

To: The Honorable Vince Tutiakoff Sr.
The Unalaska City Council
Bil Homka, City Manager
Chris Hladick, Consultant
Michelle Price, Administrative Coordinator

From: Sebastian O’Kelly, Rick Marks & Brad Gilman

Re: Washington Update

Date: September 11, 2023

FY 2024 Appropriations

Congress will not enact its appropriations bills by the start of the Oct 1 new fiscal year. It most likely will enact a short-term Continuing Resolution to keep the Federal government operating until late 2023 while the House and Senate negotiate their differences. The Senate Appropriations Committee has marked up all 12 of its appropriations bills, while the House Appropriations Committee has marked up 10 of the 12 bills. Major differences exist between the two bodies on “topline” spending levels which portend for difficult negotiations ahead, so a government shutdown later in the year cannot be ruled out.

Senator Murkowski submitted the City’s Congressionally Directed Spending (CDS) request of \$3.4 million for waterline infrastructure along Captain’s Bay Road to the Senate Appropriations Committee; however, the Committee chose not to fund the request. She also submitted a \$550,000 CDS request on behalf of the Ounalashka Corporation (OC) for roof repair/replacement of the WW II Aerology Building that Committee chose not to fund.

Harbor Entrance Channel Dredging Project

As noted in our last report, the National Marine Fisheries Service (NMFS) has issued for public comment an Incidental Harassment Authorization (IHA) request from the Army Corps to “take” marine mammals (humpback whales, harbor porpoise, harbor seals and Steller sea lions) exposed to level A & B harassment from the dredging project at Dutch Harbor. The public comment period closed in May. The IHA, once finalized, will be for a 1 year period starting November 1, with further one year renewals to be issued should they be needed. Details on the IHA, including its marine mammal monitoring and mitigation plan, can be found at this link.

<https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-army-corps-engineers-unalaska-dutch-harbor-channel>

Brownfields/ANSCA Contaminated Lands Clean Up

The EPA Brownfields Program has awarded the Ounalashka Corporation a \$2 million grant for contaminated lands assessment in Unalaska that would focus on the Bunker Hill, Pyramid

Valley, and Strawberry Hill areas. Earlier, the AK Congressional Delegation sent a letter to EPA in support of OC's grant application. OC has further been awarded a \$1 million grant from EPA's new Contaminated ANCSA Lands Assistance Program for soils and PCB clean up. The FY 2024 Interior Appropriations Bill at Senator Murkowski's request includes an additional \$30 million for the program; however, the House version of the bill has no funding and the differences will need to be resolved in House-Senate negotiations. Separately, the FY 2024 Interior Appropriations Bill includes \$6.7 million to the Denali Commission for the outfitting of a barge with waste removal and disposal and water treatment equipment that could be deployed at remote contaminated sites in Alaska.

USCG Family Duty Station In Unalaska

Senator Sullivan continues to press the Coast Guard on its commitment to undertake a review of the possibility of designating its operations in Unalaska a family duty station. The Coast Guard has informed his office that the review will be completed by the end of this year.

Tribal Home Electrification and Appliance Rebates Program

DOE has published the tribal allocations for public notice and comment from the new tribal home energy appliance rebate program created in the Inflation Reduction Act. The Qawalangin Tribe is slated to receive \$157,765 to administer the program for tribal members who seek rebates for purchase of home energy efficient appliances. The notice is for public comments on the program, so it is not yet at the point for actual distribution of the funds. The allocations are determined by formula, with a minimum allocation of \$150,000 per tribe and larger amounts going to higher population tribes.

New USDA Clean Energy Forgivable Loan Program

USDA has rolled out its Inflation Reduction Act-funded rural renewable energy programs, with two new initiatives, one aimed at traditional rural energy cooperatives totaling \$9.7 billion and the second aimed at rural renewable energy developers totaling a \$1 billion. The PACE program provides up to 60 percent forgivable loans up to \$100 million with a sliding scale of percentage forgiveness with the highest percentage forgiveness for underserved populations and tribal government. The process is triggered by potential applicants submitting a Letter of Interest by Sept. 29. The LOI has to be submitted then approved by USDA before inviting submission of a loan application. Details are at the link with the USDA POC for AK projects, including technical assistance on submitting an LOI, below.

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<https://www.rd.usda.gov/media/file/download/usda-rd-sa-usda-pace-new-era-technical-corrections-06-16-2023.pdf>

<https://www.govinfo.gov/content/pkg/FR-2023-06-16/pdf/2023-12848.pdf>

Alaska Native Vietnam Veterans Land Withdrawals

The BLM has issued a revised notice on the land withdrawal process and eligibility for AK Native Vietnam Vets. Details are at the link.

<https://www.federalregister.gov/documents/2023/08/09/2023-16979/public-land-order-no-7929-partial-revocation-of-public-land-order-nos-5169-5173-5174-5178-5179-5180>

Fisheries & Oceans

- **Heart of the Ocean “PRIME” Alaska Marine Sanctuary** – In a July hearing on the NOAA budget and in response to a question from Senator Sullivan, NOAA Administrator Spinrad stated that the agency has “no plans to initiate the designation process.” for the HOA proposal. We will continue to monitor.
- **Rep. Peltola Online Bycatch Survey** – Rep. Peltola has published on her web site an online survey to gather feedback on ideas to reduce salmon bycatch. Ideas she has listed include -- increasing funding for gear research; lowering caps on allowable bycatch; decarbonizing the fishing fleet; increasing trawl fleet monitoring; mandating 100% catch retention; applying penalty fees or taxes for bycatch; and providing incentives for innovative bycatch reduction techniques with a box to make other suggestions. The link to the survey is here -- <https://peltola.house.gov/forms/form/?ID=4>
- **Qawalangin Tribe Salmon Restoration Grant** – NOAA has awarded the Tribe a \$1,383,000 grant to monitor sockeye and pink salmon escapement before contamination removal from Unalaska Lake and Iliuliuk Creek.
- **Alaska Salmon Research Task Force:** NOAA has made the appointments to the 19-member Task Force. The Delegation issued a press release welcoming the appointments and will be monitoring its progress closely. Its responsibilities include -- reviewing and reporting on research about Pacific salmon in Alaska; prioritizing scientific research needs for Pacific salmon in Alaska; identifying applied research needed to better understand salmon migration and declining salmon returns in some regions of Alaska; and supporting collaboration and coordination for Pacific salmon conservation efforts in Alaska. In addition to the Task Force, NOAA has created a Yukon/Kuskokwim working group. NOAA has created a separate web page for the Task Force which includes a list of its members -- <https://www.fisheries.noaa.gov/alaska/ecosystems/alaska-salmon-research-task-force>
- **National Seafood Supply Act:** Senator Sullivan has introduced legislation to expand the eligibility for USDA farm loans to include commercial fishing. It also modifies the

country-of-origin labeling requirements to include cooked king and tanner crab, as well as cooked and canned salmon.

- **United States-Russian Federation Seafood Reciprocity Act:** Senators Sullivan and Murkowski (Rep. Peltola is the cosponsor of the House counterpart bill) have introduced a bill that would prohibit the importation of seafood and seafood products from Russia. The bill would also block Russian seafood that has been substantially transformed in another country through reprocessing.
- **Wild USA Seafood Act:** Senators Murkowski and Sullivan have introduced a bill that expands USDA's role in supporting U.S. seafood through establishing use of a "wild American/USA seafood" label.
- **NOAA Organic Act --** On June 9th House Science Committee Chairman Frank Lucas (R-3rd-OK) formally introduced the "NOAA Act of 2023" with 14 Republican co-sponsors. The bill removes NOAA from the Department of Commerce and makes it an independent entity like the EPA & NASA. The bill has a heavy weather/space focus and calls for a NAS study to potentially shift all ESA/MMPA responsibilities from NOAA to another agency/department.
- **NOAA EEJ Strategy:** On May 22nd NOAA Fisheries released its first-ever national [Equity and Environmental Justice \(EEJ\) Strategy](#). According to the Agency, this strategy reflects a "deep commitment to advancing equity and environmental justice, including equal treatment, opportunities, and environmental benefits for all people and communities, while building on continuing efforts and partnerships with underserved and underrepresented communities. We make that commitment tangible by describing the path that NOAA Fisheries will take to incorporate equity and environmental justice into the vital services we provide to all communities."
- **NOAA To Revise National Standard Guidelines for 4, 8 & 9 --** NOAA is considering revising the implementing guidelines for National Standards 4 (allocation), 8 (impacts to communities), or 9 (bycatch, including "practicability" standard), of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Agency issued a Notice of Proposed Rulemaking (AMPR) on May 15th (See 88 FR 30934) to take comments from interested stakeholders to help decide if revisions are necessary. The agency has indicated the goals of this ANPR will be two-fold: 1) To receive public input on the current National Standard 4, 8, and 9 guidelines and areas/issues that may benefit from further consideration and/or revisions, as appropriate; and 2) To ensure the National Standard 4, 8, and 9 guidelines remain relevant given existing and emerging issues facing U.S. fisheries management. Any changes to the bycatch standard could have implications for the BSAI groundfish fishery.
- **Report on Conserved Areas in the U.S. EEZ --** On June 14th the Regional Fishery Management Councils formally released a synthesis of conservation areas in the US EEZ. The report, titled [An Evaluation of Conservation Areas in the U.S. Exclusive Economic Zone](#), identifies 648 conservation areas covering 72% or nearly 3.4 million acres of

federal waters. According to the Councils Coordinating Committee, the report was developed with the goal of identifying conservation areas that should be included in the American Conservation and Stewardship Atlas (Atlas) being developed by the Biden Administration as part of the “America the Beautiful initiative”, which aims to conserve at least 30% of U.S. lands and waters by 2030. For more information visit the CCC [Area-Based Management webpage](#).

- **Ocean Innovation Legislation** – Senator Murkowski has introduced legislation whose purpose it to establish Ocean Innovation Clusters to strengthen the coastal communities and the ocean economy of the United States through technological research and development, job training, and cross-sector partnerships.
- **NOAA Climate Governance:** On 9/27/23 NOAA will hold a national webinar on Draft Fisheries Climate Governance Policy Procedural Directive for MSA 304(f); RFMC geographic authority. The agency will accept public comments to 11/17/23.
- **ARCTIC Act:** On 7/18/23 the “*Improving Agriculture, Research, Cultivation, Timber & Indigenous Commodities*” (ARCTIC Act) was introduced by Sen. Murkowski) to expand USDA’s support for domestic seafood; with S.2182 “Wild USA Seafood Act” (by Sens. Sullivan/Murkowski); for wild caught/GMO labels, processor grants/USDA assistance. We understand these pieces of legislation may become amendments to the 2023 FARM bill.
- **AIS Legislation:** On 7/26/23 the Senate Homeland Security Committee passed S.2248, “*Vessel Tracking for Sanctions Enforcement Act of 2023*” (Sen. Hassan, NH-D) requiring CBP/NOAA establish a 4-yr pilot program to identify vessels that disable/manipulate AIS transponders. AIS is currently required on vessels ≥ 65 -ft operating in the US EEZ, including on domestic commercial fishing vessels.
- **National Seafood Strategy:** On 8/9/23 NOAA published the final and 1st ever National Seafood Strategy to help the domestic commercial fishing/seafood sector.
- **North Pacific Humpback Stocks:** In August NOAA issued its final 2022 MMPA Stock Assessment Reports (SARs) for North Pacific Humpback whales. The number of stock units increased from 3 stocks to 5, with 4 of the stocks being considered “strategic”. These new stock delineations could precipitate NGO litigation and complicate the management situation in the region.
 - Former Central NP & West NP (AK) and CA/OR/WA (Pacific) become...
 - WNP + HI + Mex/NP (AK); Cent. Ameri/So. Mex (CA/OR/WA); Mainland Mex/CA/OR/WA (Pacific)

- **Ballast Water Management:** In December 2018 passage of P.L. 115-282 required the EPA within 2-yrs to create national ballast water management standards, incl. on commercial fishing vessels. Ballast water is defined broadly as “any liquid, carried in any manner, that may affect stability.” and thus, could include ice, ice-sea water slurry, and recirculating ambient seawater taken on board a commercial fishing vessel. In late July the EPA submitted a Supplemental Rule to OMB for review. The SR will be out for public comment in the fall with a final rule expected by the end of the year.
- **WOTUS Rule:** On 8/28/23 the Biden Administration issued a final revised “Waters of the US” rule (WOTUS) reflecting a May 2023 SCOTUS decision (Sackett v. EPA; See 88 FR 61964). The rule walks back a prior Administration ruling to significantly expand the WOTUS definition. The final rule requires that waters with continuous surface connection to bodies that are waters of the U.S. will receive federal CWA protection.