

Committee on Resources,

Subcommittee on Fisheries Conservation, Wildlife & Oceans

[fisheries](#) - - Rep. Wayne Gilchrest, Chairman

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Witness Statement

Statement of William T. Hogarth, Ph.D., Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce

Mr. Chairman and Members of the Subcommittee, thank you for inviting me to this hearing on the reauthorization of the Interjurisdictional Fisheries Act of 1986, the Anadromous Fisheries Conservation Act of 1965, the Atlantic Striped Bass Conservation Act of 1984, the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act of 1983, the Atlantic Tunas Convention Act of 1975, and the Northwest Atlantic Fisheries Convention Act of 1995, all addressed in the Fisheries Conservation Act of 2001. I am William T. Hogarth, the Acting Administrator for Fisheries in the National Oceanic and Atmospheric Administration/Department of Commerce.

Anadromous Fish Conservation Act of 1965

The Anadromous Fish Conservation Act of 1965 authorizes the Secretary of Commerce and the Secretary of the Interior to enter into cooperative agreements with states and other non-Federal interests for the conservation, development, and enhancement of the anadromous fisheries resources of the nation, including those in the Great Lakes and Lake Champlain. Since the mid- 1960s, the Anadromous Fish Conservation Act (AFCA) has served as the traditional base source of funding for the states, providing the necessary resources to conserve and manage anadromous fisheries resources like salmon, striped bass, and river herring. These fisheries resources, with their complicated life histories, require special attention because of the many ocean and inland challenges to their survival. Full recovery of these resources will provide enormous economic and social benefits to the American public. Also, the AFCA provides funding for collecting information on several Great Lakes fish species and for other important species such as sturgeons and shads. Information collected by these anadromous fish programs is used to support management decisions at the state, interstate, and federal levels required under the Atlantic Coastal Fisheries Cooperative Management Act, the Endangered Species Act, and the Magnuson-Stevens Fishery Conservation and Management Act. The data collected provide vital links among state and Federal agency cooperative efforts to manage and protect important anadromous fishes. Without the AFCA, many of these economically and ecologically valuable resources (e.g., paddlefish, sturgeons, salmonids) are likely to become or remain endangered, threatened, or depleted, further depriving Americans of food and recreational fishing opportunities, and causing a multitude of economic and social impacts associated with mandated recovery programs.

Historically, the program was administered at the Federal level by both the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service. However, for the past 8 years, Congress has provided funding only to NMFS. The amount of funds that may be used to finance projects varies. For most projects, Federal funds account for 50 percent of the cost, but Federal funds can support up to 66.66 percent of the cost when two or more states cooperate. Up to 90 percent Federal funding can be made available only if a state has implemented an interstate fisheries management plan for an anadromous species to which the

project applies. State fisheries agencies, colleges, universities, private companies, and other non-Federal interests in 31 states bordering the oceans or the Great Lakes may participate under this Act. All projects must be coordinated with, and cleared through, the state fisheries management agency of the state in which the project takes place. The total amount of funds obligated in any fiscal year to any one State may not exceed \$650,000. Funding made available to recipients in recent years has been about \$2.0 million a year. The most recent reauthorization for this Act was in October, 1996, through Public Law 104-297, which reauthorized the program at an annual level of \$4 million for fiscal year 1997, and \$4.25 million for each of the fiscal years 1998, 1999, and 2000. We find the current funding level appropriate.

We recommend reauthorization and continued Congressional support for the AFCA. We see the anadromous fisheries projects, funded under the AFCA, as valuable assets that help the Federal Government and state fisheries agencies work closely together to protect and restore our nation's anadromous fisheries resources.

Interjurisdictional Fisheries Act of 1986

The Interjurisdictional Fisheries Act of 1986 (IFA) is a formula-based financial assistance program with two overall purposes: (1) to promote and encourage state activities in support of the management of interjurisdictional fisheries resources and (2) to promote the management of interjurisdictional fisheries resources throughout their range. Any state may, either directly or through an interstate marine fisheries commission, submit a research proposal that supports management of fishery resources that: (1) occur in waters under the jurisdiction of one or more states and in the Exclusive Economic Zone; (2) are managed under an interstate fishery management plan; or (3) migrate between the waters under the jurisdiction of two or more states bordering on the Great Lakes.

Since 1986, the IFA has been the traditional base source of funding for many marine fisheries data collection programs. Funds provided under the IFA are spent to obtain catch and effort statistics and other fisheries information important for managing marine interjurisdictional species. This information is used to support management decisions both at the state level and those required under the Atlantic Coastal Fisheries Cooperative Management Act and the Magnuson-Stevens Fishery Conservation and Management Act. Like the Anadromous Fish Conservation Act, the information collected under the IFA provides vital links among state and federal agency cooperative efforts to manage and protect many important marine migratory species. IFA helps states provide the research, data collection, and fisheries management infrastructure to properly manage interjurisdictional marine resources. Without the IFA, the information necessary for the proper management of many of these economically and ecologically valuable resources (e.g., American lobsters, sea herring, Alaska sablefish) would be lacking.

Pursuant to the law, funds that support interstate fishery management programs are made available to the states under section 308(a) based on a complex apportionment formula that utilizes the volume and value of fish landed in each state by domestic commercial fishermen. Federal share of project costs may amount to as much as 75 percent, or 90 percent when states have adopted fishing regulations that are consistent with an interstate or federal fishery management plan for the species to which the study applies. Enforcement projects funded through this section must pertain to the protection of fishery resources that are managed under an interstate fishery management plan and may be 100% financed by federal funds up to \$25,000. Funds made available to states under section 308(a) have been about \$3.2 million in recent years. The most recent reauthorization for section 308(a) authorized \$3.4 million for fiscal year 1996, \$3.9 million for fiscal year 1997, and \$4.4 million for each of fiscal years 1998 through 2000.

Sections 308(b) and 308(d) provide for assistance to address fishery resource disasters. Section 308(b) authorizes the Secretary to provide grants or cooperative agreements to states determined to have been affected by a commercial fishery failure or serious disruption affecting future production due to a fishery resource disaster from natural or undetermined causes. The Federal share of the cost of assistance is limited to 75 percent.

Pursuant to section 308(b), the Secretary declared a failure of the Northeast multispecies groundfish fishery in FY 1994. In FY 2000, a disaster determination was made for Alaskan salmon fisheries under both IFA section 308(b) and section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. The declaration under IFA section 308(b) was needed to make Small Business Administration loans available to eligible businesses in the area.

Section 308(d) allows the Secretary to provide assistance to commercial fishermen, either directly or indirectly through state or local government agencies and nonprofit organizations, to alleviate harm caused by a fishery resource disaster from hurricanes or any other natural disasters. Cost sharing is not required, but assistance programs require notice in the Federal Register and the opportunity for public comment.

In 1994 a fisheries disaster was declared under section 308(d) for the Pacific salmon decline in the Pacific Northwest. Declarations in 1995 included the Northeast multispecies groundfish collapse, the Gulf of Mexico commercial gear loss, and continuation of the Pacific salmon disaster. An appropriation of \$65 million was made available to these three regions. In FY 1999, an additional \$1 million was appropriated under section 308(d) to continue support for the fishermen's health care program that was part of the original assistance package for the Northeast multispecies groundfish collapse.

Section 308(c), which provides support for the development of fishery management plans by interstate marine fisheries commissions, has been funded at \$750,000 in recent years. The most recent reauthorization of section 308(c) authorized funding of \$700,000 for fiscal year 1997, and \$750,000 annually for fiscal years 1998 through 2000. We find the current funding levels appropriate.

We recommend reauthorization and continued congressional support for the IFA. We see the projects funded under the IFA as valuable assets that help the Federal Government and state fisheries agencies work closely together to protect and restore our nation's marine interjurisdictional fisheries resources.

Atlantic Striped Bass Conservation Act of 1984

The Atlantic Striped Bass Conservation Act (Striped Bass Act) has proven to be a highly effective statute addressing Atlantic coast striped bass management problems. It provides a forcing mechanism that encourages compliance with the successful Atlantic States Marine Fisheries Commission Interstate Fisheries Management Plan for Striped Bass and allows implementation of complementary Federal regulations for striped bass in the Exclusive Economic Zone. Congress recently reauthorized the Striped Bass Act, (in December 2000) through fiscal year 2003 for \$1,000,000 for each year to the Secretary of Commerce, and \$250,000 for each year to the Secretary of the Interior. No funds have ever been appropriated under the Act. Activities carried out to implement the Striped Bass Act's mandates have been funded through other Federal and state programs. No further authorization of funding is needed at this time.

The Striped Bass Act also requires the Secretaries of Commerce (DOC) and the Interior to work in consultation with the Atlantic States Marine Fisheries Commission (Commission) to conduct a study on the Atlantic striped bass population (population study). The results of this study are to be reported to Congress

within 180 days of enactment of the last reauthorization. While the DOC fully supports continuation of striped bass stock assessments, it notes that the new study required is a subset of ongoing research conducted by DOC researchers in cooperation with the Department of the Interior and the Commission, and that the information required in the population study is already reported to Congress, on a biennial basis, as required by the 1996 reauthorization of this Act. Results of other peer-reviewed research funded under this Act are also reported in the biennial reports. DOC has already provided informal draft findings of the population study to Congressional staff, and believes that the requirement of the additional report is redundant.

Atlantic Coastal Fisheries Cooperative Management Act

Like the Atlantic Striped Bass Conservation Act, (Striped Bass Act) the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) has proven to be a highly effective statute in addressing Atlantic coast fisheries management problems. It provides a forcing mechanism that encourages implementation of Atlantic States Marine Fisheries Commission (Commission) interstate fisheries management plans (ISFMPs), allows implementation of complementary federal regulations to ISFMPs in the Exclusive Economic Zone (EEZ), and is an important funding source that supports state and federal activities required for the development and implementation of the ISFMPs. Currently, 19 ISFMPs covering 24 Atlantic coastal species have been implemented. For those species that are found primarily in state waters, regulations in federal waters may be implemented by a regional fishery management council, or by federal regulation. Joint Commission/Council FMPs have been implemented for: sea herring; northern shrimp; winter flounder; summer flounder/scup/black sea bass; bluefish; Spanish mackerel; and red drum. The Secretary has implemented complementary EEZ regulations for American lobster, Atlantic sturgeon, weakfish, and horseshoe crab.

While we support joint Commission/Council FMPs, it has been difficult in some cases to implement joint fisheries management actions when the Commission's management plan's requirements are less stringent than those required for federal plans. This has most recently been highlighted by the difficulty in determining the 2001 summer flounder quota. We would recommend having some mechanism to more closely align the standards of the Commission's fishery management plans with the national standards required for Council fishery management plans under the Magnuson-Stevens Act and complementary Secretarial EEZ regulations.

Congress recently reauthorized the Atlantic Coastal Act, (in December 2000) through fiscal year 2005 for \$10,000,000 each year to the Secretary of Commerce. Recent appropriations have been \$6,000,000 for fiscal year 2000 and \$7,000,000 for fiscal year 2001. We find the current funding levels appropriate.

Northwest Atlantic Fisheries Convention Act of 1995

The Northwest Atlantic Fisheries Convention Act implements the Convention for the Future Multilateral Cooperation in the Northwest Atlantic Fisheries, which established the Northwest Atlantic Fisheries Organization (NAFO). The United States has attended five meetings of NAFO as a member, and hosted the most recent annual meeting of the organization in Boston, Massachusetts. Through our participation in NAFO, we are making important strides in securing fishing opportunities for U.S. fishermen and carrying forward the principles of U.S. fisheries management.

At its first meeting as a member in 1996, the United States requested and obtained modest allocations from some of the few fish stocks managed by NAFO that can sustain fishing.

These initial gains included small allocations of redfish, squid, and an effort allocation for shrimp. Since this time the United States has received an additional small allocation of shrimp (expressed in metric tonnage).

Due to the economic and physical risks associated with fishing operations in the NAFO Regulatory Area, the United States has thus far been unable to harvest its NAFO allocations. However, in 2000, the United States engaged in a successful chartering operation using an Estonian vessel to fish for NAFO Division 3M shrimp. This operation provided a number of benefits to the United States, including: economic benefits to the U.S. fishing interest involved; harvesting, market, and processing information that may be of benefit in the future to U.S. harvesters; and the beginnings of a fishing history that may be of benefit in future allocation discussions.

Although our current allocations from NAFO remain small, the United States continues to strive for more equitable sharing of fishing opportunities for the future. In order to achieve this, we have initiated and taken a leadership role in discussions designed to create a predictable, transparent process that recognizes the conservation and management contributions of coastal states to straddling fish stocks, builds upon historical fishing patterns, is fair and equitable, and enhances the conservation and management of NAFO-managed stocks. Thus, as a coastal state and as a member of the organization, we anticipate an increased share of fishing opportunities once stocks rebuild to levels that can support fishing operations.

Additionally, the United States has taken a strong leadership role in seeking more effective conservation and management of fisheries resources under NAFO jurisdiction. The United States will assume chairmanship of the Fisheries Commission later this year. We have also provided leadership in the NAFO Scientific Council and have consistently supported the management recommendations of the Council. Additionally, we have assumed leadership roles in a number of Standing Committees, including chairmanship of the standing committee that designed the current NAFO scheme for addressing the fishing activities of non-members. The United States has also pressed for timely stock assessments and gathering of data relating to both regulated and unregulated species occurring in the NAFO Regulatory Area, and actively participated in discussions on bycatch, vessel monitoring, and enforcement. Effective NAFO conservation and management is particularly important to the United States, given that NAFO has competence to manage the high seas portions of important domestic fish stocks that straddle the U.S. EEZ.

Furthermore, it should be noted that NAFO provides an excellent opportunity for the United States to pursue real-world implementation of recent international fisheries management agreements, particularly the United Nations Agreement on Straddling and Highly Migratory Fish Stocks. The United States has pressed (with some success) for adoption of key elements of the UN Agreement, such as: implementation of the precautionary approach; science-based management; strong monitoring and enforcement; effective dispute settlement; and greater transparency in the decision-making processes of the organization. It is our hope that continued progress on these fronts will help to make NAFO an effective model for regional fisheries management bodies worldwide.

National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act of 1983

The NOAA Marine Fisheries Program Authorization Act (NMFPA) was last reauthorized in 1996 for FY 1996 through FY 2000 as part of the Sustainable Fisheries Act (P.L. 104-297). The NMFPA authorizes a number of NOAA's marine fisheries programs under the Fish and Wildlife Act of 1956 and laws

implementing international fishery agreements. Specifically, the NMFPAA authorizes appropriations for specific subactivity line items within the current NMFS appropriations budget structure. The fisheries information collection and analysis subactivity includes funding for the collection, analysis, and dissemination of scientific information necessary for the management of living marine resources and associated marine habitats. The fisheries conservation and management subactivity includes funding for the development, implementation, and enforcement of conservation and management measures to promote the continued use of living marine resources, hatchery operations, habitat conservation, and protected species management. Finally, the state and industry cooperative programs subactivity includes funding to ensure the quality and safety of seafood products and to provide grants to states for improving the management of fisheries. The NMFPAA also includes an authorization for appropriations for the NOAA Chesapeake Bay Office.

The Administration recommends that the NMFPAA be reauthorized consistent with the President's FY 2002 budget request of \$207.7 million for these three subactivities and \$3.4 million for the Chesapeake Bay Office, and such sums as required by the President's future requests. The appropriations authorized by the NMFPAA are in addition to those of the Magnuson-Stevens Act, Endangered Species Act, Marine Mammal Protection Act, Interjurisdictional Fisheries Act, and Anadromous Fish Conservation Act.

Atlantic Tunas Convention Act of 1975

The Atlantic Tunas Convention Act (ATCA) governs U.S. participation on the International Commission for the Conservation of Atlantic Tunas (ICCAT) and stipulates how the Secretary of Commerce shall administer the conservation and management programs of ICCAT through research programs and domestic fishery regulations. Funds appropriated for implementation of ATCA are used in part to support the Advisory Committee, the regulatory activities of NMFS' Highly Migratory Species Management Division, permitting and reporting activities of the Northeast and Southeast Regional Offices, and research activities conducted in the Southeast and Northeast Science Centers and several external laboratories and academic institutions.

Mr. Chairman, this concludes my testimony. I am pleased to respond to any questions at this time.

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