



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Water, Wildlife and Fisheries Republican Members
From: Subcommittee on Water, Wildlife and Fisheries staff: Annick Miller, x58331
(annick.miller@mail.house.gov), Thomas Shipman
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Date: Thursday, June 27, 2024
Subject: Legislative Hearing on **H.R. 6841, H.R. 7925, H.R. 8704, and H.R. 8705**

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on: H.R. 6841 (Rep. Levin), To amend the Coastal Zone Management Act of 1972; H.R. 7925 (Rep. D’Esposito), “*Modernizing Access to Our Public Oceans (MAPOceans) Act*”; H.R. 8704 (Rep. Carter), 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 Louisiana), the “*Fisheries Data Modernization and Accuracy Act*” **on Thursday, June 27, 2024, at 9:30 a.m. in 1324 Longworth House Office Building.**

Member offices are requested to notify Lindsay Walton (lindsay.walton@mail.house.gov) by 4:30 p.m. on Wednesday, June 26, 2024, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- H.R. 8704 would prevent the National Oceanic and Atmospheric Administration (NOAA) from finalizing the expanded vessel speed restriction rule first proposed in 2022, keeping the existing restriction in place. It also would create a new grant program to encourage the development and deployment of technology to reduce vessel strikes of endangered species like the North Atlantic right whale.
- H.R. 6841 would reauthorize the Coastal and Estuarine Land Conservation Program and the National Estuarine Research Reserve System, which help manage coastal areas.
- H.R. 7925 would require NOAA to publish data related to federal waterways in one location, ensuring safety and improving the experience of ocean users.
- H.R. 8705 would reform NOAA’s Marine Recreational Information Program (MRIP), encouraging NOAA to work more effectively with states and entities like the National Academies of Science, Engineering, and Medicine.

II. WITNESSES

Panel I

- *Members of Congress TBD*

Panel II

- **Dr. Evan Howell**, Director, National Marine Fisheries Service Office of Science and Technology, NOAA, U.S. Department of Commerce, Silver Spring, MD (*All bills*)
- **Ms. Martha Guyas**, Southeast Fisheries Policy Director, American Sportfishing Association, Tallahassee, FL (*H.R. 8705*)
- **Mr. James (Jamie) McCurry Jr.**, Chief Administrative Officer, Georgia Ports Authority, Savannah, GA (*H.R. 8704*)
- **Mr. Jeff Strong**, Chair of the Marine Retailers Association of the Americas Board of Directors, and President of Strong's Marine, Mattituck NY (*H.R. 7925 and H.R. 8704*)
- **Dr. Jessica Redfern**, Associate Vice President for Ocean Conservation Science, Anderson Cabot Center for Ocean Life, New England Aquarium, Boston, MA [Minority Witness] (*H.R. 8704*)

III. BACKGROUND

H.R. 6841 (Rep. Levin, D-CA), 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.

The Coastal Zone Management Act of 1972 authorized three key programs to help NOAA protect coastal communities.¹ The National Coastal Zone Management Program is a voluntary partnership between NOAA and 34 coastal and Great Lakes states to design programs for effective coastal management.² The National Estuarine Research Reserve System (System) is a collection of 30 sites in coastal communities along the Pacific, Atlantic, and Gulf of Mexico coasts that allows NOAA to study estuarine systems.³ The System encourages partnership between NOAA and states to assist research, training, and education efforts for stewardship of the System.⁴ Past focus topics include habitat restoration efforts, increased resilience, and nonpoint source pollution.⁵ Finally, the Coastal and Estuarine Land Conservation Program (CELCP) works with coastal programs to purchase and conserve coastal lands “that are ecologically important or possess other coastal conservation values, such as historic features, scenic views, or recreational opportunities.”⁶ It has “protected more than 110,000 acres through funds to state and local governments”⁷ to help protect coastal and estuarine lands. Notably, the CELCP expired in fiscal year (FY) 2013, with funding running out in FY 2017.⁸

¹ NOAA Office for Coastal Management. Coastal Zone Management Act. <https://coast.noaa.gov/czm/act/>.

² NOAA Office for Coastal Management. The National Coastal Zone Management Program. <https://coast.noaa.gov/czm/>.

³ NOAA Office for Coastal Management. National Estuarine Research Reserves. <https://coast.noaa.gov/nerrs/>.

⁴ NOAA Office for Coastal Management. National Estuarine Research Reserves Overview. <https://coast.noaa.gov/nerrs/about/>.

⁵ *Id.*

⁶ NOAA Office for Coastal Management. The Coastal and Estuarine Land Conservation Program.

<https://coast.noaa.gov/czm/landconservation/>.

⁷ *Id.*

⁸ Congresswoman Jen Kiggans. Kiggans, Colleagues Introduce Bipartisan Bill to Protect Coastal Ecosystems. December 23, 2023. <https://kiggans.house.gov/posts/kiggans-colleagues-introduce-bipartisan-bill-to-protect-coastal-ecosystems>.

H.R. 6841 reauthorizes the CELCP, which the bill renames as the Coastal and Estuarine Resilience and Restoration Program, at \$60 million annually through FY 2028.

H.R. 6841 also reauthorizes the National Estuarine Research Reserve System at \$47 million annually through FY 2028. The legislation requires the Secretary of Commerce to designate five additional national estuarine reserves within five years of enactment. In reauthorizing this program, the Secretary is directed to establish research guidelines with estuarine systems and adds direction to establish methods to model the impact of sea level rise. The reauthorization also directs the Secretary to use the System’s reserves as the “preferred placements for fellowship and research positions for the National Oceanic and Atmospheric Administration.”⁹

H.R. 6841 has 9 Republican cosponsors and 8 Democrat cosponsors.

[H.R. 7925 \(Rep. D’Esposito, R-NY\), “Modernizing Access to Our Public Oceans \(MAPOceans\) Act”](#)

The United States’ waterways serve commercial and recreational industries critical to the domestic and global economy. Operating on the water safely and effectively requires a wide variety of data, including the types of vessels allowed to operate and other restrictions that may be in place. The restrictions and data can vary from region to region, which can often cause confusion.

The MAPOceans Act seeks to make this information readily accessible. Specifically, the legislation directs the Secretary of Commerce to work with stakeholders to develop standards to collect and disseminate information. Such information includes when federal waterways are open, no-wake zone areas or speed restrictions, the types of vessels allowed, or the boundaries of fishing restrictions. The Secretary would also be required to consult the public on the data used and its accessibility.

The Secretary would be required to make this data available within four years of enactment of this legislation, publishing it on a public website and ensuring that the data is organized in a user-friendly way. Additionally, the legislation requires the Secretary to update this data no less than twice a year.

Given the changing dynamics of our federal waterways—with restrictions and protocols varying from region to region—ensuring that this information is publicly available and updated regularly will give our ocean users the most up-to-date information. This will enhance the recreational experience, encourage compliance with applicable laws and regulations, and support industries that are vital to the American economy.

H.R. 7925 has 6 Republican cosponsors and 10 Democrat cosponsors.

⁹ H.R. 6841. <https://www.congress.gov/118/bills/hr6841/BILLS-118hr6841ih.pdf>.

H.R. 8704 (Rep. Carter, R-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.

Several critical sectors of the American economy operate on America’s waters, including along the Atlantic Coast. Whether it’s fishing, tourism, or recreation, the vessels supporting these activities vary in size and operate at different speeds. America’s waters, and the Atlantic coast, are also home to several endangered species like the North Atlantic right whale. The multiple uses of the United States’ natural resources require effective strategies to protect endangered species that do not unnecessarily inhibit or burden ocean users.

Since 2008, NOAA has enforced a 10-knot speed limit on vessels 65 feet and longer to prevent them from striking the North Atlantic right whale.¹⁰ While this restriction has made progress in preventing and reducing vessel strikes,¹¹ several stakeholders have advocated for using technologies that allow vessel operators to detect whales in real time.¹²

In August of 2022, NOAA proposed an update to the current vessel speed restriction rule, expanding it to include vessels from 35 to 65 feet.¹³ Throughout the comment period, stakeholders and industries have told NOAA that this proposed expansion will dramatically limit outdoor recreation sectors. Outdoor recreation contributed more than \$550 billion, or 2.2 percent, to the United States’ gross domestic product (GDP) in 2022.¹⁴ If implemented, the expanded restrictions that are currently under review at the Office of Management and Budget’s Office of Information and Regulatory Affairs¹⁵ will have devastating consequences.

Last June, this Subcommittee held an oversight hearing on this issue. Witnesses representing marine manufacturers, marine pilots, and charter boats discussed how expanding the existing vessel speed restriction rule would increase safety concerns, threaten industries that depend on the maritime sector, and cause inefficiencies at ports along the East Coast. Information from that hearing, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

H.R. 8704 prevents the devastating impacts of the proposed rule by requiring the existing rule that has been in place since 2008 to remain in place until December 31, 2030. Additionally, the

¹⁰ 50 C.F.R. §224.105; National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), “Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule,” 87 *Federal Register* 46921-46936, August 1, 2022. Hereinafter NOAA, NMFS, “Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule.”

¹¹ National Marine Fisheries Service Office of Protected Resources. North Atlantic Right Whale (*Eubalaena glacialis*). Vessel Speed Rule Assessment. June 2020. https://media.fisheries.noaa.gov/2021-01/FINAL_NARW_Vessel_Speed_Rule_Report_Jun_2020.pdf?null.

¹² National Marine Manufacturers Association. Recreational Boating Industry Decries Advancement of Vessel Speed Rule. March 7, 2024.

<https://www.nmma.org/advocacy/news/24641#:~:text=Proposed%20by%20NOAA%2C%20the%20rule.up%20the%20recreation%20boating%20industry>.

¹³ 50 C.F.R. §224.105; National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), “Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule,” 87 *Federal Register* 46921-46936, August 1, 2022. Hereinafter NOAA, NMFS, “Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule.”

¹⁴ U.S. Bureau of Economic Analysis. Outdoor Recreation Satellite Account, U.S. and States, 2022.

<https://www.bea.gov/news/2023/outdoor-recreation-satellite-account-us-and-states-2022>.

¹⁵ RIN 0648-BI88. Received date: March 5, 2024.

https://www.reginfo.gov/public/jsp/EO/eoDashboard.myjsp?agency_cd=0600&agency_nm=DOC&stage_cd=3&from_page=indx.jsp&sub_index=0.

legislation creates a new grant program administered by the National Fish and Wildlife Foundation (NFWF) to deploy innovative technologies and other best practices to limit vessel strikes and other harmful interactions between ocean users and species like the North Atlantic right whale. This legislation will provide regulatory certainty to stakeholders, encourage innovation, and ensure that endangered species like the North Atlantic right whale are protected.

H.R. 8704 has 2 Republican cosponsors and 1 Democrat cosponsor.

H.R. 8705 (Rep. Graves, R-LA), “Fisheries Data Modernization and Accuracy Act”

NOAA’s data collection and broader fisheries management efforts, including their Marine Recreational Information Program (MRIP), have long been the subject of criticism and concern. Last year, the Center for Sportfishing Policy (CSP) released its “Modern Fish Act Implementation Report,” which monitored and graded the federal government’s implementation of the Modernizing Recreational Fisheries Management Act of 2018 (Modern Fish Act).¹⁶ According to CSP, the Modern Fish Act “recognizes that recreational and commercial fishing are fundamentally different endeavors and should be managed accordingly.”¹⁷ While the report indicated that NMFS is improving on implementing this law, CSP indicated that the agency is “not yet meeting expectations” regarding the statute’s section requiring the improvement of federal-state cooperative data collection or recreational data collection.¹⁸

In April of 2024, several members of the Committee on Natural Resources sent a letter to NOAA’s Assistant Administrator for Fisheries, Janet Coit, expressing concern with NOAA’s continued reliance on the MRIP, stating that utilizing the survey is “causing premature fishery closures across the country, limiting both economic and recreational opportunities.”¹⁹

H.R. 8705 seeks to reform MRIP to ensure that the best available science and data are used by NOAA as it makes fisheries management decisions. The legislation directs NOAA to establish a standing committee with the National Academies of Science, Engineering, and Medicine (NAS). Through the standing committee, NOAA and the NAS are directed to meet regularly to work on recreational fisheries management and data collection issues. They are specifically directed to consider whether MRIP data is “appropriate and useful for management decisions”²⁰ and how the NAS’ activities “can and should be applied in light of the particular context of the fishery being considered.”²¹

To encourage better management decisions, the legislation would also require the Secretary to publish stock assessment plans in the Federal Register to ensure they’re regularly updated. The legislation would also allow the Administrator of NOAA to partner with the private sector to incorporate additional abundance surveys.

¹⁶ 2023 Modern Fish Act Implementation Progress Report, Center for Sportfishing Policy. <http://www.sportfishingpolicy.com/2019-modern-fish-act-implementation-progress-report/>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Letter to Assistant Administrator Coit. April 18, 2024.

https://garretgraves.house.gov/uploadedfiles/2024.04.18_bicameral_ltr_to_nmfs_re_fisheries_data.pdf.

²⁰ H.R. 8705. “Fisheries Data Modernization and Accuracy Act.” <https://www.congress.gov/bill/118th-congress/house-bill/8705?q=%7B%22search%22%3A%22hr+8705%22%7D&s=2&r=1>.

²¹ *Id.*

Finally, the legislation also gives states the ability to develop their own recreational fishery data collection programs and would create a new grant program within six months of enactment to encourage those efforts.

IV. MAJOR PROVISIONS & ANALYSIS

H.R. 6841 (Rep. Levin, D-CA), 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.

- Amends the Coastal Zone Management Act of 1972 to reauthorize the Coastal and Estuarine Resilience and Restoration. This program expired in 2013 and would be funded at \$60 million annually through 2028.
- This bill also reauthorizes the National Estuarine Research Reserve System Program and requires the Secretary to designate five new national estuarine reserves within five years. This program would be funded at \$47 million per year through 2028. The bill directs the Secretary to consider the impact of sea rise on estuarine systems and requires the Secretary to develop systemwide programs to improve the management of the System.

H.R. 7925 (Rep. D'Esposito, R-NY), "Modernizing Access to Our Public Oceans (MAPOceans) Act"

- This bill directs the Secretary to create a publicly accessible website that includes information and data relating to recreational use of Federal waterways. This data includes restrictions on motorized propulsion, entry closures, fishing restrictions, permissibility of certain boats, and more. The bill directs the Secretary to make this data publicly available within four years.

H.R. 8704 (Rep. Carter, R-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.

- Stipulates that the vessel speed restriction rule to protect the North Atlantic right whale that was finalized in 2008 shall remain in place until December 31, 2030.
- Authorizes a grant program from NOAA to be administered by the NFWF to reduce vessel strikes and other dangerous interactions between vessels and large cetacean species, including the North Atlantic right whale.

H.R. 8705 (Rep. Graves, R-LA), "Fisheries Data Modernization and Accuracy Act"

- Reforms the Marine Recreational Information Program (MRIP) within NOAA. The legislation directs the Administrator to enter into an agreement with the National Academies of Science, Engineering, and Medicine to collaborate on recreational fisheries management.

- The legislation also gives states the ability to create their own recreational fishery catch data collection program; if such a program is created, NOAA would be required to use the data that the state collected.
- Establishes a grant program for states to develop their own data collection programs or improve existing programs.

V. COST

The Congressional Budget Office has not provided cost estimates for these bills.

VI. EFFECT ON CURRENT LAW

[H.R. 6841](#)

[H.R. 8705](#)