

House Committee on Natural Resources
Subcommittee on Water, Wildlife and Fisheries
June 27, 2024 - Legislative Hearing
Questions for the Record for Dr. Evan Howell

- [H.R. 6841](#) (Rep. Levin), To amend the Coastal Zone Management Act of 1972 to allow the Secretary of Commerce to establish a Coastal and Estuarine Resilience Program, and for other purposes;
- [H.R. 7925](#) (Rep. D'Esposito), "*Modernizing Access to Our Public Oceans Act*";
- [H.R. 8704](#) (Rep. Carter of GA), To require the Secretary of Commerce to establish a grant program to foster enhanced coexistence between ocean users and North Atlantic right whales and other large cetacean species; and
- [H.R. 8705](#) (Rep. Graves of LA), "*Fisheries Data Modernization and Accuracy Act of 2024.*"

Questions from Chairman Cliff Bentz

1. *Dr. Howell, during our hearing, one of the criticisms that we heard of NOAA's proposed amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule was that NOAA failed to fully incorporate feedback from impacted industries. More specifically, stakeholders believe NOAA failed to consider technological solutions to reduce vessel strikes and other interactions with species like the North Atlantic right whale. During the hearing, you mentioned the technology workshop that NOAA held back in March. However, as has been noted on many occasions, the proposed rule was transmitted to the Office of Information and Regulatory Affairs (OIRA) on the same day as the workshop.*
 - a. **How would NOAA have been able to incorporate any feedback or lessons learned at the workshop if the proposed rule was already submitted to OIRA before the workshop concluded?**

NOAA Response

As noted in our proposed rule, NOAA is open to considering alternative programs for reducing lethal vessel strikes, and we are encouraged by the role technology can play in this space in the future. The workshop and our efforts to further technologies to reduce vessel strikes run parallel to our rulemaking efforts, which are essential to quickly reducing vessel strike risk. While there was extensive information exchange at the workshop on promising technologies to address this issue, there are currently no proven technologies that can be readily implemented to effectively reduce vessel strike risk of North Atlantic right whales across their U.S. range. The workshop was designed to be an opportunity to explore the technologies that exist now that could be adapted for use in the future and brainstorm new technologies that could potentially be brought to bear. While there are currently no proven technologies that can be readily implemented to effectively reduce vessel strike risk of North Atlantic right whales across their U.S. range, NOAA remains committed to further harnessing the capabilities of whale detection technologies and the adoption of effective technology tools as they become available. The agency will continue to work closely, and actively, with stakeholders to explore future options.

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2. *When you were asked if there were technological devices that would allow for vessel operators to detect whales while on the water, you stated that NOAA was currently going through the technology review.*

a. Wouldn't it be more effective to conduct a thorough technology review prior to moving ahead with the proposed amendments?

NOAA Response

As noted in my written testimony, North Atlantic right whales are among the most imperiled species on the planet, with vessel strikes and entanglement in fishing gear killing over 200 right whales since 2011. The Endangered Species Act and the Marine Mammal Protection Act mandate action to prevent the extinction of this species and further its recovery. In 2021, NMFS released an assessment of its existing speed regulations, and while the assessment found that current regulations have reduced vessel-strike related serious injuries and mortalities of right whales, it also highlighted the need for additional action NOAA is exploring and investing in technological tools as part of our overall Road to Recovery efforts, but until they are fully developed, evaluated, and implemented, an effective vessel speed rule remains critical for the survival of this species.

3. *Dr. Howell, on June 26th in an offshore wind briefing hosted by NOAA, Ms. Jenni Wallace, Director of NOAA Fisheries Office of Policy, went into detail describing the compensation program for businesses impacted by offshore wind lease sales.*

a. Does NOAA plan to implement a similar program to compensate businesses, like Mr. Strong's, that would be impacted if the proposed rule for seasonal speed zones were to be finalized in its current form?

NOAA Response

NOAA's proposed vessel speed rulemaking sought ways to minimize economic impacts while reducing risks to North Atlantic right whales. NOAA does not have the authority to compensate affected sectors for impacts associated with speed regulations.

To clarify the details provided at the June 26th briefing, offshore wind fisheries compensation mitigation programs involve the Bureau of Ocean Energy Management (BOEM), states, offshore wind developers, and third-party administrators. BOEM is the lead federal agency responsible for offshore energy exploration and development in the

United States. NOAA Fisheries has no direct authority to determine or implement measures to compensate fishermen or businesses for revenue and other losses from

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offshore wind development. NOAA Fisheries provides technical information to BOEM for fisheries impact assessments as a cooperating agency under the National Environmental Policy Act.

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Questions from Rep. Carl

- 1. Dr. Howell, during your tenure at NOAA, you have been actively engaged in efforts to reform the management of our recreational fisheries. In what ways do you think NOAA can most effectively incorporate independent, third-party surveys and the work of state agencies to help manage our nation's fisheries**

NOAA Response

NOAA is currently working on several initiatives to address this question. The first is a national effort to re-envision the state-federal data collection system for marine and estuarine recreational fisheries into a regionally specific and nationally coherent partnership that leverages partner expertise and resources to obtain the best quality data possible from available sources to inform sustainable, adaptive fisheries management. We are currently obtaining feedback from state and regional partners as well as members of the recreational fishing communities to craft a more inclusive system and plan to host a series of workshops in 2025 with the intent to launch this new vision with partner and constituent buy-in in early 2026.

Secondly, the Gulf States Marine Fisheries Commission, with support from NOAA Fisheries and other federal, regional, and state partners, hosted two workshops in the summer of 2024 to explore novel methods to improve recreational effort and discard estimates. A Request for Proposals to conduct additional research related to these workshops is anticipated by the end of the calendar year. A third workshop focused on database management (to ensure new data streams are easily accessible to data users and the public) will be held in early calendar year 2025. We expect this research to generate lessons learned and novel data collection approaches to consider in other regions beyond the Gulf of Mexico.

Thirdly, specific to the Gulf of Mexico, NOAA Fisheries and Gulf state partners will soon be releasing a blueprint that prioritizes research and projects to improve recreational fishing data collection now and into the future. As a key component of this plan, NOAA Fisheries and state and regional partners are studying and comparing recreational fishing effort estimates from different, overlapping surveys to inform survey improvements across the Gulf of Mexico. Also, NOAA Fisheries has worked with the states of Florida, Alabama, and Mississippi, to develop, implement, and certify several state-led surveys to supplement MRIP data by providing more timely and precise estimates for certain species. In Texas and Louisiana, state surveys serve as an alternative to NOAA Fisheries general recreational fishing surveys. Differences in survey designs and resulting estimates can generate challenges for stock assessments and management. For instance, there can be two distinct estimates of landings for a state: one produced by the NOAA Fisheries survey and another produced from the state survey. This makes management

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challenging when an annual catch limit is set using NOAA survey data, and there are requests to predict/monitor toward a recreational fishing closure using a state data stream though the data are not directly comparable.

Through the aforementioned research plan, we will:

- Document survey methodology across the region
- Work collaboratively to explore drivers that explain differences in estimates across surveys
- Outline a timeline for implementing necessary improvements and transitioning toward the use of new or improved methods and data streams

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Questions from Rep. Jenniffer Gonzalez-Colon

H.R. 8705 seeks to reform NOAA's Marine Recreational Information Program (MRIP), which develops statistics on recreational fishing catch and effort. I've previously expressed concerns with the limited or lack of recreational fishing data for Puerto Rico included within the program. I understand the latest available recreational statistics for Puerto Rico are from 2016, given data collection efforts on the Island were suspended in late 2017 following Hurricane Maria.

In response to questions I submitted last year, NOAA indicated that the Caribbean MRIP Regional Implementation Team was working on developing alternative survey designs for both Puerto Rico and the U.S. Virgin Islands that can generate reliable catch statistics. NOAA further indicated that it believed the team could complete this effort in 2023, and that once feasible and statistically sound designs were identified, it would work with regional partners to assemble the necessary resources and commence recreational effort and catch data collection in both territories.

Could you provide an update on the status of this initiative and discuss NOAA's efforts to support the resumption of recreational fishing data collection efforts in Puerto Rico?

NOAA Response

A facilitated workshop, including personnel from NOAA Fisheries, Puerto Rico Department of Natural and Environmental Resources (DNER), US Virgin Islands Department of Planning and Natural Resources Division of Fish and Wildlife (DPNR DFW), and seven other agencies, took place in May 2023 in San Juan, Puerto Rico, to identify collaborative efforts that improve and inform stock assessment and ecosystem based fisheries management in Puerto Rico and the US Virgin Islands. The outcomes included a 5-year strategic plan and consensus on the strategic goals. Working groups focused on governance, fishery dependent data, and communications continue to meet to advance work on these goals.

NOAA Fisheries' Southeast Fisheries Science Center is working alongside regional partners, USVI DPNR DFW, and Puerto Rico DNER to study methods for comprehensive fishing data collection. In Puerto Rico, the team is analyzing data utilizing Artificial Intelligence to make the biological sampling process more efficient. The intent is to run several rounds of this pilot study to inform improvements to the survey design. Once the team completes analysis of the initial data and considers the need for adjustments, the pilot will be continued for additional three to four-month periods. The first pilot survey in the USVI is anticipated to begin in later this year.

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Question from Rep. Levin

1. Dr. Howell, my district is constantly grappling with coastal issues, but we have seen firsthand how wetland and estuary habitats not only support vibrant and diverse ecosystems, but also provide economic benefits and help to protect against erosion. Can you speak to how the Coastal and Estuarine Land Conservation Program (CELCP) and the National Estuarine Research Reserve System support the resilience and economies of coastal communities across the country?

NOAA Response

The National Estuarine Research Reserve System is a network of 30 coastal sites designated to protect and study estuarine systems in collaboration with and service to surrounding communities. Established through the Coastal Zone Management Act, this partnership program between NOAA and the coastal states supports ecosystem health and the interconnectedness of people and the environment. A broad range of perspectives are incorporated, including Indigenous peoples and tribal nations. The research reserves cover nearly 1.4 million acres of estuaries and are focused on stewardship research, training, and education. As examples, many Reserves are monitoring the health and adaptive capacity of marshes, and providing information to coastal decision-makers on how best to manage and restore these habitats over time to sustain their ability to buffer flooding and storm damage and serve as nurseries for commercially and recreationally important species, both of which provide economic benefits to communities.

From 2002 to 2019, the Coastal and Estuarine Land Conservation Program (CELCP) protected more than 110,000 acres through funds to state and local governments to purchase threatened coastal and estuarine lands or obtain conservation easements, including over 16,000 acres protected as in-kind matching contributions. Six additional land acquisition projects under the first year of the Bipartisan Infrastructure Law funding conserved over 5,200 acres of habitat. These projects have helped direct development away from high-risk and flood-prone areas, such as eroding bluffs and shorelines, floodplains, and wetlands, which help make communities more resilient in the face of coastal hazards and reduce their risk of economic losses.