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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

**Opening Statement by**  
**The Honorable John Fleming, Chairman**  
**Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs**  
**At the Oversight Hearing**

**"NOAA's Fishery Science: Is The Lack Of Basic Science Costing Jobs?"**  
**July 26, 2011**

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In 2006, Congress passed amendments to the Magnuson-Stevens Fishery Conservation and Management Act to require that fishery managers make harvest decisions based on science. These amendments also required that fishermen be held accountable to these new scientifically-based harvest limits. These were, and are, worthy goals. However, I suspect if Congressmen knew then what we know now, these amendments would have been written very differently.

Those requirements were based on the model of fisheries management in the North Pacific which has been held up as the example the rest of the country should emulate. Unfortunately, the amount of data available for fisheries outside the North Pacific is radically different than that available to managers in the North Pacific.

In addition to the 2006 amendments, the National Oceanic and Atmospheric Administration (NOAA) published revised National Standard 1 guidelines which gave fishery managers additional requirements for dealing with scientific uncertainty. These guidelines have led to layer upon layer of "precaution" to be included when setting harvest levels for those fisheries for which there is inadequate or "stale" data. That means that for fisheries that have not been surveyed for many years, the harvest levels will be artificially low. This has become particularly troublesome for species on the East Coast and in the Gulf of Mexico.

Counting fish is difficult. Having good data for fishery managers is not cheap and tight budgets do not make this any easier; however, NOAA has made budget decisions that have taken money away from basic fisheries research to fund new initiatives like marine spatial planning and satellite programs. In fact, the Fiscal Year 2012 budget request included funding for just one satellite that accounts for almost 20 percent of their entire budget request. This has resulted in inadequate fisheries data for Councils.

To quote from a letter sent by the Chair of the South Atlantic Council to Secretary Locke in April, 2010, "Fisheries management in the South Atlantic suffers from a chronic, yet well-documented, lack of basic data which hampers scientists' ability to evaluate exploited populations and managers' ability to develop and ensure accountability with management measures...This lack of data adds uncertainty at all levels of scientific and management

processes.” The letter also states, “In summary, the Council does not believe that a sufficient data delivery system is in place to properly implement the system of ACLs and AMs that the Council is establishing in Amendments 17A and 17B and the Comprehensive ACL Amendment.”

Today, we will hear examples showing that the lack of data is resulting in reduced harvest levels - which in turn harms fishermen and coastal communities. This has become especially difficult for the charter fishing operations which cannot book fishing trips when they cannot tell customers whether the fisheries will be open a week or a month from now.

In addition, restrictions on fishing opportunities are not just because of the new Magnuson-Stevens Act amendments. The lack of adequate information on Endangered Species Act and Marine Mammal Protection Act-listed animals is also causing fisheries problems. We will hear at least two examples today. In one case, NOAA has proposed uplisting the Atlantic sturgeon and splitting the population into 5 distinct population segments when they admit that they have “not conducted a comprehensive survey of any of the east coast species of sturgeon, Gulf, shortnose or Atlantic.” Despite this admission, NOAA is likely to restrict a number of east coast fisheries due to concerns about sturgeon interactions.

We will also hear that NOAA’s restrictions on the Bering Sea Pacific Atka mackerel fishery will result in losses of up to \$60 million per year based on faulty stock assessments and that NOAA has now cancelled a tagging study that would have provided better information.

Both of these examples will result in lost jobs and lost economic activity. And both examples raise concerns about whether NOAA’s basic research activities are adequate to meet the requirements of the statutes that they are required to implement.

Clearly, this is a view that is shared by the House Appropriations Committee as well. The House Appropriations Committee Report to accompany H.R. 2596, the Commerce, Justice, Science Appropriations bill for FY 2012 states,

*“The Committee notes that lack of accurate, up-to-date data for numerous economically vital fisheries has caused significant problems as NMFS works to implement provisions that were incorporated into the Magnuson-Stevenson Act (MSA) in 2006. NMFS has proceeded to implement these provisions, particularly as they relate to setting annual catch limits on all fisheries, in a manner that ignores profound shortfalls in requisite data. More robust stock assessments, based on more frequent surveys, are vitally important to improve management of our marine fisheries and meet the requirements of the MSA. The Committee supports targeting and prioritizing stock survey funds to address critical data gaps in fisheries that have suffered dramatically from inadequate data gathering. Additionally, the Committee supports the further utilization of fishery independent data collection efforts and encourages NMFS to take advantage of existing non-Federal resources that are capable of providing timely and reliable data to improve stock assessments of critical fisheries.”*

For today's hearing, we asked our witnesses a number of questions:

- How have the 2006 amendments - including the requirement that Councils establish a mechanism for specifying annual catch limits to prevent overfishing - affected domestic fishery management?
- Is the data generated by NOAA adequate for fishery managers to comply with these new provisions?
- How has the Agency's guidance for Council's use of old data and the precautionary or risk averse approach affected coastal economies and fishery-related jobs?
- Has the Agency's use of the requirement for "best scientific information available" become a convenient excuse for the use of incomplete or old data in management decisions rather than gathering new or more complete data?
- And finally, will the creation of a new recreational data collection program provide better information to fishery managers and provide data for in-season management adjustments? If not, what does this mean for recreational fishing seasons and the ability of fishery-dependent businesses to plan given this uncertainty?

I look forward to hearing from our witnesses today and hope that through this conversation, we can find some solutions for the lack of data available to fisheries managers.