HOUSE COMMITTEE ON NATURAL RESOURCES
Subcommittee on Water, Oceans, and Wildlife
Legislative Hearing – January 14, 2020

Questions for the Record to:
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Assistant Secretary of Commerce for Oceans and Atmosphere
Deputy National Oceanic and Atmospheric Administration (NOAA) Administrator

Questions for the Record from Majority Member

Questions from Rep. Velázquez

1. Secretary Gallaudet, what would you say is the biggest knowledge gap in understanding impacts of climate change not just on fishing communities but on the downstream effects to small businesses on working waterfronts, the seafood and food service industries, and consumers?

Follow Up: How is NOAA working to close this gap?

Answer:

Although knowledge has advanced in recent years, there are gaps in our understanding of how changing ocean conditions will affect the abundance of different fish stocks and the follow-on effects to the fishing industry and society. Changing ocean conditions may differentially affect the resiliency of fishermen, their communities, and the shore-side, fishing-dependent businesses in those communities.

NOAA Fisheries social scientists have conducted research on the potential socio-economic impacts of changing ocean conditions on commercial and recreational fishing industries and related businesses, such as seafood processors, dealers, and markets, as well as on associated coastal infrastructure in the Northeastern United States. They have further assessed the vulnerability of fishing communities' dependence on species vulnerable to climate change stressors.[1] This research highlights the climate vulnerability status of over 1,000 coastal communities in the Eastern United States. Parallel assessments are underway on the West Coast and planned in other regions.

In addition, the NOAA Fisheries Office of Science and Technology Economics and Human Dimensions Program developed the Community Social Vulnerability Indicators

[1] Colburn, Lisa L., Michael Jepson, Changhua Weng, Tarsila Seara, Jeremy Weiss and Jonathan A. Hare. 2016. Indicators of climate change and social vulnerability in fishing dependent communities along the Eastern and Gulf Coasts of the United States. *Marine Policy*. 74:323-333. DOI:10.1016/j.marpol.2016.04.030.

(CSVIs) web-based decision support tool (https://www.fisheries.noaa.gov/national/socioeconomics/social-indicators-fishing-communities-0) for policymakers, managers, stakeholders, and the general public based on research begun in 2013.[2] The CSVIs tool comprises thirteen statistically robust quantitative indicators of social well-being for over 4,600 coastal communities in 23 states. The indicators characterize environmental conditions that may affect the sustainability of essential commercial and recreational fishing, waterfront businesses, and infrastructure.

Finally, NOAA social scientists have assessed the economic impacts of extreme weather disaster events, such as hurricanes, on the commercial and recreational fishing industries and related businesses. These disaster assessment reports inform policymakers' decisions related to disaster assistance appropriations.

2. According to FEMA, more than 40% of small businesses never reopen after a disaster; for those businesses that do reopen, only 29% remain in operation after two years. In your testimony, you state NOAA strives to ensure disaster assistance to fisheries in an effective and timely manner. Following a disaster, how does NOAA collaborate with FEMA and the SBA to ensure disaster assistance is provided to local fisheries, particularly small fisheries, in a timely and efficient manner?

Answer:

Fishery disaster funding awardees (States, Territories, and the Interstate Marine Fisheries Commissions) are responsible for working with affected communities to develop spend plans that address priority needs. Awardees can use a variety of approaches to develop these plans, including public meetings or other community engagement mechanisms. NOAA coordinates with other disaster assistance agencies within the Department of Commerce, such as the Economic Development Administration, and outside the Department, such as the Small Business Administration and the Federal Emergency Management Agency (FEMA), through the Recovery Support Function Leadership Group (RSFLG), an interagency coordination body for federal disaster recovery responsibilities to promote efficient delivery of funds through each program's respective

[2] Jepson, Michael and Lisa L. Colburn. Development of Social Indicators of Fishing Community Vulnerability and Resilience in the U.S. Southeast and Northeast Regions. U.S. Dept. of Commerce., NOAA Technical Memorandum NMFS-F/SPO-129, April 2013, 64 p. On line at: https://spo.nmfs.noaa.gov/sites/default/files/TM129.pdf

funding mechanisms.

NOAA coordination with FEMA and other federal agencies is driven by the type of disaster. Coordination is most often only necessary in situations such as hurricanes where multiple agencies are likely engaged. Fisheries disasters can occur in scenarios beyond those that are relevant to FEMA and others. Therefore, in situations such as hurricanes, NOAA Fisheries coordinates with the NOAA liaison to the RSFLG on the status of fishery disasters and participates in RSFLG meetings in the aftermath of such disasters as requested.

3. How would H.R. 5548, along with additional guidance from Congress help NOAA to reduce this timeline for fisheries, particularly small fisheries recover from natural disasters?

Answer:

NOAA Fisheries is sensitive to the fact that affected communities, particularly small fishing communities, can experience a wide range of economic and social impacts while waiting for fishery disaster assistance. Under its Fishery Disaster Policy, NOAA Fisheries works to ensure that fishery disaster determinations are made and fishery disaster assistance is allocated in a consistent and timely manner. However, we see the potential for improvements in both processes. NOAA Fisheries is developing regulations on our fishery disaster process and will be seeking public input on how to streamline the process. Specifically, improvements could be made by setting target deadlines for key points in the process and clearly articulating specific information needs for making fishery disaster determinations. Further, clearly articulating specific information requirements that must be submitted before NOAA can initiate consideration of a disaster determination request would ensure NOAA has the information required to make a decision and avoid potential delays in requesting and receiving additional needed information.

H.R. 5548 also recognizes that statutory improvements or clarifications to the fishery disaster determination and assistance process may be needed. The provisions of H.R. 5548 that would establish deadlines for key steps in the process and provide clarity on what is needed for a disaster request package to be considered complete are helpful. While the Administration generally supports H.R. 5548, some of the provisions of the bill increase the scope of our current authority to declare commercial fishery failures. Provisions such as these may pose difficulties for the implementation of this bill.

Questions for the Record from Minority Members

Questions from Rep. McClintock

1. The Surgeon General of the United States has found that treatment for skin cancer costs $8.1 billion per year and that more than two people die of skin cancer in the U.S. every hour. The use of comprehensive sun-safe practices, including and especially the regular use of broad spectrum sunscreens that protect against both UVA and UVB rays, is crucial in preventing this deadly disease. In your testimony you cite that there is overwhelming and proven scientific evidence for the toxicity of sunscreen chemicals to the marine environment. However, only minimal tests have been performed related to the effects of oxybenzone and octinoxate on coral. The studies performed on oxybenzone occurred in a laboratory environment and did not conform to standards related to test run times. Further, little to no data have been generated on the toxicity of octinoxate on coral. In its Fiscal Year (FY) 2020 appropriations package, signed into law in December of 2019, Congress authorized and included funding for a study by the National Academy of Sciences on this very issue because of the lack of clear scientific evidence through extensive studies on this important issue. Given this, why does NOAA continue to display information from these limited studies on its website without additional independent data and also characterize the hazards of ingredients such as octinoxate and octocrylene without clear and conclusive studies proving such a claim?

Answer:

The information on NOAA's website about sunscreens is based on published, peer-reviewed scientific literature. The National Academy of Sciences study on potential environmental impacts of currently marketed sunscreen filters is under development. NOAA will note on its website that funding has been provided by Congress for this study and, when complete, NOAA will revise its website as appropriate.

Questions from Rep. Fulcher

1. What has the impact of 120% TDG spill on the Columbia/Snake river yielded for juvenile salmon?

Answer:

Preliminary information suggests that juvenile survival rates and travel times from Lower Granite to Bonneville Dams under the 120% TDG flexible spill operation in 2019 were generally within or slightly below the range of survival rates and travel times observed from 2009-2018. The 2019 survival estimate for juvenile hatchery and wild yearling

Chinook salmon was 52.6% (2009-2018 estimates ranged from 43.2% to 63.4%). The 2019 survival estimate for juvenile hatchery and wild steelhead was 42.7%, which was slightly lower than the range of estimates observed from 2009 to 2018. However, the standard error around the 2019 estimate, 7.9%, was relatively high.

Flows in 2019 were much higher than median flows in the Snake River for most of the migration season. Median travel time estimates from juvenile migrants from Lower Granite to Bonneville dams in May of 2019 ranged between about 9 to 12 days for yearling Chinook salmon and 7 to 10 days for steelhead. These travel times were among the lowest observed since 2008.

2. Is the CRSO BiOp on schedule?

Answer:

In July 2020, NOAA Fisheries issued a final biological opinion in response to the Columbia River System (CRS) Action Agencies (U.S. Army Corps of Engineers, Bureau of Reclamation, and Bonneville Power Administration) request for ESA consultation on the continued operation and maintenance of the CRS, including several mitigation and research, monitoring, and evaluation programs. The biological opinion covers 13 species of salmon and steelhead along with other Endangered Species Act (ESA)-listed species under NOAA Fisheries' jurisdiction. For 13 listed salmon and steelhead species and eulachon, we conclude that the effects of the actions are not likely to jeopardize the continued existence of the species or destroy or adversely modify their designated critical habitat. We concur with the CRS Action Agencies' determination that the effects of the action are not likely to adversely affect listed green sturgeon and Southern Resident killer whales because all pathways of effect to these species are either discountable or insignificant.

3. Has NOAA conducted studies on bird predation and their impact on smolt and salmon survival on the Columbia river?

Answer:

While NOAA has participated in the interagency teams that review studies related to bird predation rates done by the U.S. Army Corps of Engineers and the Bonneville Power Administration and have provided for management measures based on this review, we have not conducted any specific studies on bird predation. We refer you to these partner entities for questions about the content of these studies.

Questions from Rep. Jenniffer González-Colón

1. Rear Admiral Gallaudet, I would like to focus my questioning on Mr. Huffman's bill, H.R. 5548, and the need to improve and streamline the fishery disaster assistance process. Particularly the time it takes to disburse funding to help those communities in need, such as those in Puerto Rico.

As you are aware, in February 2018, the Secretary of Commerce approved the Island's request for a fishery disaster declaration following the impact of Hurricanes Irma and Maria. That same month Congress appropriated $200 million under the Bipartisan Budget Act of 2018 for fishery disasters across the Nation, and in June 2018 NOAA allocated $11.4 million of those funds to Puerto Rico.

However, to date none of that funding has been disbursed. I know and appreciate that NOAA has been working closely with the Puerto Rico Department of Natural Resources to receive the necessary information from them to speed up and issue the award. I also want to recognize and thank your staff for keeping my office informed throughout this entire process. But as you can surely agree, it shouldn't take this long to help fishing communities impacted by disasters.

It is my understanding that NOAA is now targeting March 1st of this year to issue the first portion of Puerto Rico's award, or about $9.8 million. I take this opportunity to urge you and NOAA to prioritize and take all appropriate actions within your purview to meet this new deadline and avoid any further delays. If there's any way my office can be of assistance, please let me know.

Could you provide the Committee an update on the status of Puerto Rico's $11.4 million award? When does NOAA expect to issue the second portion of the award, consisting of approximately $1.6 billion?

Answer:

NOAA remains committed to providing assistance to communities affected by fishery disasters as quickly as possible. NOAA finalized an April 1, 2020, award for the $9.8 million portion to Puerto Rico. NOAA’s National Marine Fisheries Service continues to work with the Puerto Rico Department of Natural and Environmental Resources on the remaining $1.6 million portion of the allocation. We seek to award those funds as soon as possible.

2. Can you discuss how spend plans are developed following a fishery disaster declaration

and how can we improve that process? Specifically, what actions can be taken, both at the congressional and regulatory level, to streamline the process of developing spend plans and avoid the back and forth between NOAA and the states that commonly delays the disbursement of funds, as seen in Puerto Rico's case? I believe in your testimony you allude to this, particularly the need for clear guidance to avoid potential lengthy delays in requesting and receiving additional information.

Answer:

Once Congress has appropriated funding, and we have allocated those appropriations to eligible fishery disasters, we strive to apply the most expeditious method to obligate and manage the funds. In some cases, it is more efficient to award funds through an entity, such as one of the Interstate Marine Fisheries Commissions. In other cases, the most efficient approach is to award the funds directly to the states. Regardless of the specific approach, NOAA Fisheries is required to ensure Federal grant process procedures are followed. The awardee must provide NOAA Fisheries with a spend plan and project narrative for review. The spend plans allow the entity receiving the funds to articulate what projects they intend to use the funding on, such as rebuilding shore-side infrastructure, gear replacement, habitat restoration, or other activities. Spend plans allow NOAA to ensure that the funds are being used consistent with NOAA policy and the appropriation.

3. What actions can we pursue to ensure the fishery disaster assistance process is more responsive to the needs of fishermen and fishing communities? How can we ensure they have a seat at the table when developing spend plans, for instance*?*

Answer:

Under its Fishery Disaster Policy, NOAA Fisheries works to ensure that fishery disaster determinations are made and fishery disaster assistance is allocated in a consistent and timely manner. However, we see the potential for improvements in both processes.

NOAA Fisheries is developing regulations on our fishery disaster process and will be seeking public input, including the input of fishermen and fishing communities, on how to streamline the process. Specifically, improvements could be made by setting target deadlines for key points in the process and clearly articulating specific information needs for making fishery disaster determinations. Further, clearly articulating specific information requirements that must be submitted before NOAA can initiate consideration of a disaster determination request would ensure NOAA has the information required to

make a decision and avoid potential lengthy delays in requesting and receiving additional needed information.

Awardees of fishery disaster funds (States, Territories, and Interstate Marine Fisheries Commissions) are responsible for working with affected communities to develop spend plans that address priority needs and can use a variety of approaches to do so, such as public meetings or other community engagement mechanisms.