COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE
HYBRID LEGISLATIVE HEARING
November 16, 2021
2:00 p.m. (ET)

Legislative Hearing on H.R. 59, H.R. 4690, H.R. 5770

Questions for the Record for Ms. Janet Coit, Assistant Administrator, National Marine Fisheries Service, Acting Assistant Secretary of Commerce for Oceans and Atmosphere, Deputy NOAA Administrator

Questions from Del. González-Colón, PR

1. *The Magnuson-Stevens Act (MSA) has worked quite well in the U.S. Caribbean – Puerto Rico and the U.S. Virgin Islands. The law has provided our regional council, the Caribbean Fishery Management Council, the necessary authorities, and flexibilities to sustainably manage our fisheries, while balancing both environmental and local economic needs.*

   However, our fisheries in the U.S. Caribbean are still considered "data poor," which creates challenges for stock assessments to determine overfishing limits, annual catch limits, and the status of local fisheries. The situation is further complicated when considering that our commercial fisheries in Puerto Rico are, for the most part, small-scale or traditional in nature. As such, they may lack the necessary tools and capacity to support these data requirements.

   Based on my conversations with stakeholders, there is a clear need for dedicated funding to improve data collection systems for fisheries in Puerto Rico and the U.S. Virgin Islands, as well as for additional scientific research and studies to better inform management decisions in the U.S. Caribbean.

   I appreciate you discussing in your written testimony the challenges we face in setting effective annual catch limits for species in coral reef ecosystems in the Pacific and the Caribbean due to lack of data regarding stock status and fishing harvests.

1. As Congress considers legislation to reauthorize the Magnuson-Stevens Act, what additional resources or authorities would NOAA need to improve regional data collection systems and

address longstanding fishery data gaps such as those in the U.S. Caribbean?

While NOAA Fisheries has made great strides in improving data collection and assessment methodology over the past twenty years, many data-limitations still remain in territorial, tropical reef, and recreational fisheries. NOAA does not believe that new authorities are required to develop, initiate, or execute new data collection programs. However, new resources would be required to address long-standing and emerging challenges for all recreational fisheries, particularly related to in-season monitoring, addressing the unique needs of recreational fisheries and more effectively integrating information from state, federal or territorial data sources to inform management options.

Specific to the U.S. Caribbean, NOAA Fisheries requested $1 million in the FY 2022 President's Budget as part of the Territorial Science initiative to enhance cooperative data collection and outreach. Examples of activities include expanding fisheries-independent surveys to improve biological life history information; bolstering data collection activities for commercial and recreational landings and fishing effort; standing up a Territorial and Federal cooperative data governance structure; and enhancing socioeconomic services and capacity. NMFS would implement these programs cooperatively with the Territorial agencies.

2. In your testimony, you state that it would be beneficial to explicitly acknowledge in statute the management challenges for data-poor fisheries. Could you elaborate on this recommendation?

Due to data limitations, estimating biological reference points and even setting effective annual catch limits for certain species can present significant challenges. This can be due to lack of information on stock biomass, species life history, and a sometimes limited ability to monitor and enforce fishery removals. NMFS continues to explore ways to improve data collection and apply science-based and innovative management mechanisms in ways that provide flexibility while also effectively conserving and managing fish stocks, consistent with the MSA. For example, the National Standard 1 (NS1) guidelines include a provision recognizing that there are limited circumstances, including in the case of some data-limited stocks, that may not fit the standard approaches to specification of reference points and management measures. In these cases, Councils currently have flexibility to propose alternative approaches for satisfying the MSA. NMFS is developing technical guidance that identifies recommended practices for managing with annual catch limits in data-limited fisheries and provides advice on when and how to use such flexibilities for data-limited stocks. The President's 2022 budget also helps address these challenges by requesting $3 million to improve territorial fisheries science and management. Explicit acknowledgement of the management challenges for data-limited fisheries would also be beneficial in the statute. For example, "objective and measurable criteria" are required under Section 303(a)(10) of the Magnuson-Stevens Act for determining when a stock is subject to overfishing or is overfished. Typically, these criteria are based on maximum sustainable yield (MSY) or MSY proxies. For some data-limited stocks, it may not be possible to specify criteria based on MSY or MSY proxies. Congress may want to acknowledge this by stating within Section 303(a)(10) that "when data are not available to specify criteria based on MSY or MSY proxies, alternative types of criteria that promote sustainability can be used." In addition, if Congress adds additional analytical requirements to the MSA process, the agency may not have sufficient information to meet these requirements for data-limited stocks.

3. What actions, if any, has NOAA Fisheries taken to date to improve data collection systems in the

U.S. Caribbean?

NOAA fisheries has several initiatives underway to improve data collections and data collection systems in the U.S. Caribbean. An exhaustive list can be provided upon request but a few items to highlight include:

- Fishery Information Systems: a funded study to improve efficiency of sampling through automation/machine learning;
- Development of indices of abundance of harvested species;
- Fishery-dependent indices using catch and effort data from commercial fisher logbook data for Puerto Rico and the USVI;
- Fishery-independent indices using the Reef Fish Visual Census (RVC) survey in Puerto Rico and the USVI;
- Cooperative research with Puerto Rican anglers to develop a recruitment index for Spiny Lobster.
- Support the Deep-Water Snapper Camera Survey: preliminary work is underway to design a fishery-independent survey for deep-water species;
- U.S. Virgin Islands Trap Study in partnership with USVI Department of Fisheries and Wildlife and USVI Diver Surveys - in partnership with University of the Virgin Islands (St. Thomas survey) and the U.S. Park Service (St. John and St. Croix surveys); and
- In collaboration with regional partners, MRIP developed an Implementation Plan for the Caribbean with action items to establish MRIP catch and effort sampling in the USVI and improve currently suspended MRIP surveys in Puerto Rico.

Additionally, NOAA Fisheries recently completed a "Gap Analysis" for all federally managed species in the U.S. Caribbean. The Gap Analysis describes the current data availability for the five main types of stock assessment inputs (abundance, catch, life history, size/age composition, and ecosystem linkages), establishes "target" levels for each of these data input categories, and compares the current against target levels to define stock-specific data gaps that must be addressed to deliver the necessary complexity of science-based management information for each stock. This analysis will continue to inform improvements to data collection programs.

4. Based on your analysis of H.R. 59 and H.R. 4690, would any of the provisions or amendments to the MSA included in either bill provide NOAA or the Caribbean Fishery Management Council the necessary authorities, flexibilities, resources, or tools to improve data collection systems for fisheries in Puerto Rico and the U.S. Virgin Islands?

The provisions in H.R. 59 and H.R. 4690 are extensive and have implications for NOAA and all of the regional fisheries management councils. Scientific and data limitations make some of the requirements in the bills difficult. However, there are provisions in both bills that seek to improve data. For example, Section 402 H.R. 4690 recognizes the importance of using technology to help improve and expand data collection for fisheries management by adding electronic monitoring as an option under Fishery Management Plans in addition to human observers. Section 409 recognizes the increasing challenges of conducting stock assessments and fisheries surveys with the growing demand for offshore wind energy, and requires the Departments of Commerce and the Interior to enter into a cooperative agreement to help mitigate potential disruption to current fisheries surveys. The President's 2022 budget request would also provide additional resources and tools to improve data collection systems for fisheries in Puerto Rico and the U.S. Virgin Islands.

These efforts would include increases to improving territorial fisheries science and management, workforce training to support the seafood industry, and expanding the community social vulnerability indicators toolbox to consider underserved communities.

In Puerto Rico most of our fisheries are small-scale in nature, involving fishing households, relatively small vessels, and subsistence or commercial fishing for local consumption. There is little to no export. However, they are still an important component of our economy. In 2019, commercial fisheries landings in Puerto Rico totaled 1.6 million pounds and contributed $8.2 million to the economy.

Yet, when discussing the Magnuson-Stevens Act and policies to support our domestic fishing industries, I fear we sometimes tend to focus on larger commercial fishing operations and forget about the needs of our small-scale fishermen such as those in Puerto Rico. I therefore take this opportunity to respectfully urge NOAA to explore initiatives that would help address the unique needs of small-scale fisheries, including capability-building efforts that would improve data collection efforts and opportunities to enhance their economic wellbeing.

1. What initiatives has NOAA pursued to support small-scale fisheries such as those in the U.S. Caribbean? How can Congress amend the Magnuson-Stevens Act to improve or facilitate such efforts?

   Since 2013, NOAA Fisheries has dedicated funds towards a Territorial Science Initiative dedicated to improving data collection in the Territories (Pacific and Caribbean), with dedicated funding of about $1M in addition to other base funding. Of these funds, $300-500K/year has been allocated for data improvements in the U.S. Caribbean, including an ongoing study to optimize sampling procedures and statistical approaches to estimate annual commercial landings in Puerto Rico, a similar ongoing project to develop a survey design for estimating commercial and recreational fishery landings in the U.S. Virgin Islands, an evaluation of gear selectivity for Spiny Lobster in Puerto Rico and the USVI, refinements to benthic habitat maps for U.S. Caribbean coral reef ecosystems, a pilot project in collaboration with local anglers to develop a fishery independent recruitment index for Spiny Lobster, and various targeted studies to improve life history information for managed species. This research was essential for the recent stock assessments of Spiny Lobster in Puerto Rico, St. Thomas/St. John and St. Croix.

2. I would welcome any additional observations or recommendations you might have to ensure the Magnuson-Stevens Act better reflects and responds to the needs of small-scale fisheries such as those in the U.S. Caribbean.

The dynamic science-based management process under the MSA provides the nation with a very successful fisheries management construct. However, amid these successes, some critical challenges remain. The need to create a more inclusive management system with meaningful engagement of underrepresented stakeholders and the next generation of fishermen has never been more prominent and remains an important issue for small-scale fisheries in the Caribbean. Other challenges in the Caribbean include setting effective annual catch limits for species due to lack of data regarding stock status and fishing harvests. Explicit acknowledgement of the management challenges for data-poor fisheries would be beneficial in the statute. Similarly, scientific uncertainties often change our expectations for meeting fishery management objectives including

rebuilding stocks by specific deadlines. Scientific uncertainty comes from a variety of sources including lack of data, research, and sometimes an inability to account for environmental change, including ecosystem productivity and pollution. Some of these factors are outside the control of fishery managers but affect fish stocks nonetheless. Explicit acknowledgement of these issues in our management construct would be beneficial, while including safeguards to protect the effective management system currently in place, which has led to long-term conservation and sustainability of our nation's fishery resources.

On September 21, 2020, the Secretary of Commerce approved the three island-based fishery management plans (FMPs) prepared and submitted by the Caribbean Fishery Management Council. However, it is my understanding that the National Marine Fisheries Service (NMFS) is still developing regulations to implement management measures for the three island-based FMPs.

1. By when does the NMFS anticipate it will finalize these regulations and fully implement the three island-based FMPs for the U.S. Caribbean? What is the latest status of these efforts?

The proposed rule to implement the regulations associated with the FMPs is under review. We anticipate the proposed rule publishing in early 2022 and a final rule implemented in the spring of 2022.