

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
WRITTEN TESTIMONY OF
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LEGISLATIVE HEARING
ON
[H.R. 6841](#), [H.R. 7925](#), [H.R. 8704](#), and [H.R. 8705](#).

BEFORE THE
SUBCOMMITTEE ON WATER, WILDLIFE, AND FISHERIES
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee, thank you for the opportunity for the National Oceanic and Atmospheric Administration (NOAA) to provide comments regarding [H.R. 6841](#) - To Amend The Coastal Zone Management Act Of 1972 To Allow The Secretary Of Commerce To Establish A Coastal And Estuarine Resilience And Restoration Program, And For Other Purposes, [H.R. 7925](#) - Modernizing Access To Our Public Oceans (Map Oceans) Act, [H.R. 8704](#) - To Require The Secretary Of Commerce To Establish A Grant Program To Foster Enhanced Coexistence Between Ocean Users And NARW And Other Large Cetacean Species, And [H.R. 8705](#) - Fisheries Data Modernization And Accuracy Act Of 2024. I am the Director of the Office of Science and Technology within NOAA's National Marine Fisheries Service (NMFS) providing comments on behalf of NOAA.

H.R.6841 - To amend the Coastal Zone Management Act of 1972 to allow the Secretary of Commerce to establish a Coastal and Estuarine Resilience and Restoration Program, and for other purposes

Coastal communities are home to nearly half the American population, support 54.6 million jobs, and contribute approximately \$9.5 trillion to the U.S. economy. Of those who live in coastal counties, approximately 40 percent of the population fall into an elevated coastal hazard risk category. These include at-risk populations, such as children, older adults, households where English is not the primary language, and people living below the poverty line. For over 50 years, the Coastal Zone Management Act has provided a framework for the Federal government to work in partnership with state and local leaders to address the complex challenges facing our coasts and to ensure they can benefit generations to come.

H.R. 6841 would amend the Coastal Zone Management Act to expand the authority and funding authorization for the Coastal and Estuarine Land Conservation Program and National Estuarine Research Reserve System (Sections 307A and 315, 16 U.S.C. 1456-1 and 1461, respectively). The bill would expand the Coastal and Estuarine Land Conservation Program to authorize restoration efforts and prioritize investments that increase resilience and equity, and mitigate the effects of climate change and sea level rise, in addition to preserving recreational, ecological, cultural, and other benefits. It would also authorize non-governmental organizations to apply for a grant under this section provided that the organization has documented support from the lead state agency, ensures public access, and identifies how the property will be managed or transitioned to an eligible entity in the event that the organization is no longer in operation. This will provide flexibility in cases where state, territorial, Tribal or local governments are limited in their ability to take ownership of additional properties.

H.R. 6841 seeks to protect and restore coastal and estuarine lands and to expand and codify components of the National Estuarine Research Reserve System (NERRS) that ensure it is best positioned to meet the current and future needs of coastal communities. H.R. 6841 would modify the authorization for the National Estuarine Research Reserve System to require the designation of five new reserves within five years and codify existing systemwide and place-based programmatic components, including the Margaret A. Davidson Fellowship.

NOAA appreciates the intent of H.R. 6841 and your support for NOAA activities pursuant to the Coastal Zone Management Act. NOAA supports the authorization for the Coastal and Estuarine Land Conservation Program. NOAA is also supportive of the intent to expand the National Estuarine Research Reserve System; however, NOAA is concerned that the requirement to designate no less than five new estuarine reserves within five years of the bill's enactment may be infeasible. The designation process is state-driven and involves considerable time to ensure state, Tribal, local government, and public input and engagement. The timing, therefore, may be partly beyond NOAA's control.

NOAA is currently managing three proposed new designations, which has been a multi-year effort.

NOAA currently does not have the resources to implement this program and if enacted, NOAA would have to weigh these program needs against other priorities.

H.R. 7925- Modernizing Access to Our Public Oceans (MAP Oceans) Act

Recreational saltwater fishing and boating are traditional American activities that are integral to the culture and economies of coastal communities across the nation. These time-honored activities allow millions of people access to America's great outdoors each year, while generating billions of dollars in economic value.

NOAA's National Saltwater Recreational Fisheries Policy has a goal to promote inclusive public access to sustainable and abundant recreational fishing opportunities, especially understanding and addressing barriers and constraints to participation in recreational fisheries and stewardship.

As envisioned in the MAP Oceans Act, NOAA could would deliver fishing access mapping data to the public and the developers of apps, GIS and navigational chart plotting software and devices. Through the America the Beautiful initiative, the Fishery Management Councils and NOAA have for the first time built a national database of fishery managed areas. This, coupled with NOAA's Marine Protected Areas Inventory, provides the most complete picture to date of Federal fishery management measures. This national managed area database is an important step in achieving the goals of this bill, but we would also need to augment the area data with detailed information on where, when and how fishing can occur.

Safe navigation is key to the public accessing available commercial and recreational fishing resources. As mandated under the Coast and Geodetic Survey Act, NOAA is responsible for providing charts and related information for the safe navigation of marine commerce. Our customers include the recreational boating and fishing communities that rely on the data nautical charts provide. NOAA will continue to provide navigational charts and fundamental data to the public so vessel operators can reach fishing grounds and return to port safely.

NOAA is supportive of The Modernizing Access to Our Public Oceans Act, and its vision of providing clear answers to the question: "Where can I fish?" We also fully agree that collaboration with partners will be key to the success of the Act, especially learning from innovators and data scientists who are already serving the fishing communities. In addition, we note that other Federal agencies, such as the U.S. Fish and Wildlife Service (FWS), have sole or joint jurisdiction over public recreational access to many coastal and/or marine waters. Interagency coordination between NOAA, FWS, and other Federal agencies will be critical to ensuring that the published data is complete and easily accessible to the public.

However, we note that many of the Act's requirements have significant cost implications to the agency, in particular the timelines for updating information. Implementing the Act could also place a financial strain on other Federal agencies who would need to coordinate with NOAA to ensure compatibility among Federal databases and, potentially, collect new information. NOAA currently does not have the resources to implement this program and if enacted, NOAA would have to weigh these program needs against other priorities.

With this in mind, NOAA looks forward to implementing the vision laid out by the MAP Oceans Act and increasing access to Federal waters for fishing while engaging the fishing community in building sustainable commercial and recreational fisheries.

H.R. 8704 - To require the Secretary of Commerce to establish a grant program to foster enhanced coexistence between ocean users and NARW and other large cetacean species

Endangered North Atlantic right whales are among the most imperiled species on the planet, with an estimated total population of about 360 whales and only about 70 reproductive females remaining. Vessel strikes are one of the two leading causes of death to North Atlantic right whales. Since 2011, we have lost over 200 individual whales, primarily as a result of vessel strikes and entanglements in fishing gear.

Our mandates under the Endangered Species Act and Marine Mammal Protection Act require us to reduce the risks to the species to prevent the loss of any additional North Atlantic right whales. In addition to working with industry and partners on non-regulatory or technological tools that could help prevent additional deaths, we have been engaged in a rulemaking process to update the existing North Atlantic right whale vessel speed regulation to reduce risk of serious injury and death and begin to recover this species. We have also taken into account the best available science on the distribution of right whales and the risks they face. Investing in technological tools is a key aspect of our road to recovery, and NOAA Fisheries is taking steps to support development of new technologies to detect and reduce risk to whales. But until the promise of technological and other advancements can be proven, a more effective vessel speed rule is needed to minimize risk.

The final rule to modify the existing North Atlantic right whale vessel speed regulations is now with the White House Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget, for review under Executive Order 12866. The rule package was submitted to OIRA following careful consideration of the nearly 90,000 comments received during the 90-day comment period, and appropriate incorporation of this input. Because the rulemaking process is ongoing, we are unable to comment on any changes made to the proposed rule.

In light of this rulemaking, the National Marine Fisheries Service opposes H.R. 8704. Section 1 would explicitly prevent (through 2030) finalization of amendments to the vessel speed rule that would update the safety deviation provision and enhance protections needed to reduce the risk of extinction of North Atlantic right whales. Vessel strikes are an ongoing, unsustainable threat that NMFS has the statutory authority and mandate to address under the Endangered Species Act and the Marine Mammal Protection Act. Over the past few months alone, we have documented four right whale mortalities in U.S. waters. Three of these were consistent with vessel strikes as the cause of death, including one involving a young calf that was struck and killed by a boat estimated to be 35-57 feet in length.

The grant program included in this bill dovetails with our current efforts to develop and expand the use of technology-based innovations to promote coexistence between large cetaceans and ocean users. It will take years to evaluate the effectiveness of these innovative tools and even longer to fully operationalize them. NMFS remains fully committed to minimizing the regulatory burden on ocean users by investing in and adopting technology-based tools to reduce vessel strike risk to North Atlantic right whales. However, as it stands, there is no proven technology that can be adopted rapidly enough to reduce lethal vessel strikes of North Atlantic right whale and ward off extinction, and the species cannot wait for decisive action until 2030.

H.R. 8705 - Fisheries Data Modernization and Accuracy Act of 2024

NOAA Fisheries recognizes the challenges and limitations associated with the current recreational fishing data collection partnership. We are pleased to discuss the legislation aimed at further improving the Marine Recreational Information Program (MRIP). Many of the bill's main tenets highlight issues about which we share concerns and are actively working to address.

We agree with the authors of this bill that our shared recreational data program must focus on increased precision and accuracy of estimates; more collaborative feedback mechanisms for regional data review; national standardization practices that drive consistency across survey programs, support for state surveys; and independent expert review. To help achieve this, we have initiated a cooperative transparent effort to strengthen our Federal-State data partnership, beginning an initial information-gathering phase in May 2024, with plans to host external visioning workshops in 2025. These activities will identify actions for shared Federal-State process and data improvements, with the intent to implement actions and opportunities for change as they are identified through this process. A primary objective of this strengthening process is to collaboratively produce more accurate and precise catch and effort estimates to better inform the stock assessments that underpin management decisions that support sustainable fisheries. Through these actions, we will achieve the goal of finalizing an improved program framework driven by regional and state partner input by early 2026

Parallel to this effort, we are working closely with our fisheries information networks, including the Gulf of Mexico Fisheries Information Network (GulfFIN), and state partners to improve partner review of preliminary estimates, as we recognize the importance of incorporating regional knowledge of fishing activity.

While we are already executing improvements in many of these areas, we will continue to advocate for all data systems to undergo continual improvement, and welcome options to enhance our current and future Federal-State program partnership.

We support the core concept that any recreational data collection system should have clear and universal standards that provide national coherence and regional flexibility. This was the basis for why we established national recreational fishing and survey and data standards with input from states, interstate marine fisheries commissions, fishery management councils, and the broader fishing community, and why we have initiated an independent peer review of these standards by the National Academies' Committee on National Statistics.

We are committed to continuing our work to improve precision and accuracy of estimates from both Federal and state surveys to best inform decision-making. In order for the data from any data collection system to be usable in regional resource management, it must be consistent and comparable across a full management region. We emphasize here that any new system will need to be compared to an existing survey time series to scientifically compare and track trends in fishing, which is critical for stock assessments. We want to highlight that any prohibition on the ability to calibrate any new survey with Federal MRIP data could negatively impact the scientific rigor of our existing data time series used in our stock assessment enterprise.

NMFS also remains committed to using the objective regional frameworks in place for Best Scientific Information Available (BSIA) decision making, which currently considers all available data, including data derived from State surveys. A recent example is the utilization of the Florida State Reef Fish Survey to make NOAA Fisheries management decisions for gag grouper.

We do note that H.R.8705's requirements have significant resource implications on the agency. We support in concept the formation of an independent standing committee to discuss recreational fisheries data collection and management issues, and for consultation purposes when Percent Standard Error (PSE) exceeds an established threshold. The requirement for consultation as written will require additional resources to support the development of this new committee, and to support the level of consultation that would be required using the 30% PSE threshold for seasonal fisheries contained in this bill. Additionally, the establishment of a new grant program for development of state data collection systems would require new resources to ensure existing Federal-state shared data collection efforts could continue at current levels. NOAA currently does not have the resources to implement this program and if enacted, NOAA would have to weigh these program needs against other priorities.

Overall, NMFS appreciates the opportunity to comment on this bill and looks forward to working with the committee and staff on our shared areas of interest. This includes improving our recreational data collection capabilities to support effective resource management and maintain recreational opportunities.