COMMITTEE ON NATURAL RESOURCES
113th Congress Disclosure Form
As required by and provided for in House Rule XI, clause 2(g) and the Rules of the Committee on Natural Resources

H.R. 69 (Bordallo), *Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013*; H.R. 2646 (Herrera Beutler), *REFI Pacific Act*; and H.R. ___ (DeFazio), *Pirate Fishing Elimination Act.*
Thursday, April 3, 2014

For Individuals:

1. Name: James P. (Bud) Walsh

2. Address: 505 Montgomery Street, Suite 800, San Francisco, CA 94111-6533

3. Email Address: budwalsh@dwt.com

4. Phone Number: (415) 276-6500

* * * * *

For Witnesses Representing Organizations:

1. Name: Myself, as an individual

2. Name of Organization(s) You are Representing at the Hearing: None

3. Business Address: n/a

4. Business Email Address: n/a

5. Business Phone Number: n/a

For all Witnesses

Mr. James P. "Bud" Walsh - Davis Wright Tremaine LLP
H.R. 69 (Bordallo), *Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013*; H.R. 2646 (Herrera Beutler), *REFI Pacific Act*; and H.R. ___ (DeFazio), *Pirate Fishing Elimination Act.*
Thursday, April 3, 2014

a. Any training or educational certificates, diplomas or degrees or other educational experiences that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

I am a lawyer licensed to practice law in California, Washington State, and the District of Columbia. My undergraduate degree is from Stanford University and my law degrees are from the University of Washington School of Law (J.D./LL.M in Law and Marine Affairs). I have been a licensed lawyer since 1970.

b. Any professional licenses, certifications, or affiliations held that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

See answer to a.

c. Any employment, occupation, ownership in a firm or business, or work-related experiences that relate to your qualifications to testify on or knowledge of the subject matter of the hearing.

I have served as Staff Counsel and General Counsel of the U.S. Senate Committee on Commerce and as Deputy Administrator and Acting Administrator of NOAA. During my time working for Senate Magnuson, I handled about 10-15 new laws each year for four years. At NOAA, I was responsible for ocean policy coordination, in addition to Congressional Affairs oversight. I have had experience in treaty negotiations involving fishery management, trade, and the Law of the Sea. My area of practice has been representation of commercial fishery entities here in the United States and in other countries, including Mexico, Canada, Japan, Taiwan, Korea, China, the Solomon Islands, the Marshall Islands, and the Federated States of Micronesia. Recently, much of my work has been in defending fishery enforcement cases both here and in other countries, as well as counseling on compliance with U.S. laws and conservation and management measures issued by Regional Fishery Management Organizations.

d. Any federal grants or contracts (including subgrants or subcontracts) from the Department of Commerce that you have received in the current year and previous four years, including the source and the amount of each grant or contract.

None.

e. A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.

1. Pacific Dawn LLC v. Penny Pritzker, No. 14-14224, pending in the U.S. Court of Appeals, Ninth Circuit. This case challenges the method by which IFQ was initially allocated to participants in the West Coast Groundfishery, in particular the Pacific whiting fishery. Our clients are claiming that IFQ should be allocated on the basis of all history in the fishery through at least 2010, whereas the actual allocations were based on history only up to 2003 and 2004 (for processors). In addition, our clients object to the fact that IFQ was allocated to permit holders who had dropped out of the Pacific whiting fishery as of those dates and were not "presently participating" in the fishery at the time the allocations were initially made in 2011. The applicable statute is the Magnuson-Stevens Act.

2. State of Alaska v. Lubchenco, 825 F.Supp.2d 209 (D.D.C. 2011). Our firm represented an intervenor, Escopeta Coil Company, in a suit brought by the State of Alaska with regard to the listing of the Cook Inlet beluga whale population as endangered under the Endangered Species Act.

3. Civil Penalty cases: While these cases are not technically "lawsuits or petitions", our firm is currently defending various companies in 12 civil penalty proceedings at various stages pending before NOAA, either Administrative Law Judges or the Administrator on appeal. These cases involve alleged civil penalty violations under the Western and Central Pacific Fisheries Convention Implementation Act, the Magnuson-Stevens Act, or the Marine Mammal Protection Act. The lead Respondents in each case are: Matthew James Freitas (Consol. Cases No. PI-0904338, PI-000365, PI-000367, PI-000369, and PI-000371); Anthony Black (PI-0904340); Benjamin Brown Maughan III (PI-1101249); Pacific Ranger LLC (PI-1101523); Craig Bolton(AK-1200300); Lawrence Wagner (PI-1103559); Raymond L. Fournier (PI-1100409); and Tony Da Silva (PI-1100830). Our firm previously represented Peter Pan Seafoods, Inc. in a civil penalty matter under the Magnuson-Stevens Act that was settled in 2012 (AK-0401011).

f. A list of all federal lawsuits filed against you by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

None.

g. Any other information you wish to convey that might aid the Members of the Committee to better understand the context of your testimony.

I testified before this Subcommittee on March 3, 2010 in a hearing that examined the enforcement of fishery management laws and regulations, primarily NOAA's practices and recent experience.

h. Any offices, elected positions, or representational capacity held in the organization(s) on whose behalf you are testifying.

I am a partner in my law firm and a member of the firm's Quality Assurance Committee.

i. Any federal grants or contracts (including subgrants or subcontracts) from the Department of Commerce that were received in the current year and previous four years by the organization(s) you represent at this hearing, including the source and amount of each grant or contract for each of the organization(s).

None.

j. A list of all lawsuits or petitions filed by the organization(s) you represent at the hearing against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed for each of the organization(s).

I am appearing in my individual capacity, so none.

k. A list of all federal lawsuits filed against the organization(s) you represent at the hearing by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

None.

l. For tax-exempt organizations and non-profit organizations, copies of the three most recent public IRS Form 990s (including Form 990-PF, Form 990-N, and Form 990-EZ) for each of the organization(s) you represent at the hearing (not including any contributor names and addresses or any information withheld from public inspection by the Secretary of the Treasury under 26 U.S.C. 6104)).

Not applicable.