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U.S. House of Representatives
Committee on Natural Resources
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Opening Statement of
Chairman Doc Hastings
House Committee on Natural Resources
At the Oversight Field Hearing on
"NOAA's Steller Sea Lion Science and Fishery Management Restrictions,
Does the Science Support the Decisions?"
Monday, October 17, 2011, at 9:30 a.m.
Seattle, Washington

I would like to thank our witnesses for their willingness to testify today on the issue of Steller sea lions and whether the fishery management measures that were put in place to protect sea lions are based on sound science. These management actions are the latest in a series of restrictions placed on commercial fishing activities in the Bering Sea and the Gulf of Alaska in an effort to protect Steller sea lions.

The National Oceanic and Atmospheric Administration's own documents state that the imposition of the fishery management restrictions put in place last January will cost the commercial fishing industry between \$44 million and \$61 million per year and cause the loss of between 250 and 750 jobs. At a time when every effort should be focused upon creating jobs and economic opportunities, it certainly stands out when an action by a Federal agency will result in this degree of economic loss - especially when one of the missions of the agency is to fully utilize the Nation's fishery resources.

Having said that, I understand that NOAA has multiple missions. I also understand that there is a lot about Steller sea lions that is still poorly understood. However, I am concerned that the decision to impose these restrictions was based on whether fishing was "*not likely to jeopardize the continued existence of a listed species...*" That standard seems to put the burden of proof on whether the agency could disprove that the commercial fishing industry was responsible for harming Steller sea lions. The fact that the Biological Opinion uses the word "may" throughout the document indicates to me that the agency is not sure what is going on in the Bering Sea and therefore cannot disprove any of the theories.

When an agency puts in place a restriction on an industry that will result in a loss of up to \$61 million per year and cost 750 jobs, I expect them to be certain. The Biological Opinion leaves one to wonder whether there is any certainty. The independent scientific review that was commissioned by the States of Washington and Alaska appears to share this concern. In fact, their report states, "*the conclusions in the BiOp regarding the finding of jeopardy and its posited cause (nutritional stress from food competition with fisheries) do not follow logically from*

scientific, economic, and social information presented in the BiOp and attendant documents. "
The report goes on to say, *"The conclusions are contradicted both by information presented in the BiOp as well as information not presented in the BiOp. "*

When 13 of the 14 criteria assessed by NOAA to determine if nutritional stress was restricting recovery for the western population came up negative while at the same time the Biological Opinion concludes that the fishing industry is restricting food availability, it raises questions about the validity of the entire Biological Opinion. This is just one question that has been raised regarding the science behind the fishing restrictions. When the Agency's own science conflicts with their conclusions, it is no wonder the States of Washington and Alaska commissioned an independent scientific review.

It is also concerning that so little has changed since 2000 when Congress began to appropriate funding for Steller sea lion research. Beginning in Fiscal Year 2001, Congress appropriated more than \$150 million for Steller sea lion research and more than half of that went directly to NOAA for their research program. And ten years later, we still are asking many of the same questions. Despite this funding, NOAA still is not able to answer the questions regarding whether the commercial fishing industry is limiting the food available for Steller sea lions. This is the first area of research that should have been conducted so that we would not be in the situation we are in now - facing new restrictions that will cost jobs and restrict economic activity.

We now have the final report from the independent scientific review panel and the report raises serious issues with the conclusions in the Biological Opinion and also questions whether the science even supports the conclusions made by NOAA.

The real question is what the agency will do with this new information. I hope our witnesses - in particular our NOAA witness - will discuss what happens next. NOAA has the authority, and I would argue the obligation, to take this independent review panel's report and to take another look at their findings in the Biological Opinion. I would also strongly suggest that NOAA look at other new information such as the Atka mackerel stock assessment that was completed after the Biological Opinion was finalized. This new information is certainly relevant and the agency has an obligation to review all new information when it becomes available.

I understand NOAA has plans for its own independent review of the Biological Opinion. I hope that independent review will allow for public input as the Washington state and Alaska review did. I would also strongly encourage NOAA to develop the terms of reference for the review in the manner suggested by the North Pacific Fishery Management Council and to include a review of the science and the conclusions contained in the Biological Opinion.