

## **LEGISLATIVE REPORT 117<sup>th</sup> Congress (2021 – 2022)**

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Dr. Anne Giesecke, an archaeologist, sport diver and ocean advocate, has worked with sport divers and the cultural resource community to monitor and to influence state and federal legislation that impacts ocean resources. This material is taken from the web site [www.congress.gov](http://www.congress.gov).

During the first session of the 117<sup>th</sup> Congress in 2021, 385 Bills were introduced in the Congress, House of Representatives (H.R.) and the Senate (S.) that deal with ocean management. You can contact your Congressmen and Senators to comment on these subjects and Bills. The Bills addressed the following topics:

Acidification,  
Antidumping, Plastic waste, Mercury  
Arctic and Oceania  
Climate impacts on Regional coastal and ocean communities  
Energy production and pipeline safety  
Algal blooms  
Kelp, Reefs  
Fisherman, Fisheries, salmon, sharks, finfish, oysters  
Marine Mammals, Polar Bears

Bills that passed the House or Senate are listed below. No laws have been passed at this time. The report does not include Resolutions, Authorizations or Appropriations.

### **H.R.587 Ocean Pollution Reduction Act II**

Passed House. Latest Action: Senate 06/16/2021

This bill revises requirements under the National Pollutant Discharge Elimination System (NPDES) permit program for the Point Loma Wastewater Treatment Plant in San Diego, California. Currently, the plant must meet standards established under the NPDES permit program for the primary and secondary treatment of wastewater discharged by the plant into marine waters.

The city of San Diego may apply for permit modifications, which offer alternatives to certain secondary treatment standards. This bill eliminates the need for the city to obtain a separate permit for such modifications. Instead, the city may apply to obtain the permit modifications under the main NPDES permit if the plant meets certain conditions, such as the implementation of a pretreatment program.

### **H.R.1447 COAST Research Act of**

Passed House. Latest Action: Senate - 05/19/2021

This bill addresses the effects of ocean and coastal acidification on marine organisms and ecosystems. Specifically, the bill reauthorizes through FY2026 and revises the Ocean Acidification Program of the National Oceanic and Atmospheric Administration and the ocean acidification grant program of the National Science Foundation. The bill expands those programs, as well as the ocean acidification activities of the National Aeronautics and Space Administration (NASA), to include efforts to research and monitor the effects of coastal acidification.

#### **H.R.2533 NEAR Act of 2021**

Passed House. Latest Action: Senate-05/19/2021

#### **National Estuaries and Acidification Research Act of 2021**

This bill directs the Department of Commerce to arrange for the National Academies of Sciences, Engineering, and Medicine to conduct a study that examines the existing science of ocean acidification in estuarine environments, examines the challenges to studying ocean acidification and acidification's interactions with other environment stressors in estuarine environments, provides recommendations for improving future research with respect to ocean acidification in estuarine environments, and identifies pathways for applying science in management and mitigation decisions related to ocean acidification in those environments.

#### **S.558 FLOODS Act**

Passed Senate. Latest Action: House-10/01/2021

#### **Flood Level Observation, Operations, and Decision Support Act**

This bill addresses forecasting and the communication of flood, tornado, and hurricane events by the National Oceanic and Atmospheric Administration (NOAA). Among other provisions, the bill directs NOAA to establish a National Integrated Flood Information System to better inform and provide for more timely decision-making to reduce flood-related effects and costs.

#### **S.273 Driftnet Modernization and Bycatch Reduction Act**

Passed Senate. Latest Action: House - 09/17/2021

This bill addresses certain driftnet fishing. Driftnet fishing is a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

1. Currently, the use of large-scale drift gillnets with a total length of 2.5 kilometers or more is prohibited in the United States. The bill expands the definition of large-scale driftnet fishing to prohibit the use of gillnets with a mesh size of 14 inches or greater. This expanded prohibition does not apply within the U.S. exclusive economic zone for five years.
2. The Department of Commerce must conduct a transition program to facilitate the phase out of large-scale driftnet fishing and to promote the adoption of alternative fishing practices that minimize the incidental catch of living marine resources.
3. Commerce must award grants to program participants.
4. The North Pacific Fishery Management Council may recommend and Commerce may approve regulations that require charter operators to pay fees on vessels that harvest Pacific halibut in specific International Pacific Halibut Commission regulatory areas.

END

## **National Oceanic and Atmospheric Administration (NOAA) National Marine Sanctuaries**

The information in this report is taken from <https://sanctuaries.noaa.gov>. You are encouraged to become more informed and take a position on these sanctuary proposals.

### **Proposed Lake Ontario National Marine Sanctuary**

In April 2019, NOAA announced its intent to designate a new national marine sanctuary in in eastern Lake Ontario and the Thousand Islands region of the St. Lawrence River.

NOAA is considering two possible boundaries for the proposed sanctuary. The Alternative 1 boundary encompasses a portion of eastern Lake Ontario and a segment of the Thousand Islands region of the St. Lawrence River (1,786 square-miles), while Alternative 2 only encompasses the same portion of eastern Lake Ontario (1,724 square-miles). NOAA has not selected a preferred alternative.

NOAA established a Sanctuary Advisory Council to help inform the designation process and focus stakeholder participation. The council passed a resolution on November 19 transmitting to NOAA its ideas for a draft management plan. Ray Tucker of the New York State Divers Association and Underwater Society of America has been appointed to the Advisory Council.

### **Proposed Chumash Heritage National Marine Sanctuary**

The Northern Chumash Tribal Council (NCTC) submitted the sanctuary nomination in July 2015. The area proposed for sanctuary designation, adjacent to San Luis Obispo and Santa Barbara counties, would recognize Chumash tribal history in the area and protect an internationally significant ecological transition zone, where temperate waters from the north meet the subtropics, providing a haven for marine mammals, invertebrates, sea birds, and fishes.

The proposed area stretches along 156 miles of coastline, encompassing approximately 7,000-square miles from Santa Rosa Creek near the town of Cambria, San Luis Obispo County, south to Gaviota Creek in Santa Barbara County, and extends offshore to include Santa Lucia Bank, Rodriguez Seamount, and Arguello Canyon. The comment period has closed but the process is not over.

ADDED August 2022:

1. I am currently tracking the White House proposal to designate the Atlantic coast Hudson Canyon 100 miles off the coasts of New York and New Jersey as marine sanctuary.
2. I am tracking a potential amendment to the National Defense Authorization Act for fiscal year 2023, H.R. 7900. An amendment may be considered to control unauthorized salvage of sunken military ships. This does not appear to have an impact on sport diving at this time, but I will monitor the bill.