

**Committee on Natural Resources**  
**Subcommittee on Water, Oceans, and Wildlife**  
**Oversight Hearing**  
**1324 Longworth House Office Building**  
**May 21, 2019**  
**3:00 pm**

**The Department recognizes that the responses to these QFRs are excessively overdue and apologizes for the delay in sending these to the Committee.**

Oversight hearing entitled, “Examining the President’s Fiscal Year 2020 Budget Proposal for the National Oceanic and Atmospheric Administration and U.S. Fish and Wildlife Service.”

**Questions from Rep. Huffman**

1. *Did the Pebble Limited Partnership provide reasoning behind rescinding their application for authorization under the Marine Mammal Protection Act? What was the rescinded application specific to within the scope of the proposed mine? Does NOAA agree with the Pebble Limited Partnership that an MMPA authorization is no longer needed for the project or for any surveys needed for the environmental review process?*

**Answer:**

On October 5, 2019, Pebble Limited Partnership (PLP) submitted an incidental harassment authorization (IHA) to the National Marine Fisheries Service (NMFS) requesting authorization to take marine mammals incidental to geophysical and geotechnical surveys in lower Cook Inlet designed to site a pipeline. PLP did not request take incidental to any other activities. NMFS does not generally issue incidental take authorizations for geotechnical work; however, NMFS encouraged PLP to conduct sound source verification (SSV) tests on the geophysical acoustic equipment proposed for use during the survey. PLP conducted such tests after NMFS reviewed the SSV plan. NMFS also reviewed PLP’s preliminary acoustic report and provided minor comments. On March 20, 2019, PLP formally withdrew their IHA application citing the results of the sound source verification data collected for their survey instruments which showed a very small ensonified area. PLP indicated that they planned to implement several mitigation measures to further reduce any potential for impacts to NMFS regulated marine mammals:

- PLP will operate under the guidelines of a Marine Mammal Monitoring and Mitigation Plan for the project;
- Protected Species Observers will be placed on the boat during the boomer survey and the geotechnical survey; and

- PLP has conducted a training session for all boat captains involved in the project prior to startup that focuses on marine mammal protection.

Because PLP withdrew their application and did not specifically request NMFS' concurrence that their action would not result in the take of marine mammals, NMFS neither agreed nor disagreed with their assessment; however, preliminary SSV results indicated the potential for harassment was low. No future surveys were discussed nor has PLP contacted us about future surveys since that time; therefore, NMFS is not aware of any other surveys beyond those described in the IHA application.

2. *Will NOAA have enough time for peer review of its biological opinions for the Central Valley Project and State Water Project? If so, how will the agency incorporate the feedback? Has the agency previously issued biological opinions that haven't been subject to peer review?*

**Answer:**

Yes. NMFS reviewed all the independent peer reviewer reports received and incorporated relevant feedback from the reviews into the final biological opinion. The biological opinion was issued on October 21, 2019.

It is not a common practice for NMFS to seek peer review of biological opinions, but we do often seek peer review for controversial projects where we feel that the review would enhance the scientific integrity of the biological opinion, pursuant to NOAA Administrative Order 202-735D: Scientific Integrity.

[https://www.corporateservices.noaa.gov/ames/administrative\\_orders/chapter\\_202/202-735-D.html](https://www.corporateservices.noaa.gov/ames/administrative_orders/chapter_202/202-735-D.html).

3. *You mentioned that delays in determining fishery disasters and obligating relief funding are often due to information deficiencies. What types of additional data are typically needed and what is NOAA doing to ensure that eligible entities are fully aware of the required information and data that is needed to quickly review applications and spend plans?*

**Answer:**

The availability of commercial fishery revenue loss information is one of the biggest information issues that affects the timing for making fishery disaster determinations. NMFS analyzes 12 months of commercial revenue loss associated with the requested disaster determination as compared to the average annual commercial revenue in the most recent five years. To demonstrate that a commercial fishery failure occurred, NMFS must have actual commercial revenue data. These data are normally not available until after the close of the fishing year. If fishery disaster requests are submitted prior to the end of the fishing year, we can generally begin

analyzing the request, but we cannot complete our full analysis without this commercial revenue data. In extreme situations, such as natural disasters where severe economic impacts are clear, there may be sufficient information to support a positive fishery disaster determination without commercial revenue loss data.

There is no standing fund for fishery disaster relief and Congress may choose not to appropriate funds for fishery disaster assistance even when a finding is made. If Congress does appropriate funds, it is on a case-by-case basis, and there can be extended periods of time between when disasters occur and when funding is appropriated. The appropriations language varies and can determine the specific universe of eligible fishery disasters and provide other guidance.

NOAA plans to issue a proposed regulation to increase clarity, improve consistency, accelerate the timeline for making determinations, and establish guidelines to ensure timely allocation and the best use of funds.

4. *The recent Atlantic Large Whale Take Reduction Team meeting resulted in a suite of measures that were proposed to reduce risk in the lobster fishery, particularly the inshore part of the fleet. Considering the expansion of the lobster fishery into deeper offshore waters, and the potential for that heavier gear to have be particularly deadly for right whales, what data does NOAA have about this part of the industry? What steps is NOAA planning to take to reduce the risk of right whale take from the offshore fleet?*

- *NOAA and other research organizations spend considerable time and money conducting aerial surveys, and this sightings data is the best real-time information on where North Atlantic right whales are in U.S. waters. Will NOAA use that data to determine the best measures to prevent entanglement and deaths of right whales?*
- *NOAA has determined that killing even one right whale a year will undermine the recovery of the species. Ropeless fishing gear technology is a way to reduce risk to the whales, while allowing lobster and crab fishing to continue. There are several types of ropeless traps and pots, with remote sensing and bottom stored rope, or inflatable bags that bring traps to the surface, without the need for a rope from the seafloor to the surface. What is NOAA doing to advance the use of pot fisheries of ropeless technology?*
- *So-called “wet storage” of lobster and crab gear (storing pots and traps at sea when they are not in use for fishing) is prohibited under current NOAA lobster regulations. Wet storage of gear needlessly adds risky rope to the water column and causes entirely avoidable entanglements. What is NOAA doing to enforce this?*
- *On the West Coast, NOAA has touted the use of EcoCast that informs dynamic area closures to minimize fisheries bycatch and maximize fisheries target catch in near*

*real time. Can you discuss the successes of that tool and how the innovative dynamic area closure approach is balancing the priorities of keeping viable fisheries with the need to conserve protected species and the broader ecosystem?*

**Answer:**

NMFS has permit data, observer data, logbook reports and dealer data that together provide a good understanding of how many lobster fishermen fish offshore, how many traps/pots they fish, and how their gear is configured. Many offshore vessels use strong buoy lines in deeper waters and fish 40 lobster traps between buoys. The Take Reduction Team (TRT) recommended that fishermen in the large offshore area known as Lobster Management Area 3 be required to reduce the risk of the fishery in the offshore area to right whales by approximately 60%. Additionally, offshore fishermen are currently working with researchers to determine whether whale safe weaker ropes will still allow them to retrieve their pots from the bottom.

NMFS will use the best available data on right whale distribution, fishing effort and distribution, and the risk posed by fishing gear in various configurations to compare risk reduction measures such as those recommended by the TRT and compare them to current fishing practices to ensure that new measures reduce the risk of New England trap/pot fisheries on the North Atlantic right whales.

NMFS is currently supporting research on ropeless fishing (fishing without a constantly present buoy connecting bottom traps to the surface) in the lobster fishery in New England waters and has initiated efforts to develop a “roadmap” to ropeless fishing. The roadmap will outline the current research and management questions and technology barriers that must be answered or overcome to make ropeless fishing operationally feasible in commercial fisheries. NMFS will specifically serve a role of facilitating collaborations between investors and fishermen, working with both to test new ideas in a rigorous, scientific manner while supporting some research/development costs. Additionally, the NMFS Bycatch Reduction Engineering Program supports research and development of ropeless fishing technologies via a federal grant program. In 2018, the program funded a New England Aquarium project entitled, “Testing a ropeless fishing prototype for eliminating large whale entanglements in pot fishing gear.” In the program’s recent 2019 Federal Funding Opportunity, NMFS highlighted reducing bycatch of North Atlantic right whales as a priority program area.

NOAA’s Office of Law Enforcement (OLE), Northeast Division utilizes Cooperative Enforcement Agreements with ten states to enforce fishing gear regulations in the exclusive economic zone. This includes lobster gear regulations. Prohibitions against “wet storage” are difficult to enforce, especially in areas far from shore. Enforcement is more effective in areas where closures are in effect during part of a season such as the Great South Channel restricted area. OLE works with state enforcement agencies for at-sea enforcement and is currently

evaluating overall enforcement efforts regarding vertical lines. OLE will take action when we receive intelligence on illegal gear in the water.

NOAA on the West Coast has supported the development of EcoCast, which uses decades of fisheries observer data and remotely sensed environmental data to predict areas where swordfish are more likely to be caught while avoiding certain species of concern. The model currently includes swordfish, blue sharks, leatherback sea turtles, and California sea lions. The EcoCast team is working with cooperative fishermen to ground-truth their predictions at sea. EcoCast is not mandated for use in any fisheries now, and it is not used for any dynamic ocean closures, but we hope that it can be a successful bycatch avoidance tool for fishermen.

5. *Observers are essential to carrying out NOAA's fisheries management priorities, yet several concerns have been raised regarding safety of fishery observers. I'm glad to see that NOAA Fisheries has recently put together an action plan to implement observer safety recommendations, and I wanted to give you some time to talk about that.*

- *Is the Safety Advisory Committee working with outside subject matter experts to identify and implement best practices in observer safety improvement?*

**Answer:**

Yes, the National Observer Program Advisory Team (NOPAT) and Safety Advisory Committee work with marine safety experts and partner with the U.S. Coast Guard (USCG) to ensure the regional observer programs are providing current observer safety training and the appropriate safety gear for deployed observers. The USCG liaison is a member of the NOPAT and participates in our biannual meetings as well as contributing to the Safety Advisory Committee who review national observer safety training policies and procedures. Information about the NOPAT and SAC can be found on the [Fishery Observers web page](#). The National Observer Program contracts with marine safety experts who provide extensive USCG-approved Marine Safety Instructor Training (MSIT) annually for the regional observer program safety trainers. More details about these safety training workshops and the marine safety experts who provide the MSIT training can be found at our [Observer Safety web page](#).

6. *In addition to safety issues, sexual assault and sexual harassment are too commonly faced by observers. One report in Alaska identified that nearly 20 percent of women observers in 2016 had felt fearful for their physical safety, almost half were treated with offensive comments related to age, sex, sexual orientation, religion, and/or race/ethnicity, and fifteen observers reported incidences of sexual harassment and assault. NOAA's 2016 Fishery Observer Attitudes and Experiences Survey that was released earlier this month similarly indicates that about half of respondents reported harassment, but only a third of those reported harassment every time.*

*What steps is NOAA taking to address sexual assault and sexual harassment of observers?*

**Answer:**

Like many agencies and society as a whole, NOAA also has sexual harassment and hostile work environment issues. NOAA leadership takes these issues extremely seriously and preventing and responding to sexual assault and sexual harassment is a priority for NOAA. Thus, NOAA has elevated the Workplace Violence Program to under the Deputy Under Secretary for Operations.

In the future, NOAA will focus on ensuring leaders understand the importance of continuing to provide two of the most important commodities in a workplace: funding and time to prevent and eliminate sexual assault and sexual harassment NOAA-wide. NOAA's highest priorities will be completing the NOAA-wide workplace assessment and implementing bystander intervention training. NOAA will bring awareness and resources to leaders and employees by hosting a Sexual Assault and Sexual Harassment (SASH) Summit featuring experts in prevention and response to sexual assault and sexual harassment. NOAA is creating a SASH Council consisting of representatives from line, staff, and program offices and stakeholders to implement the SASH strategic plan.

Furthermore, NOAA completed the following actions:

- NOAA partnered with the nation's largest anti-sexual violence organization, Rape, Abuse, & Incest National Network (RAINN), and, in December 2016, established a Sexual Assault and Sexual Harassment Helpline (SASH Helpline), which continues to provide crisis intervention, referrals, and emotional support to victims. These services are available to NOAA employees, including NOAA's commissioned officer corps, and individuals who work with or conduct business on behalf of NOAA.
- The NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy was issued on February 26, 2018.
- NOAA transmitted the first Report to Congress on Sexual Assaults in NOAA last year and is in the final stages of reviewing the report for 2018.
- In August 2018, NOAA hired a Workplace Violence Prevention and Response Program Manager to develop an agency-wide program to prevent and respond to sexual assault and sexual harassment.

In addition, the NOAA Corps and the Office of Marine and Aviation Operations (OMAO) leadership have taken the following additional steps:

- OMAO partnered with the U.S. Coast Guard to train three victim advocates and one OMAO victim advocate liaison, who is located at MOC-P in Newport, Oregon.

- Designed OMAO specific training for our personnel using a case study-based approach. Real ship, aircraft and remote operational scenarios are used throughout the course. The scenarios discussed are realistic and applicable to our unique workforce and work environments. This training is conducted in-person with a highly experienced facilitator and is group training completed as a team in the field or in the office. *Please note: Specific care was taken to ensure the case studies are anonymous and mixed enough to not be able to identify victims.*
- Commissioned a maritime training company to develop a new welcome aboard video specific to the topic of civility. The video includes recognizing and reacting to harassment of all types and is made in partnership with UNOLS. This video was approved and was in use by field units July 12, 2019.
- OMAO continues to have a dedicated investigative services contract in place to investigate expediently and thoroughly. The investigator is linked with employee labor relations specialists to ensure appropriate actions are taken in a timely manner when necessary.
- Ten OMAO personnel attended an Investigation Training Course to bolster the investigative skill set within OMAO to ensure trained personnel are available to assist and conduct proper investigations.
- In 2018 OMAO extended their annual safety survey from the aviation community to the maritime community. This survey, based on decades of Navy surveys and analysis, has helped to shape the leadership priorities and initiatives for OMAO's Aircraft Operations Center for multiple years and proven successful. A separate safety survey was facilitated within OMAO's marine community for the first time and has already shown similar success. The survey covers a variety of topics and provides leadership at the ship command, center command, marine operations and Director level a pulse on the climate and culture.

*Why do you think that two thirds of observers did not feel they could or should report every instance of harassment?*

**Answer:**

About half of the survey respondents (46% of 553 current or former observers) reported that they were harassed at least once in their observer career, with 33% reporting an incident every time it occurred and 40% reporting some of the harassment incidents they experienced. This survey question did not specify what type of harassment observers reported that they experienced during their careers.

Fifty-five respondents indicated they did not report an incident of harassment for one or more of the following reasons: 20% were worried about retaliation or damage to their professional

reputation, 66% resolved the situation themselves, 31% wanted to put the experience behind them, 31% did not think NMFS would resolve the situation, 26% felt the situation was not as bad as they originally thought upon return from a trip, and 18% had unspecified reasons for not reporting.

Harassment, intimidation, and interference of observers is illegal. During the intensive three-week training and annual refresher sessions, observers are trained to identify harassment and practice conflict resolution skills. Additionally, NMFS and the North Pacific Observer Program (deploying more than 400 observers annually) are collaborating with the Office of Law Enforcement, U.S. Coast Guard, other law enforcement agencies and the fishing industry to create a community of Capable Guardians and increase the rapport within the fishery observer community to deter any type of harassment and ensure the safety of observers.

*What is NOAA doing to increase the rate of reporting to accurately capture the full scope of incidents?*

**Answer:**

NOAA is committed to prevention training coupled with the expansion of the RAINN hotline to help capture the full scope of incidents experienced by observers. By encouraging reporting during the observer safety training and providing observers with a hotline to call that will connect them directly to victim advocacy services, NOAA believes it will increase reporting among observers.

Observers are always encouraged to contact OLE, the USCG, observer program staff, or their employer using satellite phones or other communication devices such as an InReach device. Not all observers are deployed with their own satellite phone and are encouraged to use their Personal Beacon Locator if they are in an unsafe environment and need to be removed from a vessel.

*Harassment of observers is unlawful under the Magnuson-Stevens Act. Are there any gaps in authority to address incidents that have been identified?*

**Answer:**

Section 307 of the Magnuson-Stevens Act (16 USC 1857(1)(L)) makes it unlawful, in part, for any person to “forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under the Act...” (emphasis added). The plain language of this statutory prohibition that requires that the acts must be done “forcibly” and “on a vessel” limits a broader application of this prohibition to acts victimizing an observer that occur off a vessel or where the use of physical force is not present (i.e., verbal sexual harassment).

## Questions from Rep. Sablan

*1. At the May 21 hearing I asked you about NOAA's recent audit of the Western Pacific Sustainable Fisheries Fund (Fund) as required by Senate Report 115-139. Questions regarding the use of the Fund and the administration of monies by the Western Pacific Fishery Management Council (WESPAC) have been previously raised by the audit request, at other hearings and by outside groups. Natural Resource Committee Staff recently posed a series of questions to NOAA about WESPAC and the Fund and our staffs communicated about these issues in preparing for the hearing. Nonetheless, you were unable to answer my questions. Please provide answers to the following:*

*a. The audit cover letter states "This report responds to the Committee's request by reporting for the last five fiscal years the activities funded by NOAA using the Western Pacific Sustainable Fisheries Fund. There are no management or grant programs controlled or managed by the Western Pacific Fishery Management Council". However, page 4 clearly states that the WESPAC is the granting authority for sub-recipients. Can you reconcile those statements?*

### **Answer:**

Under the Magnuson-Stevens Fishery Conservation and Management Act, the Western Pacific Sustainable Fisheries Fund shall be made available to the Secretary, who shall provide funding to the Council and to the Secretary of State subject to the requirements of and order of precedence established in amended Section 204(e)(7) of the Act.

*b. The audit found deficiencies in WESPAC accounting standards including such things as failing to require documentation of travel related expenditures. Please provide a list of the deficiencies found in the audit and describe the actions that have been taken by WESPAC to correct those deficiencies.*

### **Answer:**

The audit referenced in question 1a does not mention any deficiencies. Additional audits from the last several years are attached, along with information on corrective actions. Please see enclosures three through eight.

*c. The audit states that "any sub-recipient from the Council is required to report on progress and financials just as a prime (Council) reports to NMFS. The sub-recipients report directly to the granting entity (in this case the Council). The Council, our partner, works very closely with NMFS' Pacific Islands Regional Office to ensure they are aware of the projects selected and how they are progressing, but it is the Council that is responsible for the sub-recipients." What*

*controls are in place by NOAA take to ensure that its “partner, the Council” awards sub-contracts:*

- i. in accordance with federal contract regulations;*
- ii. in accordance with record keeping and accounting standards;*
- iii. in a competitive manner;*
- iv. to recipients that are qualified to perform the work sought;*
- v. that ensure that written progress reports and performance evaluations are conducted, submitted and reviewed;*
- vi. are not awarded in a manner that raise conflicts of interests?*

**Answer:**

The responses to these questions are covered below in responses to questions d through g.

*d. Does NOAA have a specific policy regarding the award of contracts and grants to (a) the family of NOAA employees, and (b) past and present members of Regional Fishery Management Councils, and is that policy applicable to WESPAC subcontracts?*

**Answer:**

Generally, there is no proscription on family members of NOAA employees applying for and receiving awards of federal financial assistance from NOAA. Concerns, however, may arise where there is a conflict of interest or appearance of a conflict of interest (an impairment of objectivity) with respect to a NOAA employee’s participation in the review of an application submitted to a NOAA program from a close family member of such employee. The Department of Commerce’s Grants Manual, Chapter 15, Section C – Conflicts of Interest, Part 1 – Federal Employees establishes guidance in this regard (see Enclosure 10). The section provides in pertinent part:

Under a criminal statute (18 U.S.C. § 208) and Government-wide Standards of Conduct (5 CFR Part 2635), a Federal employee may not participate in an official capacity in a matter which is likely to have a direct and predictable effect on his or her financial interests. An employee also should not participate in the evaluation or selection process in any circumstance where his/her participation would create the appearance of loss of impartiality, including situations in which one of the parties is, or is represented by, a member of the employee’s household, the employee’s relative or a person with whom the employee has or is seeking business relations. Any situation which creates an actual conflict or the appearance of a conflict should be brought to the attention of the Program Officer for appropriate action. Depending on the particular

circumstance, resolution may consist of disqualification, divestiture, waiver, or other appropriate measures.

In addition to these restrictions, federal employees should not participate in any activities that would result in providing any person or organization a competitive advantage. For example, an employee, other than as part of his or her official duties, should not assist an applicant for a competitive financial assistance program with the preparation of a proposal to be submitted to the employee's agency. Additionally, an employee, other than as part of his or her official duties, may not submit applications for financial assistance to the Department of Commerce on behalf of any other person or entity.

Generally, there are no proscriptions addressing NOAA's ability to make awards of federal financial assistance to past and present members of regional fishery management councils. Council members are bound by their rules of conduct with respect to participating in these types of matters (see Enclosure 11, 2018 Rules and Conduct for Members of Regional Fishery Management Councils).

*e. Does NOAA have a specific policy to address potential conflicts of interest when a former awardee is under consideration to become a member of a Regional Fishery Management Council, such as disclosure, recusal, or both?*

**Answer:**

NOAA's National Marine Fisheries Service (NMFS) provides each constituent state governor and tribal government with a nomination application package. A complete package is required for any individual seeking nomination or re-nomination to one of the eight councils. The governor or the tribe is responsible for gathering completed nomination information and application packages from their nominees. Nominees must meet applicable financial disclosure requirements as required by Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) prior to appointment. The requirements are listed on NOAA Form 88-195 "Statement of Financial Interests for Use by Voting members of, and Nominees to, the Regional Fishery Management Councils." In addition, nominees must complete "Part 3," which pertains to potential participation by nominees in NMFS Intergovernmental Personnel Agreements. On this form, they must disclose whether they, their spouse, general partner, and/or any organization in which they are serving as an officer, director, trustee, general partner, or employee, are currently participating as a principal investigator for NMFS grant(s).

Once appointed, all council members must file NOAA Form 88-195 with their council's executive director by February 1 each year, regardless of whether any information on the form has changed (example of the form included as Enclosure 12). Additionally, all council members must file an update with their council's executive director within 30 days of the time any financial interest is acquired or substantially changed. Further, prior to Council meetings, and

consistent with fisheries regulations, Council financial disclosures are reviewed to make recusal determinations for Council members on Council decisions to be voted on at a Council meeting. See 16 U.S.C. § 1852(j) and 50 CFR § 600.235. More information on the requirements of financial disclosure and voting recusal may be found here:

<https://www.fisheries.noaa.gov/national/partners/financial-disclosure-statements>

Pursuant to the MSA, NMFS also develops and hosts a training course for newly appointed council members. This training course covers a variety of topics and is held annually after appointments are confirmed. Rules of conduct, lobbying restrictions, conflict of interest, and financial disclosures are topics covered in the training. Current materials are available here: <https://www.fisheries.noaa.gov/event/2018-council-training>

*f. What are the procedures used by the WESPAC to award grants and contracts from the Fund?*

**Answer:**

As, we have previously discussed, under the MSA, the Western Pacific Sustainable Fisheries Fund shall be made available to the Secretary, who shall provide funding to the Council and to the Secretary of State subject to the requirements of and order of precedence established in amended Section 204(e)(7) of the Act.

Generally, the Council presents projects, or the types of projects that it wishes to fund, which have been identified in marine conservation plans submitted by the territorial governors and approved by NOAA. In making its award of federal financial assistance to the Council for Territorial marine conservation plans, the Department attaches, among other requirements, its "Standard Terms and Conditions," which include a listing of all applicable statutes, regulations, Executive Orders, OMB circulars, provisions of the Uniform Guidance, any other incorporated terms and conditions, and approved applications that would govern the award. The Council must comply and require each of its sub recipients employed in the completion of a project to comply with these terms and conditions.

A copy of the practices and procedures used by the Western Pacific Fishery Management Council is enclosed (Enclosure 1) and additional detail on the grants process is included in Enclosure 2.

*g. Were these procedures followed by WESPAC when awarding these grants and contracts?*

**Answer:**

Yes, to our knowledge, there were no findings on the Single Audit (A-133) to flag that procedures were not followed. The procedures that were followed are included as Enclosures 1 - 8.

*h. Who were the awardees and sub-awardees on the grants and contracts from the Fund?*

**Answer:**

Once the grants are approved, the Council sub-awards funds for the projects identified in its application commensurate with the respective marine conservation plans. The best information that NOAA has on awardees and sub-awardees for 2013-2017 is attached as Enclosure 9.

*i. Please provide copies of all contracts executed to disburse money from the Fund?*

**Answer:**

For grant awards or sub-awards that are disbursed by the Council to the Territorial governments for marine conservation plan projects, the Council would retain those records pursuant to its Statement of Organization Practices and Procedures, which references 2 CFR Part 200. NOAA does not generally require this level of detail on reports on any granting activity.

*j. Please provide copies of any verification of performance on awards from the Fund, and NOAA's assessment of whether performance was satisfactory?*

**Answer:**

NOAA does not generally require this level of detail on reports on any granting activity. When NOAA grants to the Council and the Council sub-awards, it is the Council's responsibility to manage those sub-awards and to report progress of such sub-awards to the Agency. The Agency does not oversee sub-awards because of the potential for a violation of privacy.

*2. The Draft Management Plan for the Marianas Trench National Monument was required under Executive Order 8335 to be completed by January 6, 2011, which was 8.5 years ago for those of us who are counting. I asked this question at last year's hearing and in a QFR was told that the draft was being revised subsequent to submerged land conveyance completed three years ago and will be issued when that work is completed. Can you simply inform us if we will ever see the draft management plan and when that might be?*

**Answer:**

To date, a number of steps have been taken to address or resolve important outstanding issues between the U.S. Fish and Wildlife Service (USFWS) and NOAA/NMFS. Currently, both agencies are revising a draft Monument Management Plan and associated Environmental Assessment for the Marianas Trench Marine National Monument. The USFWS and NMFS met

with the government of the Commonwealth of the Northern Mariana Islands (CNMI) in September 2019 to present the current draft and request comment. The agencies will coordinate input from the CNMI before preparing a final draft Monument Management Plan for public review and comment.

### **Questions from Rep. Young**

*In a 2018 Senate Commerce Committee hearing, NOAA stated that they are replacing half its fleet of 16 research and survey ships which are aging and costing the agency in maintenance dollars and lost operational days at sea. Alaska in general, and Juneau specifically, have provided necessary port infrastructure to support federal vessel requirements since WWII. The N/V Class C primary mission is to conduct assessment and management of Living Marine Resources such as in the Gulf of Alaska and Bering Sea, with a secondary mission to provide charting and surveying and provided with shallower draft to conduct near-shore Arctic missions. Would NOAA consider homeporting one of the new Class C vessels in Juneau to help support work and missions in Alaska and throughout the Arctic?"*

### **Answer:**

NOAA is currently conducting multiple regional studies that will help to inform future facility decisions. At this time in the process, NOAA cannot commit to any particular location being considered for a future homeport. Additionally, as this vessel hasn't been designed yet, it is not possible to consider a location without having the fully defined support requirements for the new vessel.

### **Questions from Rep. González-Colón**

- 1. Rear Admiral Gallaudet, in your written testimony you discuss the importance of our Nation's blue economy and how one of NOAA's highest priorities is maximizing the economic contributions of ocean and coastal resources. As Puerto Rico's sole representative in Congress, I am naturally very interested in this topic.*

*For instance, according to a 2016 report commissioned by NOAA, the Island is more reliant on ocean-related activity than most U.S. states. The study found that ocean industries support about 7 percent of total employment in Puerto Rico, 3 times more than the average of 2 percent for ocean and Great Lakes states. This number increases to almost 17 percent when you consider business activities that are not captured in national employment statistics, such as self-employed workers, ocean activities not registered under traditional ocean sectors, and the partially ocean-dependent activities such as retail shops.*

*I hope you agree that Puerto Rico has a lot to offer in this area and should play a key role as we develop policies to grow the Nation's ocean economy.*

*On that note, can you provide an overview of policies NOAA is pursuing, including in the FY 2020 budget request, to better understand, quantify, and develop the United States' blue economy?*

**Answer:**

NOAA supports the sustainable use, management and conservation of our ocean and coastal resources through research, observations and environmental forecasts. NOAA is prioritizing our contributions to the blue economy through several targeted increases in the President's Budget request. The budget includes an increase of \$4.0 million to establish NOAA's first corporate pool of standardized, centrally maintained, and mission ready Unmanned Systems (UxS) for a wide variety of observations. NOAA will increase support for the interagency National Oceanographic Partnership Program by establishing a stable dedicated funding source of \$5.0 million that can be used to leverage other NOAA programs to use this extramural, competitively awarded partnership-based research program. The 2020 budget invests \$4.0 million in ocean data platforms to improve access to credible marine data and information. The budget also invests \$1.6 million in enforcement and seafood import monitoring to enforce fishing seafood fraud and traceability. This helps the monitoring of certain seafood products to prevent illegal, unreported, and unregulated and/or misrepresented seafood from entering U.S. commerce.

- 2. In August 2016, NOAA released a study, titled "Describing the Ocean Economies of the U.S. Virgin Islands and Puerto Rico", to better understand the importance of the ocean to the economies of the two U.S. territories in the Caribbean. At the time, NOAA indicated that the report's findings would allow the agency to build a more comprehensive methodology for capturing ocean-dependent economic activity in the U.S. Virgin Islands and Puerto Rico.*

*What actions has NOAA taken to date to achieve this and better quantify and maximize the contributions of the blue economy in Puerto Rico and the U.S. Virgin Islands? Has the agency taken any steps to expand its economic models to include all five U.S. territories, including under the Economics: National Ocean Watch (ENOW) dataset, which currently only covers the 30 coastal states? How can Congress assist in this effort?*

**Answer:**

The "Describing the Ocean Economies of the U.S. Virgin Islands and Puerto Rico" report allowed NOAA to better understand the challenges associated with developing a more comprehensive methodology to capture ocean-dependent economic activity in the U.S. Virgin Islands (USVI) and Puerto Rico. Some of the challenges included a lack of industry-level GDP

for U.S. territories, lack of employment and wage data for many industries because of the small number of establishments in the territories, and the large number of self-employed individuals in some Economics: National Ocean Watch (ENOW)-defined ocean sectors, particularly the tourism and recreation and living resources sectors.

For the study, NOAA was able to draw upon a few data sources that agencies in the USVI and Puerto Rico published on an annual basis to develop a more comprehensive accounting of ocean-dependent activity. Several assumptions were made to incorporate these data sources with existing data from the Bureau of Labor Statistics. In addition, NOAA collected additional data to categorize the industries and employees.

While NOAA had intended to build off the 2016 study and develop a methodology and database similar to ENOW for the USVI and Puerto Rico, the hurricanes in 2017 resulted in major changes to the businesses informing our categorization of industries. Such changes will require re-examination of the previous methodology and new data sources for some industries. We hope to pursue a similar study in the coming years, as funding allows.

- 3. I strongly believe that if we seek to maximize our Nation's blue economy, we should pay particular attention to protecting our coral reefs. According to data from NOAA, the economic value of coral reef services for the U.S.—including fisheries, tourism, and coastal protection—is over \$3.4 billion each year.*

*In Puerto Rico, coral reef using visitors spent \$1.4 billion and supported approximately 30,000 jobs according to survey data from October 2016 through May 2017.*

*Can you discuss what efforts NOAA is pursuing, particularly through the Coral Reef Conservation Program, to protect and restore our Nation's coral reefs? I am concerned that the FY 2020 budget request seeks to decrease the program by \$1.5 million and that such a cut might negatively impact these efforts.*

**Answer:**

NOAA agrees that coral reefs have tremendous economic value. They are a key element of the Blue Economy. In FY 2020, NOAA will continue to work with its partners to protect and restore coral reefs, prioritizing the most promising projects. We are also working with The Federal Emergency Management Agency (FEMA) to ensure that the coastal protection features of coral reefs are recognized and those reefs can be restored after events like the hurricanes that devastated Puerto Rico in 2017.

- 4. It is my understanding that the announcement for the FY 19 NOAA external research program has funding for studying deep reefs in American Samoa and coral ecosystem connectivity in Hawaii. These are important topics.*

*However, I am concerned that NOAA did not provide funding under the external research program for Atlantic and Caribbean reef research. About 92% of coral reefs in U.S. waters are in Florida, Puerto Rico and the USVI. Moreover, a significant and wide spread coral disease epidemic of devastating effect is now passing through Florida, has reached the Virgin Islands, and is soon expected in Puerto Rico.*

*Given this reality, I believe NOAA, working closely with the Caribbean and the National Coral Reef Institutes, should prioritize and provide substantial resources to address and understand the causes of coral diseases in Florida and the U.S. Caribbean.*

*Could you comment on this? Does NOAA intend to provide future funding to conduct research in Atlantic and Caribbean reefs, particularly disease research and response?*

**Answer:**

NOAA will indeed provide funding to conduct research in Atlantic and Caribbean reefs as it has done historically since the inception of the Coral Reef Conservation Program (CRCP). In FY19, CRCP awarded \$6,056,880 to Cooperative Institutes.

- 5. How much funding has NOAA provided in over the last couple of years (FY17, FY18, and FY19) to the National Coral Reef Institute and the Caribbean Coral Reef Institute to support their coral reef research and initiatives, including their disease research and response efforts? How would the FY 2020 budget request impact the Institutes?*

**Answer:**

NOAA has not provided funding directly to Coral Reef Institutes (CRIs) for disease research and response efforts in recent years. NOAA's CRCP has, however, provided considerable funds to several NOAA Cooperative Institutes including the Cooperative Institute for Marine and Atmospheric Studies (CIMAS), the Joint Institute for Marine and Atmospheric Sciences (JIMAR), and the Cooperative Institute for Climate and Satellites (CICS-M), for coral research including coral disease and response efforts. CRIs can apply to the NOAA CRCP competitive grants programs. Each CRI also has an affiliation with a NOAA Cooperative Institute, through which they can also receive NOAA funding. For example, the National Coral Reef Institute and Caribbean Coral Reef Institute can apply for and receive funds through the CIMAS, which includes the University of Miami, University of Puerto Rico, and with Nova Southeastern University. Over the last four fiscal years, NOAA CRCP provided close to \$19,000,000 to three of NOAA's Cooperative Institutes for coral research and conservation activities (FY16: \$4,511,324; FY17: \$4,187,634; FY18: \$4,135,677; FY 19: \$6,056,880). In FY20, CRCP

anticipates funding at least the same amount as in FY19 for Cooperative Institutes for coral research and conservation activities.

In addition, NOAA CRCP has provided grants funds to Nova Southeastern University, which is home to the National Coral Reef Institute, and partnered with them to implement the National Coral Reef Management Fellowship Program.

6. *According to data from the website of the FEMA Recovery Support Function – Leadership Group, NOAA has been allocated approximately \$21 million for disaster relief efforts in Puerto Rico.*

*\$11.4 million were for Fisheries Disaster Assistance; \$9.1 million were allocated under the operations, research, and facilities account; and \$500 thousand were allocated under the procurement, acquisition, and construction account.*

*Yet, as of March 31st, 2019, NOAA had only obligated \$7.5 million of this funding, and less than \$800 thousand had been actually outlayed or delivered.*

*Can you discuss the status of disaster relief and recovery efforts performed by NOAA in Puerto Rico? Can your office provide this Committee a breakdown of how NOAA has utilized the \$21 million in disaster relief funding in Puerto Rico and why, to date, so little has been released?*

*Are there any obstacles that have prevented the agency from releasing more of its disaster relief funding intended for Puerto Rico? How can Congress assist in this effort?*

**Answer:**

Of the \$21 million in disaster funding allocated to relief effort in Puerto Rico, \$11.4 million is for Fisheries Disaster Assistance; \$3.7 million supports marine debris assessment and removal; \$3.9 million was used to conduct hydrographic and shoreline surveys to update nautical charts for safe and efficient transportation and commerce and to collect Vdatum foundational data and to develop associated models; \$0.5M supports facilities related damages at Jobos Bay National Estuarine Research Reserve; and remaining funds support repairs to a number of NOAA and partner observing assets.

As noted above, the majority of these funds (\$11.4 million) are allocated towards Fisheries Disaster Assistance. NMFS still needs application information from Puerto Rico before finalizing the award. Recent earthquakes have further delayed the process. However, NOAA Fisheries continues to engage actively with Puerto Rico and seeks to award these funds as soon as possible. Funds allocated to the Jobos Bay National Estuarine Research Reserve required

additional legislation before funds could be used for this purpose. This legislation was included in the Consolidated Appropriations Act, 2019 and NOAA hopes to award these funds soon.

NOAA appreciates Congress' efforts to date to amend the original supplemental bill now allowing the use of these funds to support damages within the National Estuarine Research Reserves.

- 7. The Integrated Ocean Observing System (IOOS) has been described as the weather service for the oceans and Great Lakes. In Puerto Rico, buoys, gliders, and other assets from the Caribbean Coastal Ocean Observing System (CARICOOS) provide vital data to understand the impact of hurricanes, such as Hurricanes Irma and Maria in 2017.*

*For example, while Puerto Rico was without power & communications, CARICOOS' buoys kept reporting data via satellite, providing crucial information that was utilized by NOAA's National Hurricane Center in Miami and other stakeholders.*

*Can you discuss the importance of IOOS and the network of regional coastal observing systems, particularly when it comes to helping coastal communities across the United States prepare for and respond to natural disasters and extreme weather events? What efforts, including through the FY 2020 budget request, has NOAA pursued to enhance this program?*

**Answer:**

The Integrated Ocean Observing System (IOOS) helps promote coastal and maritime safety in many ways. IOOS data enables better severe weather predictions so people can get to safety before disaster strikes, provides near real-time information to search and rescue crews, aids in the response to hazardous materials spills, and provides local, continuous wind, wave, and water quality data to regional stakeholders and resource managers.

The Regional Associations (RAs) cover the entire U.S. coast including the Great Lakes, Alaska, the Pacific Islands, and the Caribbean, and manage in-place regional coastal observing systems and custom data tools. RAs collectively contributed 11.8 million ocean observations in 2018 to the public domain and share everything from raw data to new high-resolution models. Every product the RAs develop is designed based on local, stakeholder-driven input and tailored to meet specific regional requirements. More general information on IOOS observations, and their value to coastal communities, can be found on the IOOS website (<https://ioos.noaa.gov/project/hf-radar/>, <https://ioos.noaa.gov/project/underwater-gliderns/>).

IOOS RAs provide critical data to help coastal communities prepare for and respond to natural disasters and extreme weather events. For example, RAs on the East Coast, in the Gulf of Mexico, and the Caribbean provide regionally-specific resources during hurricanes, including

data visualizations displaying near real-time ocean data, storm surge modeling, links to forecasts, satellite imagery, and other useful tools consolidated into quickly and easily accessible online dashboards (<https://ioos.noaa.gov/data/eyes-on-the-storm-hurricane-season-resources/>). NOAA continues to support critical priority activities of the 11 certified IOOS RAs . IOOS will also continue ongoing efforts to enhance capacity for the surface current mapping network of High Frequency Radars, and underwater autonomous gliders supported by FY18 and FY19 appropriations.