings on federal fish and wildlife issues.