

**Committee on Natural Resources Subcommittee on Water,  
Wildlife and Fisheries Oversight Hearing  
1324 Longworth House Office Building  
July 18, 2023 2:00 PM**

*ESA at 50: The Destructive Cost of the ESA*

**Questions from Rep. Jenniffer González-Colón of Puerto Rico** for Ms. Janet Coit, Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA)

1. **Question:** NOAA's National Marine Fisheries Service has jurisdiction under the Endangered Species Act for seven species of threatened corals found in Puerto Rico's waters. Could you discuss some of the work your agency is conducting in Puerto Rico to protect and facilitate the recovery of these species of coral? Including through NOAA's Habitat Blueprint Framework and the Puerto Rico Northeast Marine Corridor and Culebra Island Habitat Focus Area-which I understand is one of only eleven Habitat Focus Areas established by NOAA across the nation.

**Response:**

NOAA has worked with local and Federal partners in Puerto Rico to make progress in conserving, restoring, and recovering coral species, including ESA-listed corals. These corals provide habitat to recreationally and commercially important fish, as well as support the tourism industry of Puerto Rico. NOAA co-chairs the U.S. Coral Reef Task Force (CRTF) with the Department of the Interior, which has highlighted the need for restoration work following hurricanes.

After Hurricanes Maria and Irma in 2017, NOAA became involved with a FEMA recovery mission focused on coral assessment and response. And prior to that, following Hurricane Matthew in 2016, we rescued nearly 7,000 coral fragments that were damaged by the storm. To do so, we identified areas of the reef that suffered major impacts and collected thousands of coral fragments that had broken off. We stabilized these coral fragments by lodging them in crevices or cementing them to the hard bottom of the reef. Three years later, monitoring the restored reef revealed healthy, thriving corals with survival rates at more than 90 percent.

NOAA has worked closely with our partners at the U.S. Geological Survey (USGS) to address coral-reef restoration in Puerto Rico. For example, in coordination with the CRTF, the USGS conducted an assessment of the benefits from coral reef restoration,

which supported a \$38.6 million Federal Emergency Management Agency hazard mitigation grant to the Commonwealth of Puerto Rico. NOAA also supports the USGS's marine veterinary diagnostic work to study the ongoing coral disease outbreak in the Caribbean, which is exacerbated by hurricanes.

One of NOAA's eleven Habitat Focus Areas is in Puerto Rico in the Northeast Marine Corridor and Culebra Island. NOAA Fisheries has recommended for funding a number of projects in Puerto Rico through Round 1 of our Bipartisan Infrastructure Law (BIL) funding competitions that benefit corals, including within the Habitat Focus Area.

2. **Question:** In November 2020, NOAA proposed to designate critical habitat for five species of threatened Caribbean corals in waters off the coasts of southeastern Florida, Puerto Rico, the U.S. Virgin Islands, and Navassa Island. Similarly, in October 2022, NOAA proposed to designate critical habitat for the Nassau grouper in waters off these jurisdictions. Could you discuss the status of these proposed critical habitat designations for these species? When does NOAA expect to finalize and implement them?

**Response:**

The critical habitat designation for five species of corals in the Caribbean was published in the Federal Register on August 9, 2023. We expect the final Nassau Grouper critical habitat designation to be published in late 2023 or early 2024.

3. **Question:** On September 8, 2022, NOAA published a proposed rule to list the queen conch as a threatened species under the Endangered Species Act (ESA). When does NOAA expect to finalize this rule? And what sort of engagement has NOAA conducted with relevant stakeholders in Puerto Rico, particularly to address the concerns of commercial fishermen on the Island who rely on the queen conch fishery for their livelihoods?

**Response:**

We expect to issue a final rule in approximately fall 2023. NOAA has engaged in extensive outreach with stakeholders on the proposed listing including by holding public hearings in multiple languages, including Spanish, and discussing queen conch at the Caribbean Fisheries Management Council meetings.

4. **Question:** Could you provide a status report on the **following listed species** found in Puerto Rico under NOAA's jurisdiction, including, if available, how much NOAA has spent to support each species' recovery and conservation on the Island since Fiscal Year 2018?
  - a. Sea turtles: green sea turtle, leatherback sea turtle, hawksbill sea turtle

- b. Nassau grouper
- c. Corals: elkhorn coral, staghorn coral, boulder star coral, mountainous star coral, lobed star coral, rough cactus coral, and pillar coral

**Response:**

We have provided a complete list of all of the listed species and species proposed for listing found in Puerto Rico under NOAA’s jurisdiction, below. Table 1 includes links to our public information pages, relevant listing and critical habitat rules, and recovery plans for those species with recovery plans.

Our budget mechanisms do not track expenditures on individual species, and NOAA conducts work that conserves listed species under several of its programs. Table 2 provides funding that is directly related to the species you inquired about and for two other species that are ESA-listed or proposed for listing. These approximate amounts are for discrete projects and would not include costs such as Federal employee labor supporting conservation activities in Puerto Rico.

**Table 1. Threatened and Endangered Species and Critical Habitat Under NOAA Fisheries Jurisdiction in Puerto Rico**

Species	Listing Status	Recovery Plan	Critical Habitat
<a href="#">Green sea turtle</a>	Threatened - North and South Atlantic Distinct Population Segment ( <a href="#">81 FR 20057; April 6, 2016</a> )	<a href="#">October 1991</a>	<a href="#">63 FR 46693; September 2, 1998</a>
<a href="#">Leatherback sea turtle</a>	Endangered ( <a href="#">35 FR 8491; June 2, 1970</a> )	<a href="#">April 1992</a>	<a href="#">44 FR 17710; March 23, 1979</a>
<a href="#">Loggerhead sea turtle</a>	Threatened - Northwest Atlantic Ocean Distinct Population Segment ( <a href="#">76 FR 58868; September 22, 2011</a> )	<a href="#">December 2008</a>	<a href="#">79 FR 39856; July 10, 2014</a>
<a href="#">Hawksbill sea turtle</a>	Endangered ( <a href="#">35 FR 8491; June 2, 1970</a> )	<a href="#">December 1993</a>	<a href="#">63 FR 46693; September 2, 1998</a>
<a href="#">Nassau grouper</a>	Threatened ( <a href="#">81 FR 42268; June 29, 2016</a> )	<a href="#">2018 Recovery Outline</a>	Proposed ( <a href="#">87 FR 62930, October 17, 2022</a> )
<a href="#">Oceanic whitetip shark</a>	Threatened ( <a href="#">83 FR 4153; January 30, 2018</a> )	<a href="#">2018 Recovery Outline</a>	None

<a href="#">Scalloped hammerhead shark</a>	Central and Southwest Atlantic Distinct Population Segment - Threatened ( <a href="#">79 FR 38213; July 3, 2014</a> )	None	None
<a href="#">Giant manta ray</a>	Threatened ( <a href="#">83 FR 2916; January 22, 2018</a> )	<a href="#">December 2019 Recovery Outline</a>	None
<a href="#">Elkhorn coral</a>	Threatened ( <a href="#">71 FR 26852; May 9, 2006</a> )	<a href="#">March 2015</a>	<a href="#">73 FR 72210; November 26, 2008</a>
<a href="#">Staghorn coral</a>	Threatened ( <a href="#">71 FR 26852; May 9, 2006</a> )	<a href="#">March 2015</a>	<a href="#">73 FR 72210; November 26, 2008</a>
<a href="#">Boulder star coral</a>	Threatened ( <a href="#">79 FR 53851; September 10, 2014</a> )	None	<a href="#">88 FR 54026; August 9, 2023</a>
<a href="#">Mountainous star coral</a>	Threatened ( <a href="#">79 FR 53851; September 10, 2014</a> )	None	<a href="#">88 FR 54026; August 9, 2023</a>
<a href="#">Lobed star coral</a>	Threatened ( <a href="#">79 FR 53851; September 10, 2014</a> )	None	<a href="#">88 FR 54026; August 9, 2023</a>
<a href="#">Rough cactus coral</a>	Threatened ( <a href="#">79 FR 53851; September 10, 2014</a> )	None	<a href="#">88 FR 54026; August 9, 2023</a>
<a href="#">Pillar coral</a>	Threatened ( <a href="#">79 FR 53851; September 10, 2014</a> ). <a href="#">ESA 5-Year Review</a> , completed August 2022, recommended status be changed to Endangered.	None	<a href="#">88 FR 54026; August 9, 2023</a>
<a href="#">Sperm whale</a>	Endangered ( <a href="#">35 FR 18319; December 2, 1970</a> )	<a href="#">December 2010</a>	None
<a href="#">Queen Conch</a>	Proposed Threatened ( <a href="#">87 FR 55200; September 8, 2022</a> )	N/A	N/A

**Table 2. NOAA Fisheries Project Specific Approximate Funding for ESA-Listed (or Proposed for Listing) Species in Puerto Rico**

Species	2018 -2023 Funding (\$1,000s)
Hawksbill and green sea turtles	\$170
Nassau grouper	\$552

Corals (including staghorn, boulder star, mountainous star, lobed star, and rough cactus)	\$150
Pillar coral	\$685
Scalloped Hammerhead Shark (Central and Southwest Atlantic DPS)	\$73
Queen Conch (Proposed for Listing as Threatened)	\$270