



City and Borough of Wrangell
2021-09-08 Work Session Borough Assembly
AGENDA

Wednesday, September 08, 2021
6:30 PM

Location: Borough Assembly Chambers

This Work Session will be held in person. Face coverings are required at all times. If you cannot wear a face mask, face shields will be provided upon entering City Hall.

1. CALL TO ORDER

2. ROLL CALL

3. PERSONS TO BE HEARD - Section WMC 3.05.040 (C) states that: *The chair may call to order any person who is breaching the peace or being disorderly by speaking without recognition, engaging in booing or catcalls, speaking vulgarities, name calling, personal attacks, or engaging in other conduct which is determined by the chair to be disruptive of the meeting. Any person so disrupting a meeting of the assembly may be removed and barred from further attendance at the meeting unless permission to return or remain is granted by a majority vote of the assembly.*

4. WORK SESSION

a. Work Session: Federal Lobbyist Update

5. ADJOURNMENT

**CITY & BOROUGH OF WRANGELL, ALASKA
BOROUGH ASSEMBLY AGENDA STATEMENT**

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	September 8, 2021
	<u>Agenda Section</u>	WS

Work Session: Federal Lobbyist Update

SUBMITTED BY:

Lisa Von Bargaen, Borough Manager

FISCAL NOTE:

Expenditure Required: \$XXX Total		
FY 20: \$	FY 21: \$	FY22: \$
Amount Budgeted:		
	FY20 \$XXX	
Account Number(s):		
	XXXXX XXX XXXX	
Account Name(s):		
	Enter Text Here	
Unencumbered Balance(s) (prior to expenditure):		
	\$XXX	

Reviews/Approvals/Recommendations

<input type="checkbox"/>	Commission, Board or Committee
Name(s)	
Name(s)	
<input type="checkbox"/>	Attorney
<input type="checkbox"/>	Insurance

ATTACHMENTS:

SUMMARY STATEMENT:
 Sebastian O’Kelly is in Wrangell to provide a federal lobbying update. Attached to this agenda statement are the following documents:

- 2021 Federal Legislative Priorities
- Landless Letter & Comments to Senator Murkowski
- 2nd Quarter Federal Lobbyist Report

In addition to the above items some of the discussion should be about our low Decennial Census number and how we appeal that to increase our population to what it should be.



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381
Wrangell, AK 99929 FAX (907)-874-3952

2020/2021 FEDERAL LEGISLATIVE PRIORITIES

COVID-19 SALT Relief:

The City & Borough of Wrangell declared an economic disaster in August of 2020, due in part to the impacts of COVID-19 on tourism and local fisheries. Local municipalities were prohibited from using CARES Act funding to replace lost revenues due to COVID-19. The CBW has partnered with a regional firm to assess the economic impacts to the community and the municipality. The CBW call on Congress in the new year to pass a secondary COVID-19 SALT relief bill.

Reservoir Dam Rehabilitation/Replacement:

In 2015, the Alaska Department of Natural Resources identified Wrangell's reservoir dams as the second worst dams in the State. Although stable in a static environment, there is a significant likelihood of failure during a substantive seismic event. A Corps of Engineers Study from 2006 shows 15 homes and nearly 40 residents at risk in a runout zone. That same study identified a new reservoir expansion project as the recommended course of action, but the community did not move forward with the Corps' recommendation because of its overly large scale and high cost. Wrangell believes there is a solution for dam stabilization that will decrease the projected cost from \$50 million to \$10 million. The 2017 WIIN Act authorized funding for non-federal dam rehabilitation and the Congress for the first time has provided appropriations with \$10 million included in the FY 2019 Department of Homeland Security Appropriations Bill. The City and Borough was unable to submit an application last year due to ineligibility. The FY2020 funding package includes an additional \$10 million for this program. Wrangell has moved forward with its update of the community Hazard Mitigation Plan and it is with FEMA for approval. Should we submit an application for funding to rehabilitate our dams, we would appreciate the Delegation's support for the application with the Department of Homeland Security.

Water Availability:

Southern Southeast Alaska (Petersburg, Wrangell and Ketchikan) is in the midst of a moderate drought. The lack of rain and snowpack in 2019 left both our hydro project lakes (Tyee and Swan) and our drinking water reservoirs with minimal water. For more than two decades Sunrise Lake on Woronkofski Island has been considered as a possible hydro/fresh water supply for Wrangell. If changing weather patterns become the "new normal" and the region must find supplemental power and fresh water sources, what was once cost prohibitive may become a viable option. The hydrosite analysis for Sunrise was completed in 2018. If evaluation of the project to serve both hydro power and drinking water needs becomes necessary we hope the delegation will be supportive.

Secure Rural Schools (SRS):

The SRS Program was created by bipartisan legislation in 2000 as a substitute for declining revenue sharing receipts due to reductions in logging on Forest Service lands. Wrangell received \$986,580 last year in the Title I

SRS funds that goes to our schools. The City & Borough of Wrangell thanks the Delegation, specifically Senator Murkowski, for work to pass a two-year extension to the SRS program. The CBW also urges the Delegation to give consideration to supporting legislation that would bring more long-term stability to the program and to those communities it serves.

Federal Payment in Lieu of Taxes (PILT):

PILT provides partial compensation for the loss of revenue to communities with large Federal property holdings which cannot be developed and which are exempt from local property taxes. In Wrangell, 97% of lands within the municipal boundaries are owned by the U.S. Forest Service and will never be open to development. Wrangell's FY 2020 PILT payment was \$476,259. Many thanks to the Delegation for full funding of PILT in the most recent Interior Appropriations Bill. We urge continued support for full funding of PILT in upcoming appropriations. Wrangell fully supported the PILT Parity Act, introduced by Senator Murkowski, increasing compensation to localities such as ours that have high Federal land ownership but a low population base. Such an adjustment would more fairly compensate localities that do not have the benefit enjoyed by larger PILT-recipient localities in terms of greater population and tax bases along with more diversified economies.

Wrangell Opportunity Zone:

Wrangell is designated as one of the Opportunity Zones provided for in the Tax Cuts & Job Act of 2017. Now that the Treasury Department and IRS have issued final guidance on implementing tax incentives under this program, the Borough looks forward to actively seeking private sector investment in the community.

Wrangell Ranger District – Tongass National Forest

Zaremba Island Clean-Up:

The Borough Assembly has made it a priority to address abatement issues in Wrangell. October of 2018 marked the close of the final phase of the Byford Junkyard Clean-Up Project in Wrangell. In the end, the State of Alaska spent three years and \$18 Million to clean and remediate the property. The City & Borough of Wrangell (CBW) is acutely aware that without the financial support from the State's Spill Response Fund and the commitment of the staff at the Alaska Department of Environmental Conservation, the Byford site would have remained one of the worst lead contaminated sites in Alaska's history, leaching hazardous material into Zimovia Strait. The Borough Assembly wants to ensure no situation like this ever happens again. It is with similar concern the Borough lists Zaremba Island Clean-Up as a priority. Zaremba Island is a very popular hunting location within the Wrangell Borough just a few short miles from the community. Hunters use all manner of vehicles to access the old logging roads on the island. Unfortunately, the island, specifically Roosevelt Harbor Parking Lot, has become a dumping ground for old vehicles, equipment, and just plain trash. Junk vehicles, in varying degrees of deterioration, car batteries too numerous to count, fuel tanks and all other types of equipment imaginable that is considered unusable, has been left to rot in place. Zaremba Island is becoming the next Byford lot. The City & Borough of Wrangell respectfully requests the USFS use all regulatory means and public notices possible to enforce the removal of this junk by the responsible parties. As this method is likely to generate little, if any, response, the CBW urges the USFS to bring all available resources to bear to clean up Zaremba Island before it becomes a problem too big to address. The Borough is working with the new Wrangell District Ranger to address this on-going issue and appreciate any support on this matter the Delegation may be able to provide.

Transboundary Waters & British Columbia Mines:

The City and Borough of Wrangell remains concerned over the development of mines in British Columbia and the potential threat they pose to Southeast Alaska's watersheds and fisheries. We appreciate efforts by Alaska's Congressional Delegation to engage with the appropriate officials in the Canadian government and British Columbia province on this difficult transboundary waters issue. The decision by Canada this past year to close and clean up the Tulsequah Chief Mine is a positive step. Wrangell remains concerned about these mines

especially because of the number of mines in Canada on tributaries of the transboundary Stikine River in Wrangell's backyard and the local implications to fisheries and water quality. There is still the need to establish joint water quality protocols, conduct independent baselines studies over a multi-year timeframe, and set up water gauge/monitoring stations in the other southeast watersheds so that mining activity can be properly checked. We support continued engagement by the Delegation and U.S. State Department to urge Canada to put in place proper water quality, monitoring, and protections as these mines are developed and operated. On January 14, 2020 the Assembly passed a resolution regarding a transparent process regarding the Tulsequah Chief Mine.

Heritage Harbor/Section 5035 WRDA 2007 Final Disposition:

During the bid process for construction of Heritage Harbor, the estimates for the mooring basin dredging were determined to be roughly \$3 million more than originally expected. The City and Borough sought to have these dredging expenses identified as part of the Federal portion of the project, with the corresponding local cost share. Congress included the following provision in the next WRDA roughly two years after the costs had been estimated and construction of the project had begun. The language also included eligibility for inner harbor facilities as part of the general navigation features of the project. The Corps requested, and the Borough provided cost information on the construction of the project. The final communication was a November 2, 2011 letter from the Borough that provided cost information and a total request for reimbursement of \$13.7 million. February 2019 communication with the Corps of Engineers confirmed that the Alaska Region submits an annual list to Congress of those projects eligible for reimbursement. The Wrangell project is included on the annual list and awaits appropriation. The City & Borough of Wrangell respectfully asks the Delegation to assist in securing appropriation of this authorized reimbursement which would enable continued investment in Wrangell harbors and the Wrangell Marine Yard further strengthening the local economy.

Army Corps of Engineers Section 107 Small Navigational Improvements – Shoemaker Bay Harbor:

The City & Borough of Wrangell has completed work on the replacement of the inner-harbor infrastructure of Shoemaker Bay Harbor. Wrangell put together a funding package for the project that included a \$5 million State Harbor Matching Grant and Harbor Reserve funds. The Borough is prepared to bond to finance up to \$500,000 as the anticipated 50% local match for the Study Phase of improvements to the Shoemaker Bay Harbor breakwater. The breakwater length is insufficient, which significantly contributed to the premature breakdown of the Harbor's interior float system. Wrangell has had communications with the Alaska Region of the Army Corps on early general investigations to dredge the harbor and expand the breakwater under the Section 107 Small Navigation Improvements program. We urge the Delegation to continue full support and funding of the Section 107 Program.

Sustainable Management of Sea Otters and Shellfish: The rapid growth of the sea otter population in Southeast Alaska has been a scourge to near-shore shellfish populations and the communities that depend on them. Local subsistence and commercial fishermen are seeing significant declines in crab, urchin, abalone, geoduck, sea cucumber and other shellfish species, resulting in area closures by the Alaska Department of Fish & Game, and an estimated loss of over \$30 million in foregone catch over the last 20 years. The growth of the population of sea otters in Southeast Alaska imminently threatens the sustainability of shellfish fisheries (both subsistence and commercial) and opportunities of mariculture development. The City and Borough of Wrangell supports the State of Alaska, under the existing MMPA, petition the federal government for management authority of sea otters. The Borough also supports re-introduction of legislation that would expand Alaska Native handicraft business development that has been impeded by undercover sting operations conducted by USFWS, and other restrictive rules on otter products and sale. The Borough also supports use of waiver authority by USFWS to permit co-management of the species with the State and Alaska Native tribes. The Borough passed Resolution No. 01-18-1387 in January, 2018 supporting Sea Otter Management in Southeast Alaska.

Critical Habitat Designation for Humpback Whales:

The City & Borough of Wrangell approved an official position statement on January 14, 2020 opposing the designation.

Essential Air Service:

The CBW thanks the Delegation for their continued work to ensure Essential Air Service is fully funded. The Borough fully supports EAS, without which we would not have regularly scheduled service.

Tongass Forest Management:

The City and Borough of Wrangell supports changes to Tongass National Forest Land & Resource Management Plan to facilitate greater production of timber in Southeast Alaska. This position includes rejection of the 2016 Plan Amendment that shifted production toward young/second growth timber and a reversion back to the 2008 Plan Amendment. The City and Borough supports these changes being accomplished through either legislative means or Forest Service administrative actions. The City & Borough of Wrangell supported the reversal of the Tongass Roadless Rule and asks the delegation to work with President Biden to keep the reversal in place, despite the Executive Order just signed call for a review.

Federal Aquaculture Legislation:

In a previous Congress, bills were introduced in the House and Senate to advance the growth of aquaculture in the U.S. The major provisions of the bills (HR 6966 & S 3138 – The AQUAA Act) would establish procedures for the siting and permitting of offshore aquaculture facilities in Federal waters; seek to harmonize Federal regulation of aquaculture operations with other Federal agencies and the States; and establish a national research and development grant program to advance aquaculture technology. The City and Borough is supportive of efforts to promote aquaculture, particularly for mariculture species such as geoducks, shellfish, seaweed and kelp. Mariculture for these and similar species presents an excellent opportunity to diversify our maritime economy, create new jobs and businesses, and promote environmental sustainability and management. However, we believe that Federal aquaculture legal authority must provide an “opt out” for States whose aquaculture policies differ from the Federal government’s. In Alaska, the State prohibits finfish aquaculture and it is our view that any Federal legislation should not, either deliberately or inadvertently, override that prohibition.



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

Item a.

P.O. BOX 531 (907)-874-2381
Wrangell, AK 99929 FAX (907)-874-3952
www.wrangell.com

August 9, 2021

The Honorable Lisa Murkowski
522 Hart Senate Office Building
Washington, DC 20510
Email:

Re: Alaska Natives Without Land – Comments on Draft Legislation and Maps

Dear Senator Murkowski:

Late in 2020, the City and Borough of Wrangell (CBW) offered general remarks on S. 4889 – The Alaska Native Claims Settlement Act Fulfillment Act of 2020. In preparation for new legislation to be filed the CBW has prepared detailed comments attached to this correspondence. The statements summarize input received from the public over the past several months. Full public access to key subsistence and recreation sites within selected lands being preserved in perpetuity is of critical concern to Wrangell. The attached maps identify trails, roads, public campsites, picnic areas, streams, and other areas for which easements are critical. The Borough respectfully requests provisions for these items be included in a new bill and accompanying maps.

If public access to developed assets cannot be maintained in some instances, the CBW urges Senator Murkowski to include in the legislation the requirement for in-kind replacement of the asset by the USFS, along with the necessary fiscal obligation.

The City & Borough of Wrangell supports efforts to make whole Alaska Natives Without Land. It is critical, however, to preserve public access and use to selected lands to ensure a positive transition from federal to private, Urban Corporation ownership. We sincerely appreciate the time spent by your staff in Wrangell a few weeks ago to understand the Borough's position on this important matter.

Thank you for consideration of this request and for your long-time support of our community. Please reach out by phone or email with any questions to Carol Rushmore, CBW Economic Development Director, at 907-874-2381 or ecodev@wrangell.com.

Sincerely,

Steve Prysunka
Mayor

Cc: The Honorable Dan Sullivan
The Honorable Don Young
Wrangell Cooperative Association
Alaska Natives Without Land
Annie Hoefler, annie_hoefler@murkowski.senate.gov
Aaron Thiele, aaron_Thiele@murkowski.senate.gov
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Sebastian O'Kelly, tarpon@hsgblaw-dc.com



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

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OFFICIAL COMMENTS REGARDING LANDLESS SELECTIONS IN THE WRANGELL BOROUGH

The City & Borough of Wrangell, Alaska (CBW) supports efforts to make whole the five Alaska Native tribes excluded from ANCSA. Prior to the transfer of federal lands to the new urban corporations it is imperative the access and recreation areas remain useable by everyone. The CBW reached out to stakeholders across the community to obtain input based on the proposed selection. The four major concerns expressed by members of the public include: 1) the loss of so many heavily used USFS developed public facilities for recreation when Wrangell has so few accessible recreational sites on the island; 2) access to streams for fishing and recreation; 3) access to areas for hunting, food gathering and recreation; and 4) continued access on all USFS roads, including those former roads now only used as trails.

Most individuals were only willing to provide comments if assured of anonymity. While they support the Landless to receive lands from the USFS, they are extremely disturbed about the loss of the number of USFS developed recreational sites, potential road access issues, and potential restrictions to what have always been public hunting and recreational areas. There is significant concern by the public that opposition to such legislation or selected could be perceived as opposing Native interests.

THE CBW REQUESTS THE FOLLOWING FOR INCLUSION WITHIN THE LEGISLATION:

- 1) The CBW requests that public easements for continued access and use by the general public for all roads, trails, picnic areas, camping sites, streams and rivers (and trails along river banks) be included in the legislation for the following areas if boundary lines are not adjusted (please also see attached maps):

Chichagof Peak:

All selected lands including and north of Institute Creek should be restricted from timber harvesting to protect the recreational aspect. Easements should be created for the Rainbow Falls Trail and Shoemaker Bay Overlook Trail and Shelter. Plans exist for additional trail development and currently funds are allocated from the Great American Outdoor Act for improvements.

Inner Wrangell Island:

Public use easements for all USFS Roads and the existing campsites within the selections, as well as public use of any streams with a 25-foot public easement buffer along the stream banks to permit fisherman to walk creeks or traverse difficult areas.

East Turn Island and Turn Island and East Village Island:

Public use easements for all USFS Roads, campsites, picnic areas, viewing areas and trails.

Anita Bay:

Public use easements for all USFS roads, portage trail and the Marine Access Facility.

Frosty Bay and Frosty Add:

Public use easements for the USFS cabin, the trail behind the cabin to the USFS road system and the Marine Access Facility and roads.

- 2) Alternatively, if the public recreational sites cannot be protected long term for general, public use, the Borough requests replacement funds be authorized and appropriated directly to the Wrangell Ranger District within the Legislation to replace all recreational facilities lost since the long term continued use by the public is not guaranteed.
- 3) The Borough requests that all streams and rivers remain as public access points and the legislation provide a public use easement of 25 feet on both sides of ALL streams to continue to allow fishermen to walk the banks and access remote fishing areas.
- 4) The attached maps show the roads/trails/recreational areas the Borough is requesting.

Map 1:**Parcel No. 437 Garnet Ledge – 2,146 acres**

DESCRIPTION: This tract is on the mainland at the mouth of the Stikine River facing the tidal flats. The selected land surrounds the USFS Garnet Ledge Cabin and the historical Garnet Ledge currently owned and managed by the Presbyterian Church. It also surrounds three additional private holdings at Green Point.

CONCERNS: There was significant public concern that the selection included the USFS Garnet Ledge Cabin. Since the release of the more detailed maps in May, staff has verified that the USFS Cabin is north of the Presbyterian Church property and is not part of the selection. There are public comments and concerns regarding impacts of continued use to areas for garnet collection that will now fall within the selected lands.

Parcel No. 479 Chichagof Peak – 3,167 acres

DESCRIPTION: This is an extensive tract just behind the Mental Health Trust Land closest to town and stretches from just north of the USFS Rainbow Falls trail south all the way to Pats Creek Road, on the west side of the island. The selection includes a portion of USFS Rainbow Falls Trail, a portion of the USFS Shoemaker Bay Overlook Trail and Shelter, and lands over which the Southeast Alaska Power Agency (SEAPA) electrical lines cross. It is adjacent to Mental Health Trust Lands, and the Pats Lake parcel being transferred to the USFS. It encompasses the slopes above the former 6-mile mill site.

COMMENTS: This area was of major concern to many people. Public concerns include continued public access to the heavily used USFS maintained trails to Rainbow Falls and the Shoemaker Bay Overlook, primary trail destinations for the community and visitors. Additional concern for this area includes potential harvesting of timber surrounding the trails. There are also funds allocated through the Great American Outdoor Act over the next couple of years for improvements.

The area above the former mill site is known to be one of the most valuable timber stands remaining on Wrangell Island. Many public members are concerned that the timber will be clear cut in an area so visible from town, when the community is more and more dependent on tourism.

The lands accessed from Pats Road are major public hunting areas, rich in berry gathering and other subsistence gathering and there is concern that those lands adjacent to State roads and access points would be lost to hunters and the general public.

Parcel No. 483 Inner Wrangell Island – 3,275 acres

DESCRIPTION: This tract is located near Earl West Cove on the Back Channel and encompasses the heavily used USFS developed Upper and Lower Salamander Creek recreational areas. It is immediately adjacent to remaining State owned land and Borough selected lands. It is a heavily used public recreation area encompassing Lower Salamander Campsite, Salamander Ridge Road and Trail, the Upper Salamander Creek campsite and most of Salamander Creek, a major recreation and fishing stream. It also includes several miles of USFS mainline road #6265 that continues to the south end of the island and #50050 to Lower Salamander Creek and to the ridge road.

COMMENTS: This area is also of primary concern and angst to the public because of the potential loss of continued public use of both Salamander Creek campsites and the Creek itself. It is a very popular hunting, fishing, and recreational area within the boundaries. Additional concern exists that access to the ridge road and trail will be restricted. Recreational use at the campsites is extremely popular and is the most heavily used by residents. There are considerable questions about public use vs. restricted or potentially permitted/pay recreational use. The public questioned what would be an alternative similar site if general public access became restricted or for pay. The two campsites are the primary access points for fishing or sometimes kayaking Salamander Creek, and there are informal trails on the banks by fisherman walking the creek. There are several decommissioned short spur roads that are now considered trails and utilized as trails by the public that should have easements as well. Those are reflected in the attached maps.

The public also wants to ensure the USFS roads will remain open for public use to the south end of the island. The mainline road provides access to State and remote Borough properties.

Parcel No.481 South Narrows – 1,457 acres

DESCRIPTION: This tract is located on Wrangell Island Blake Channel (back channel area) stretching from the Wrangell Narrows on the Back Channel along the shoreline to just opposite Berg Bay. Staff knows of known cultural and historical sites and documented caves on the mainland opposite the selection. The selection is currently in the inventoried Roadless Area.

COMMENTS: Most of the comments came from the visitor industry concerned that the Urban Corporation would cut the timber. This is the main route to Anan Observatory and Berg Bay Cabin. There is some hunting and trapping that occurs in this area, so questions arose related to the continued subsistence use by the general public. The public also questioned how the Landless were able to select areas within the Roadless.

Map 2:

Parcel No. 447 East Zarembo Island – 4,991 acres

DESCRIPTION: This is a very extensive tract of land on the southeastern shore of Zarembo Island along Stikine Straits between Nesbit Reef and Meter Bight, opposite of Quiet Harbor and Big Bend area on Etolin Island. There is a known pictograph cultural site on the shoreline.

COMMENTS: Most of the concern focused on loss of the area for hunting or concern for a large-scale timber sale harvest.

Map 3:

Parcel No. 420 East Turn Island – 752 acres; Parcel No. 421 Turn Island – 1,080 acres; Parcel No. 422 East Village Island – 123 acres

DESCRIPTION: These tracts are adjacent and connect to each other. The parcels extend from just south of Nemo Point along the shoreline of Zimovia Strait to adjoin the State-owned tract surrounding Thoms Lake. The parcel encompasses the shoreline as well as the much higher elevation which includes a portion of the USFS Nemo Loop Road and several USFS campsites/picnic areas. It also includes the Turn Island picnic and view spot, several picnic overlooks and a trail that links from the USFS road down to saltwater. The southern portion of these sites on the shoreline has known cultural resource sites.

COMMENTS: There were several questions regarding this area because the elevated portion of the site includes the Nemo Loop Road which is an easy and popular recreational driving loop for residents, especially those that cannot hike or boat. It also provides access to extensive hunting areas. The Turn Island picnic/campsite is also a heavily used day picnic area because of the view and proximity to the trail from the road (elevated) down to the shoreline. Many comments centered about the loss of these areas for those driving the road. There were similar comments and concerns as in other areas for the loss of the USFS developed Turn Island Beach Trail.

Parcel No. 492 Anita Bay – 1,495 acres

DESCRIPTION: This parcel is on the southern shore of Anita Bay. There have been USFS timber sales within the tract and several USFS roads traverse the parcel. The tract extends from Anita Bay to Burnett Inlet and encompasses the connector trail and portage that provides the access to Burnett Inlet. Anita Bay is a terminal fishery operated by the Southern Southeast Regional Aquaculture Association (SSRAA) and primary fishing area for gillnetters, seiners and trollers.

COMMENTS: There were considerable comments and concerns voiced about continued use from the hunting community that camp and hunt along these roads. Also, there were many concerns expressed by recreational users, especially boaters, kayakers, and canoers that use the portage trail to Burnett Inlet. There was also concern about access to the Marine Access Facility, if that was being transferred to the Urban Corporation or would still be open for public use. There was much concern that any development might negatively impact or affect the commercial fishery that occurs within Anita Bay.

Map 4:**Parcel No. 454 South Bradfield – 1452 acres**

DESCRIPTION: This parcel is centrally located on the mainland's south shore of the Bradfield Canal area just west of Hoya Creek and east of Anan Observatory. The tract appears to encompass a section of the Southeast Alaska Power Agency (SEAPA) lines that provide electricity to Wrangell and Petersburg.

COMMENTS: Hunters and visitor industry recreators that utilize Bradfield Canal were concerned about access and timber harvests. If the powerlines are within this area, continued access and permanent easements need to be protected.

Parcel No. 491 Frosty Bay – 2,474 acres and Frosty Add – 68 acres

DESCRIPTION: This extensive tract stretches from south of Frosty Bay on the mainland north all along the shoreline of Ernest Sound up to the LUD2 lands that encompass Anan Creek and Observatory area. Historically this area was used for summer fish camps by Tlingit natives. This area is a primary commercial and recreational fishing area, as well as hunting.

COMMENTS: There was concern about the potential loss of the USFS Frosty Bay Cabin. Additionally, there were several hunters that were concerned about access along the older USFS road system and whether the Marine Access Facility was being transferred or retained by the USFS. There was also some concern about any developments or use might negatively impact or affect the fisheries that occur in this area.

MAP 5:

Parcel No. 444 Lake Bay Creek - 627 acres

DESCRIPTION: This tract is located on Prince of Wales Island just west of Coffman Cove, outside of the City and Borough of Wrangell Boundary. It is known that the territory of Stikine Tlingits extended into this area.

COMMENTS: There were not many comments from Wrangell citizens because of the unfamiliarity of the area. But there were concerns and opposition from Prince of Wales Communities that the Wrangell Urban Corporation would be allowed to select lands on Prince of Wales Island.

To: The Honorable Stephen Prysunka
The Wrangell Borough Assembly
Lisa Von Bargen, Borough Manager

From: Brad Gilman & Sebastian O’Kelly

Re: Washington Report

Date: August 12, 2021

1. FY 2022 Federal Budget/Appropriations: The House has passed 9 of its 12 FY 2022 appropriations bills on largely party-line votes. The appropriations bills provide an approximately 16.5 percent increase in the aggregate above FY 2021 levels for non-defense appropriations (Note: this does not include funding for the separate infrastructure and human social investment packages). The rate of growth in defense spending slows from that of the past few years, up 1.7 percent from FY 2021 levels. Republican opposition to the bills is largely due to the discrepancy in the non-defense versus defense spending growth. The Senate is proceeding more slowly. As has been the case for many years, Congress is unlikely to pass the appropriations bills by the October 1 start of the new fiscal year. We are likely to see passage of a Continuing Resolution to keep the Federal government operating until an Omnibus Appropriations Bill is considered in late 2021 or early 2022. An added and complicating factor will be a need to raise the statutory debt limit.

As reported earlier, the House and Senate have reinstated the process of designating projects in appropriations bills (and the surface transportation reauthorization bill in the House) but with lower spending amounts and project numbers than when practiced a decade ago. It is easing its way back into this process. Both the House and Senate Appropriations Committee set 1 percent caps of all FY 2022 appropriations spending with a limit of 10 project requests per Member. The House’s project totals came in at roughly 0.25% of total appropriations for a total of \$3.7 billion, with roughly 60 percent of the funds going to districts controlled by the Majority, 40 percent to the Minority. The discrepancy has less to do with party control than to do with the fact that many Republicans did not request projects. About 1/3rd of House Republicans made requests versus almost all Democrats. Senator Murkowski and Rep. Young made project requests this year.

On behalf of the Borough, Senator Murkowski has requested \$2.1 million for construction of a connecting pipe between the Upper Reservoir and Water Treatment Plant. The Senate Interior Appropriations Bill where this project would be considered for funding will not be developed until the fall.

We recommend submitting community project requests again next year but the list may need revisions based on the experience and outcome from this year and a better understanding on the types of projects that have the best chance of being requested by the Delegation and funded by the Committees.

2. COVID State, local, territorial & tribal government (SALT) relief: The Treasury Department continues to revise its guidance and FAQs on SALT government use of American Rescue Plan funding. More recent revisions include an interpretation that funds can be used for hiring of law enforcement officers and crime prevention programs. A full list of the FAQs is below and should be periodically checked for future changes.

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

Separately, the Government Accountability Office has issued a report specifying that of the \$4.7 trillion in the six enacted COVID relief bills, \$1.7 trillion remains unspent. This includes \$210 billion in direct SALT relief funding from the CARES and American Rescue Plan Acts, with most of the funding coming from the latter given that the Treasury Dept has only released the first tranche of funding.

Lastly, the State has been using some of its SALT funding from the American Rescue Plan to compensate some localities for revenue foregone from the Commercial Passenger Vessel (CPV) Excise Tax shared tax program due to loss of cruise ship visitation.

3. Bipartisan Public Infrastructure Investment Legislation (“The Infrastructure Investment and Jobs Act”): The Senate bill includes almost \$550 billion in new spending above projected existing program spending over the next 5 years. The total cost estimate of the bill is approximately \$1.2 trillion. This amount represents the most significant increase in Federal infrastructure spending that we have seen in our professional lifetimes. The bill passed the Senate this week on a bipartisan vote, including with the support of both of Alaska’s Senators, and will be taken up by the House in the fall, although the House may link it with passage of the \$3.5 trillion human/social investment legislation.

The Senate bill does not have community projects. A separate House-passed bill focused on reauthorizing surface transportation programs included community projects. A rough breakout of the new additional funding in the Senate bill is below.

Roads, bridges, and major projects	\$110 billion
Passenger and freight rail	\$66 billion
Public transit	\$39 billion
Airports	\$25 billion
Ports and waterways	\$17 billion
Electric vehicles	\$15 billion
Road safety	\$11 billion
Reconnecting communities	\$1 billion
<i>Subtotal, Transportation Infrastructure</i>	<i>\$284 billion</i>

Power infrastructure	\$73 billion
Broadband	\$65 billion
Water infrastructure (including lead pipes)	\$55 billion

Resiliency and western water storage	\$50 billion
Environmental remediation	\$21 billion
<i>Subtotal, Other Core Infrastructure</i>	<i>\$264 billion</i>

<i>Total, Spending Provisions</i>	<i>\$548 billion</i>
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4. The Infrastructure Investment and Jobs Act – Ferries: The bill includes significant new ferry funding that should benefit the AMHS and IFA, including a new annual operating subsidy program. Funding includes – an authorization of \$912 million for ferry & terminal construction over 5 years, with \$342 million provided in appropriations; a \$1 billion operating subsidy authorized and appropriated for rural ferry service spread over 5 years; and \$250 million for green-powered ferries over 5 years.

5. The Infrastructure Investment and Jobs Act – Army Corps: The bill includes \$11.6 billion in Army Corps funding to address the backlog in harbor, flood control, coastal protection and ecosystem restoration projects. The funding is for construction and includes new starts. Funding can be used for projects that have been previously authorized in WRDA but have yet to be built as well as Section 107 small harbor projects. The bill also includes \$4 billion in funding for Corps operations and maintenance projects as well as \$150 million for general investigations. All of this funding is in addition to annual appropriations of \$7 billion to \$8 billion that the Corps receives. The funds become available as soon the bill becomes law (i.e. the funds are not spread over 5 years as is the case for many of the programs in the bill).

6. The Infrastructure Investment and Jobs Act – New Rural Surface Transportation Program: The bill authorizes funds from the Highway Trust Fund a new surface transportation program for grants to rural communities totaling \$2 billion spread over 5 years with projects to be focused on traditional road, bridge and tunnel projects. Cost-share is 80-20 with other Federal funds permissible as part of a local cost-share. Projects that provide access to Federal lands for tourism and recreation are encouraged, with 90 percent of the funds reserved for projects in excess of \$25 million and 10 percent set aside for projects under that amount. The bill also includes a separate increase in surface transportation funds that are awarded to the States by formula and reauthorizes the Federal Lands Access and Tribal Transportation Programs.

7. The Infrastructure Investment and Jobs Act – Dam Safety: The bill includes significant funding to improve the safety of dams around the country, including \$148 million to States for their dam safety programs and \$585 million for grants for the rehabilitation or replacement of High Hazard classified dams. These are both FEMA programs, with funding spread over 5 years.

8. The Infrastructure Investment and Jobs Act – Coastal Resilience: To address sea level rise, coastal erosion and increased flooding brought on by climate change, the bill creates or expands a number of Federal programs. These funds are in addition to the flood control funding for the Corps as noted above. \$492 million is provided to NOAA for a partnership with National Fish & Wildlife Foundation for the National Coastal Resilience Fund to support ecosystem restoration projects that have flood protection and coastal erosion benefits. \$491

million is appropriated to NOAA for community-based projects focused on shoreline protection. \$200 million over the 5 year period is provided to NOAA's marine debris program.

9. The Infrastructure Investment and Jobs Act – Port Infrastructure Development Program (PIDP): The bill includes \$450 million per year over the next 5 years for the Maritime Administration's PIDP. These funds are in addition to PIDP's annual appropriations which have been between \$225 million to \$300 million per year. The bill includes a separate provision that allows States to use funds they receive from the Surface Transportation Block Grant Program on rural dock and waterfront infrastructure projects. This provision was authored by Senator Sullivan.

10. The Infrastructure Investment and Jobs Act – Transportation RAISE Grants (formerly known as BUILD/TIGER): Appropriates \$1.5 billion annually over the next 5 years. This amount is in addition to the annual appropriations of approximately \$1 billion that the program receives. The bill also provides \$1 billion annually for a new "Safe Streets For All" program to fund local transportation projects that are specifically aimed at improving community safety.

11. The Infrastructure Investment and Jobs Act – Denali Commission: The bill provides \$75 million for the Denali Commission as a one-time payment. This is in addition to annual appropriations.

12. The Infrastructure Investment and Jobs Act – Coast Guard: The bill includes \$429 million in funding to address housing, family support, training facilities, and shoreside construction at Coast Guard bases and stations. This is in addition to annual appropriations.

13. The Infrastructure Investment and Jobs Act – Hydropower/Water Storage: The bill includes a section increasing funding of credit payments to utilities for investments in hydropower efficiency up to 30 percent of the project cost. A new Bureau of Reclamation program authorizing and appropriating \$100 million is established to provide grants for small water storage projects between 2,000 and 30,000 acre feet. Alaska projects would be eligible.

14. The Infrastructure Investment and Jobs Act – Drinking & Wastewater Lines & Systems: The bill provides \$23.4 billion in additional funding spread over 5 years for EPA's Clean Water and Drinking Water State Revolving Funds for traditional wastewater and drinking water systems and lines, with the funding split equally between the two programs. These amounts represent a major infusion of additional funds into both programs and supplement existing program spending. By way of comparison, the House FY 2022 Interior Appropriations Bill provides \$1.9 billion and \$1.4 billion to the Clean Water and Drinking Water State Revolving Funds respectively. The bill retains the current Federalism framework that has States administering the Funds and making project decisions. It keeps in place current matching fund requirements which typically comes from a combination of State and local funding. A separate \$15 billion is provided to the Drinking Water State Revolving Fund to specifically address the replacement of lead service pipes. Other funding is provided to address Brownfields clean up along with emerging contaminants and PFAS chemicals in drinking water.

15. Human Infrastructure/Social Investment Legislation: The next major priority of the Biden Administration is enactment of legislation to provide \$3.5 trillion over ten years on education, housing, childcare, healthcare, immigration, clean energy and other initiatives. The bill will be financed by increases in taxes on higher income earners and corporations. The Biden Administration, along with the House and Senate Democratic leadership has agreed to move the legislation by a process called “reconciliation” which allows budget and revenue-related bills to bypass the Senate filibuster but cannot include policy-related provisions unless they directly affect Federal spending or revenues (this restriction is commonly referred to as the Byrd Amendment and what was most recently invoked against including a minimum wage increase on the last COVID relief bill). The first step in that process, which the Senate has completed and the House will take up later this month, involves passage of a budget resolution that sets the overall spending and revenue caps. The next step is drafting the implementing legislation which will occur in the fall. These rules combined with the very narrow majorities the Democrats hold in the House and Senate make passage of this legislation complex and difficult. Unlike the development of the Infrastructure Investment and Jobs Act, the process has not been bipartisan and is unlikely to be as we head into the fall.

16. Economic Development Administration (EDA): The EDA has scheduled a series of webinars in August to discuss its various initiatives for spending the \$3 billion provided to it under the American Rescue Plan Act. It includes a travel, tourism and outdoor recreation as well as an indigenous community initiative. \$3 billion is about 8 times EDA’s annual budget. EDA is expected to use regional economic development entities for much of the distribution. More information is at the link.

https://www.eda.gov/ARPA/?utm_medium=email&utm_source=govdelivery

17. Landless Villages Legislation: Rep. Young has introduced HR 3231 -- Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act – to address landless native village claims in Southeast Alaska. The bill is identical to legislation from the prior Congress in terms of proposed withdrawal area locations. Senator Murkowski’s staff visited the community earlier in the summer to gather information and views on the legislation. The Senator has not introduced the Senate version nor set a timetable for its introduction. The Borough has forwarded written comments to her and the Young staff.

18. Wrangell Institute: As part of an effort to study and reconcile the mistreatment of Native Americans in the BIA’s boarding school system, the Secretary of Interior has announced a nationwide review and investigation. The first phase of the Departmental review will examine historical records and documentation of the different BIA school locations, to then be followed by tribal consultation and possible site visits and investigations. On behalf of the City/Borough concerning the Wrangell Institute property, we have requested Senator Murkowski’s Indian Affairs Committee staff to keep us informed of the progress of the Department’s review.

19. PILT/SRS: This year’s PILT payments have been announced by the Dept. of Interior. The House FY 2022 Interior Appropriations Bill contains full funding for next year. Included as part of the Infrastructure Investment and Jobs Act is a 3 year extension of SRS payments. Program funding is set at the FY 2017 level for each of the next 3 years.

20. New Federal Revenue Sharing Program For Public Lands Communities – We continue to monitor the formation of this new \$1.5 billion program created by the American Rescue Plan Act that we highlighted in our last report. The Treasury Department has not yet announced criteria for the program and has prioritized distribution of SALT relief, individual stimulus checks, and child tax credit relief. The funding is equally divided over FY 2022 and 2023.

21. Supreme Court Ruling On Alaska Native Corporation (ANC) Eligibility For CARES Act Funding -- On June 25, Supreme Court ruled that Alaska Native Regional and Village Corporations are eligible to receive CARES Act funding designated for tribes. The ruling also upheld the inclusion of ANCs as an “Indian tribe” under the Indian Self-Determination and Education Assistance Act. Approximately, \$450 million of the \$8 billion for tribal relief in the CARES Act remains unspent and would most likely be put toward ANC payments.

22. Tribal Broadband: The National Telecommunications and Information Administration has announced a grant opportunity for Federally-recognized tribes to seek funds for “last mile” projects to bring high-speed broadband to their communities. Total funding is \$980 million with applications due Sept 1. Alaska tribes may apply individually but some are joining a regional consortium approach managed by the Alaska Tribal Spectrum (ATS) to apply on their behalf. Links to the grant notice and ATS web site are below.

<https://broadbandusa.ntia.doc.gov/resources/tribal-nations>

<https://aktribalspectrum.org/>

23. Essential Air Service: The House FY 2022 Transportation, Housing & Urban Development Appropriations Bill includes \$364 million for EAS. This amount represents an increase of \$50 million in overall funding from FY 2021. The amount includes both appropriations and overflight fees imposed on foreign airlines transiting U.S. airspace.

24. WOTUS: The Administration (EPA/USACE) issued a notice in June announcing plans to rescind the Trump Administration changes to the “Waters of the U.S.” definition and revisit associated regulations. A future rulemaking is expected to start later this year.

25. Tongass Forest Management: The USDA has announced that it will rescind the roadless rule exemption provided to the Tongass National Forest during the Trump Administration. The rescission will have to go through a proposed and final rule, along with public comment, before it goes into effect. The Department’s plan includes an end to large-scale old growth timber sales. The Department also announced that it will provide \$25 million in grant funding for sustainable economic and workforce development, with a focus on “recreation, fisheries and the fishing industry, mariculture, renewable energy, sustainable timber management including for young growth, traditional and customary cultural uses, and carbon sequestration.” The Delegation has strongly objected to the announcement and USDA’s plans.

26. USFS Recreational & Maintenance Projects – Tongass National Forest: The enactment in the last Congress of the Great American Outdoors Act created a dedicated and substantially-increased funding stream from the Land & Water Conservation Fund to fund the backlog of maintenance, trail, recreation and facility projects on Federal public lands. For the Forest Service in the Tongass, the President’s FY 2022 budget request proposed funding a significant number of these types of projects totaling \$9.3 million. The House Appropriations Committee has moved forward with funding them. They include funding for deck replacement at Chief Shakes hot tub as well as a Zarembo Island Boat Launch, St Johns Bridge, Road Reconstruction/Passage project. They also include about \$1.5 million in marine infrastructure and dock repairs, although the locations are not specified. The total for all the projects planned for the Tongass next year is in the table below.

<u>Project</u>	<u>Dollars</u>
Sunnahae Trail Reconstruction	1,200,000
Tongass Docks and Marine Infrastructure Repairs	1,150,000
Ohmer Creek Trail Floating Bridge Replacement	210,000
Auk Nu Trail	71,080
Harbor Mountain Viewpoint Trail	50,000
Beaver Lake Trail Gravel	39,503
Chief Shakes Hot Tub Outdoor Tub Deck Replacement	81,200
Mitkof Island Trail	117,250
Indian River Trail Bridge Replacements	60,000
Exchange Cove Bridge and Aquatic Organism Passage (AOP) Structure	280,000
Hoonah Road Passage Improvements, and Bridge Reconstruction	330,000
Zarembo Island Boat Launch, St Johns Bridge, Road Reconstruction/Passage	500,000
Middle Ridge Cabin Wall Rehabilitation Project	40,000
Suntaheen Fishpass Nature Watch Area Trail Reconstruction	235,000
Mount Edgecumbe	166,844
Misty Fjords National Monument Wilderness Trails Deferred Maintenance.	115,000
Starrigavan Recreation Area Deferred Maintenance	25,000
Tongass Docks and Marine Infrastructure Repairs	304,000
One Duck Trail Reconstruction and Shelter Replacement	385,000
9-mile Downstream Trail Reconstruction Project	42,000
Situk River Corridor Trails Enhancement	100,000
Margaret Viewing Site	450,500
Cathedral Falls Trail Reconstruction	261,000
El Cap Recreation Area	876,401
Rainbow Falls Trail Complex	120,000
Mendenhall Glacier Visitor Center Deferred Maintenance.	320,000
Mendenhall Glacier Parking Planning Phase	500,000
Historic Spasski Trail Reconstruction	20,000
Dangerous River All-Terrain Vehicle (ATV) Trail	50,000

27. Fisheries & Oceans

- **COVID Fisheries Disaster Relief – CARES Act:** Due to the large number of applications submitted with omissions or errors, it has taken longer than expected for the Pacific States Marine Fisheries Commission to process applications for relief from Alaska and Washington fishermen. The Commission anticipates that Washington

CARES Act relief will be disbursed on or before 8/13/2021 and that Alaska relief will be disbursed in late September /early October.

- **COVID Fisheries Disaster Relief – Consolidated Appropriations Act of 2021:** As reported previously, Alaska has been allocated \$40 million by NOAA for the relief appropriated in this bill. The next step in the process is for the Alaska Dept of Fish & Game to develop its expenditure plan. Separately, \$30 million was allocated to Federally Recognized Tribes in coastal States.
- **2018 Gulf of Alaska Pacific Cod Disaster Relief:** The State of Alaska finalized its expenditure plan at the end of 2020 for relief to the differing fishing sectors impacted by the disaster. The Pacific States Marine Fisheries Commission will handle the processing of fishermen’s claims but is awaiting final approval from NOAA on grant funding before it can make application forms available. Reports are that the Office of Management & Budget (OMB) has prevented NOAA from making a final decision.
- **Executive Order 14008 – Tackling The Climate Crisis At Home And Abroad:** Section 216 of the E.O. calls for setting aside and permanently conserving 30% of all land and water in the United States by 2030. There appears to be some ambiguity about whether this applies to all land and water (including under State jurisdiction or private ownership) or simply land and water under the jurisdiction of the Federal government. The agencies have moved to the next steps on implementation, submitting a preliminary report titled *Conserving and Restoring America the Beautiful*. This report includes a recommendation for the Federal government to expand the National Marine Sanctuaries System and the National Estuarine Research Reserve System. The report also recommends that NOAA work closely with the Regional Fishery Management Councils to use the authorities provided under the Magnuson-Stevens Act to improve conservation outcomes for the protection of marine species and habitats.
- **Sea Otters:** The USFWS has issued a report based on roundtable meeting it held in Juneau in late 2019 on the growth of sea otter populations in Southeast Alaska. The report concludes that sea otter recovery in the region has been “wildly successful.” Suggested recommendations to address the growing population included more funding for artisan training and marketing of Native handicrafts as well as use of co-management agreements with Southeast AK tribal groups such as the Prince of Wales tribal sea otter commission. The link to the AK report can be found here --
https://www.fws.gov/alaska/sites/default/files/2020-10/SSOSW_REPORT_FINAL_508_0.pdf

Separately, a Congressional-required USFWS study (due December 2021) is currently examining reintroduction of sea otters in Washington, Oregon, and California. On August 5, 2021 an ad hoc coalition of 24 ocean-based regional stakeholder associations, including commercial fishing, shellfish aquaculture, and maritime interests, submitted a detailed comment letter to the Agency, expressing both concerns over the impacts of reintroduction and the need for a fair, transparent and comprehensive report to Congress.

- **Endangered Species Act (ESA) Revisions:** The Biden Administration has initiated a rulemaking to reinstate provisions of the Endangered Species Act that were modified under the Trump Administration to make the critical habitat designation process more flexible. This includes removing the options to exclude areas from critical habitat; rescinding the recent new definition of critical habitat; removing the ability to consider possible economic or other impacts to critical habitat designations; and restoring the automatic default that extends protections provided to endangered species to those listed as threatened. Several related rulemakings are expected this year.
- **Saltonstall-Kennedy Grants:** The Senate Commerce Committee has marked up S. 497, the American Fisheries Advisory Committee Act, legislation introduced by Senator Sullivan (R-AK) and Commerce Committee Chairwoman Cantwell (D-WA) to reform the national S-K grant program. The bill would create an advisory committee to guide the grant program's goals and objectives going forward. Senator Murkowski is a cosponsor. Rep. Young is the author of the House counterpart bill.
- **Mask Mandate On Fishing Vessels:** In May the Coast Guard issued a directive requiring the wearing of masks on commercial fishing vessels and other passenger vessels. This directive received a host of criticism from the Congress. Senators Lisa Murkowski (R-AK) and Maggie Hassan (D-NH) wrote to the CDC and the Coast Guard in late May urging them to reconsider the mask mandate for commercial fishing vessel. On June 13 the Coast Guard reversed its position and eliminated the mask mandate.
- **China Seafood Trade:** In April Senator Lisa Murkowski (R-AK) had an exchange with the current United States Trade Representative, Ambassador Katherine Tai, regarding the implementation of the agreement with China to purchase U.S. agricultural commodities, including U.S. seafood products. The Senator pointed out that the trade statistics demonstrate that China is not living up to its commitment to purchase U.S. seafood. Ambassador Tai assured Senator Murkowski that seafood would remain on the Administration's radar screen in its continuing discussions with the Chinese over the implementation of the trade agreement.
- **Prescott Grants:** In the May markup, the Senate Commerce Committee approved S. 1289, the Marine Mammal Research and Response Act. The legislation was introduced by Chairwoman Cantwell (D-WA) and cosponsored by Senators Sullivan (R-AK) and Murkowski (R-AK). The bill would amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue Assistance Grant Program. The bill would require enhanced data collection on stranded marine mammals; require closer coordination between funded marine mammal stranding network participants and NOAA; authorize larger grants to network participants; and increase public access to stranding data.
- **BLUE GLOBE Act:** In May, the Senate Commerce Committee approved S. 140, sponsored by Senators Sheldon Whitehouse (D-RI) and Lisa Murkowski (R-AK) the current co-chairs of the Senate Ocean Caucus. The legislation would direct federal interagency committees to accelerate ocean data and monitoring innovation and enhance

data management by increasing the focus on technology advancement. This would include an ocean innovation prize; an assessment by the National Academy of Sciences on the creation of an “oceans advanced research project agency”; and development of innovative technology designed to combat Illegal, Unreported, and Unregulated (“IUU”) fishing.

- **Endless Frontiers Act -- Seafood Imports From Trafficked Labor Nations:** Senator Wyden (D-OR) has added a fisheries-related provision to legislation design to improve U.S. trade and technological competitiveness that has now passed the Senate. It would establish a process to prohibit U.S. seafood imports that are harvested or processed using forced labor, including child and human-trafficked labor. U.S. Customs & Border Protection, in consultation with the Department of Commerce, would have one year to issue implementing regulations, relying on data from the Seafood Import Monitoring Program, to enforce the prohibition. Senator Wyden’s amendment also includes language directing the U.S. Trade Representative to coordinate with other nations to end international trade in seafood harvested and processed from forced labor.

Similar but much more controversial legislation (H.R. 3075; *Illegal fishing and Forced Labor Prevention Act*) has been offered by Rep. Huffman (D-CA-2nd) and Rep. Graves (R-LA-6th) and was part of a WOW Subcommittee legislative hearing on July 29, 2021. This legislation would among other things, expand the national Seafood Import Monitoring Program (SIMP) to all species; increase data requirements for SIMP, including consideration of labor conditions; improve detection of imports at risk of IUU fishing and labor violations; and increase interagency coordination and data sharing. Additionally, the bill would establish seafood traceability and labelling requirements; increase outreach on seafood safety and fraud; and improve seafood inspections and federal enforcement of seafood fraud. H.R. 3075 would also authorize funding for new Automatic Identification Systems (AIS) and amend requirements for where AIS must be used by U.S. vessels on vessels greater than 50-ft in the entire EEZ and on the high seas. The bill was included in a legislative hearing by the WOW Subcommittee on July 29, 2021.

- **Magnuson-Stevens Act (MSA) Reauthorization:** On July 26, 2021 House WOW Subcommittee Chairman Jared Huffman (CA-D-2nd) formally introduced H.R. 4690, the *Sustaining America’s Fisheries for the Future Act of 2021* (“SAFFTF”) In advance of introduction, the Chairman conducted seven MSA listening sessions around the country - three in the Pacific region, one in the Mid-Atlantic region, one in the Gulf of Mexico region, one in the South Atlantic region, and one in the Western Pacific region. The subcommittee staff also accepted stakeholder comments on a “discussion draft” circulated back on December 18, 2020. ROMEA staff submitted an analysis of that draft to Hill staff in early 2021. On July 28, 2021 ROMEA staff, working with Mr. Dave Whaley, circulated a detailed section-by-section summary of the formally introduced legislation, H.R. 4690. By comparison, the Senate has held no recent MSA hearings and no “discussion drafts” or actual reform bills were offered in the 116th or thus far in the 117th Congress.

- **NMFS Fisheries Surveys:** NMFS is gradually expanding its fisheries surveys this year as the pandemic decreases. The NOAA fisheries research vessel fleet is planning to increase its surveys from 253 days in 2020 to 1202 days in 2021. Surveys conducted by charter vessels are planned to be increased from 84 days in 2020 to 1038 days in 2021.
- **Electronic Monitoring (EM) On Fishing Vessels:** NMMFS is developing a new policy relating to EM data treatment and retention, FOIA applicability, and EM data as it relates to the Federal Records Act. It will also address secondary video review, third party standards, monitoring of EM providers and the elements necessary to ensure system functionality. A draft EM Policy Directive is slated to be presented to the Regional Fishery Management Councils in late 2021 with a planned implementation date of January 2022.
- **NOAA & NMFS Appointments:** The Senate has confirmed Dr. Rick Spinard to be the new Under Secretary of Oceans and Atmosphere and Administrator of NOAA. Dr. Spinard served as NOAA's Chief Scientist in the Obama Administration and is currently Professor of Oceanography at Oregon State University. Under President Obama, Dr. Spinard was the co-lead in developing the Nation's ocean research priorities. Janet Coit has been appointed Administrator of the National Marine Fisheries Service. Coit directed the Rhode Island Department of Environmental Management for more than ten years. She will also serve as acting Assistant Secretary of Commerce for oceans and atmosphere and deputy NOAA administrator.
- **Fish Passage Culverts, In-Stream Barrier and Dam Removal Funding:** The Infrastructure Investment and Jobs Act includes a new program authored by Senator Cantwell (D-WA) to install new and improved culverts at river and stream crossings, with a focus on expanding salmon and other anadromous fish habitat. The program is authorized at \$800 million/yr over the next 5 years and would provide grants to States, local governments and tribes to carry out the purposes of the program. Appropriations in the amount of \$200 million per year has been included in the bill. Separately, the bill provides NOAA with \$400 million for in-stream barrier removal projects that impede the passage of anadromous fish species. The U.S. Fish & Wildlife Service is provided \$200 million for the same purpose. \$75 million is appropriated to FEMA for dam removal projects.
- **Pacific Coastal Salmon Recovery Fund (PCSRF):** This program typically provides \$65 million annually via formula to the West Coast States for salmon recovery and habitat restoration activities. The Infrastructure Investment and Jobs Act includes a funding supplement to bring this program to an annual funding level of \$100 million for the next 5 years.