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U.S. DEPARTMENT OF COMMERCE**

**LEGISLATIVE HEARING ON BILLS ADDRESSING  
ANADROMOUS FISH, STRIPED BASS, INTERJURISDICTIONAL FISHERIES, THE  
NORTHWEST ATLANTIC FISHERIES ORGANIZATION, AND  
RECREATIONAL FISHING IN BLOCK ISLAND SOUND**

**BEFORE THE  
COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS, AND INSULAR AFFAIRS**

**UNITED STATES HOUSE OF REPRESENTATIVES**

**JULY 19, 2012**

**Introduction**

Good afternoon, Mr. Chairman and Members of the Committee. I appreciate the opportunity to speak with you today about a number of the bills before the Committee. My name is Samuel D. Rauch and I am the Deputy Assistant Administrator for Regulatory Programs. I am currently performing the functions and duties of the Assistant Administrator for Fisheries, within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). Thank you very much for the opportunity to come before you today to discuss legislation on anadromous fish, striped bass, interjurisdictional fisheries, the Northwest Atlantic Fisheries Organization, as well as recreational fishing in Block Island Sound.

The Federal government and the states have a long history of partnering to resolve fisheries issues. Legislation such as the Anadromous Fish Conservation Act and the Striped Bass Conservation Act focused on particular fisheries, while the Interjurisdictional Fisheries Act provided a way for the states and the Federal government to partner on a wide range of shared issues. The Northwest Atlantic Fisheries Convention Act provided a means to conserve and manage high seas fishery resources in the Northwest Atlantic Ocean. H.R. 6096, Atlantic Fisheries Statutes Reauthorization Act of 2012, would re-authorize these four bills. H.R. 3906 would amend the Atlantic Striped Bass Conservation Act to permit recreational fishing for Atlantic Striped Bass in the Block Island Sound transit zone off Long Island. The Administration offers the following comments on these bills.

**H.R. 6096 – Atlantic Fisheries Statues Reauthorization Act of 2012**

NOAA's National Marine Fisheries Service (NMFS) has had a long history of cooperatively working as a partner with the states and the Interstate Marine Fisheries Commissions on a variety

of fishery management issues, and with the international community, to ensure fishery resources are managed sustainably. Maintaining these important partnerships is critical to effective stewardship of our Nation's living marine resources. The individual acts being considered for reauthorization under this bill have all contributed positively to this relationship and have aided in the long-term management of fish stocks off the Atlantic coast and around the country.

While we recognize the contributions that the individual acts considered for reauthorization under H.R. 6096 have made to the conservation of NOAA's trust resources, the President's FY 2013 Budget does not include funding to support new requirements authorized in this bill. We will continue to work with our partners to ensure the sustainable management of the fish stocks governed by these acts, but NMFS does not have specific funding to implement any new requirements in this bill, particularly relating to Atlantic sturgeon and striped bass.

### **The Anadromous Fish Conservation Act of 1965**

The Anadromous Fish Conservation Act of 1965 (AFCA) was adopted to conserve, develop, and enhance anadromous fish, those that spawn in fresh water rivers but spend most of their lives in the ocean or large lakes. Anadromous fish face unique threats from water resources development, river blockages, and other causes. Successful projects funded by AFCA have included assessment of juvenile striped bass in New York, a joint Oregon and Washington ocean salmon management program, and the southeast Alaska anadromous salmon research program. All of these projects broadened our understanding of these complex and culturally important species and aided their long-term conservation.

The AFCA 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 fishery resources of the entire United States, including those in the Great Lakes and Lake Champlain.

For most projects, Federal funds account for 50 percent of the cost, although that amount increases up to 66 percent if two or more states cooperate on a project, and up to 90 percent when a project supports an interstate or Federal fisheries management plan. State fishery agencies, colleges, universities, private companies, and other non-Federal interests in 31 states bordering the oceans or the Great Lakes and Lake Champlain may participate under the AFCA. All projects must be coordinated with and cleared through the appropriate state fishery agency.

Fisheries that benefit from the AFCA include shad and river herring, sturgeon (Atlantic, shortnose, and lake species), Atlantic striped bass, Pacific salmon, and steelhead trout. Many of these species are considered threatened or endangered under the Endangered Species Act through part or all of their range.

### **The Striped Bass Conservation Act of 1984**

Through the Atlantic States Marine Fisheries Commission (Commission), coastal states have the principal management jurisdiction over Atlantic striped bass. To address the declines in this stock, in 1981, the Commission prepared a coastwide management plan for striped bass along the

Atlantic Coast. The Striped Bass Conservation Act of 1984 (SBCA) was passed in response to declines in commercial and recreational striped bass harvest and lower production of juvenile striped bass. The SBCA authorizes the Secretaries of Commerce and the Interior to use a moratorium on striped bass fishing in states which fail to comply with the Commission's fishery management plan.

The Act allows the Secretary of Commerce (Secretary) to implement regulations regarding striped bass fishing in the Exclusive Economic Zone (EEZ). At the Commission's request, in 1990, the Secretary established a moratorium on the commercial and recreational striped bass fisheries in the EEZ. The moratorium remains in effect today, although possession of striped bass in the EEZ is allowed around certain areas of Block Island, RI, for vessels in transit that are not fishing. The SBCA also established continuing studies of striped bass populations. Due in large part to the successful implementation of the Act, the Atlantic striped bass stock was considered recovered in 1995. To give you a sense of the scale of the recovery, the striped bass population had declined to less than 5 million in 1982, but by 2007 there were nearly 56 million fish. In 2010, recreational anglers and commercial fishermen caught 2.9 million fish and these fishing businesses are a significant economic driver in coastal communities along the Atlantic coast. The most recent 2011 stock assessment concluded that the stock was not undergoing overfishing and was not overfished.

The SBCA's success served as a model for the Atlantic Coastal Fisheries Cooperative Management Act of 1993, which presented a new and innovative approach to coordinated management of coastal migratory fisheries along the Atlantic coast. The law established a cooperative management process that includes the Commission, NMFS, and the U.S. Fish and Wildlife Service. This Act provides a similar mechanism to ensure Atlantic coastal state compliance with mandated conservation measures in Commission-approved fishery management plans.

### **The Interjurisdictional Fisheries Act of 1986**

The Interjurisdictional Fisheries Act of 1986 (IFA) has three overall purposes: (1) to promote and encourage state activities in support of the management of interjurisdictional resources, (2) to promote the management of interjurisdictional fisheries resources throughout their range, and (3) to promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range. The statute provides a formula, based on commercial fisheries landings, that determines the distribution of available funds to each state. Funding also has supported the Atlantic, Gulf, and Pacific marine fisheries commissions.

A variety of important fishery programs have been supported under the IFA around the country, including a surf clam survey in New Jersey, a commercial fisheries statistics information system in Virginia, the interjurisdictional fisheries assessment and management program for Louisiana's coastal fisheries, and monitoring and management of California's coastal pelagic species. These and other activities supported by the IFA supported partnerships with the states and helped to improve our understanding of valuable marine resources which support thriving fishing businesses and coastal communities.

Despite the importance of the programs and partnerships this Act supports, the appropriations authorized in this Act are inconsistent with NOAA's budget. Enacted funding for the IFA grants has declined over the past two years, thereby decreasing the program's cost-effectiveness to unsustainable levels. The Administration decided the level of funding provided in the FY 2012 Conference mark was insufficient to justify the grant program, and the budget line was zeroed out in NOAA's Congressionally-approved FY 2012 Spend Plan. This reduction was included in the FY 2012 spend plan approved by Congress in January 2012. The FY 2013 President's Budget maintains this decision.

### **The Northwest Atlantic Fisheries Convention Act of 1995**

The Northwest Atlantic Fisheries Convention Act authorizes U.S. engagement in the Northwest Atlantic Fisheries Organization (NAFO), whose mission is to conserve and manage high seas fishery resources in the area of the Northwest Atlantic Ocean adjacent to the New England, Maritime Canada, and Greenland (Convention Area). The NAFO Convention applies to all fishery resources in its Convention Area with the exception of: salmon; tunas, swordfish and marlins; cetacean stocks managed by the International Whaling Commission; and sedentary species of the Continental Shelf.

The key functions of the Northwest Atlantic Fisheries Convention Act of 1995 are to: identify appropriate U.S. representation under the Convention; provide for and guide the establishment of a Consultative Committee; identify U.S. agency authorities with respect to the Convention; provide a list of prohibited activities and associated penalties for U.S. citizens and vessels; and authorize appropriations to support U.S. participation in the Organization.

The Act requires that the Secretaries of Commerce and State establish jointly a Consultative Committee of not more than 15 members to advise the Secretaries on issues related to the Convention. The Committee's membership consists of representatives from the New England and Mid-Atlantic Fishery Management Councils, the states represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic.

One of the important functions of NAFO is to determine quota allocations for NAFO-managed stocks. In 2012, the United States received fish quota allocations for three NAFO stocks, including: redfish (69 metric tons); *Illex* squid (453 metric tons); and shrimp (133 metric tons). U.S. fishermen are also entitled to harvest, on a first-come-first-served basis, any allocation for which an "Others" category has been designated, provided there is not a country-specific allocation to the United States for that fishery. For 2012, "Others" category possibilities include: white hake, skates, cod, and redfish.

### **H.R. 3906, to Amend the Atlantic Striped Bass Conservation Act**

H.R. 3906 would amend the Striped Bass Conservation Act to allow recreational fishing for Atlantic striped bass in the Block Island sound transit zone, without limiting the Secretary of

Commerce's authority to establish seasonal or other temporary limits on fishing that are needed for the conservation and management of striped bass.

In 1990, NMFS implemented a federal ban on the harvest and possession of striped bass, both commercially and recreationally, in the U.S. EEZ to support the efforts of the Atlantic States Marine Fisheries Commission to aid in the recovery of striped bass along the East Coast. In 2006, NMFS reanalyzed potential effects of opening the EEZ to Atlantic striped bass harvest, and invited public comment. NMFS received approximately 8,500 comments, of which 97 percent favored continuing the closure. To ensure fishing pressure did not increase in the EEZ and ensure the long-term conservation of Atlantic striped bass, NMFS maintained the closure.

NMFS understands the unique fishing area adjacent to Long Island and Block Island, and modified the no-possession requirement of Atlantic striped bass to allow for possession of striped bass in the area known as the Block Island Sound transit zone, provided that no fishing takes place from the vessel while in the EEZ and the vessel is in continuous transit.

In October 2008, Executive Order 13449 affirmed as policy of the United States the goal of conserving striped bass and red drum for the recreational, economic, and environmental benefit of present and future generations. NMFS determined that the current prohibitions on fishing for striped bass and red drum in the EEZ are consistent with the Executive Order.

Finally, the Commission reviewed the idea of opening this area to fishing, but did not take any action. Management of Atlantic Striped Bass under the Atlantic Striped Bass Conservation Act is conducted in cooperation with the Atlantic coastal States. Requiring the Secretary to allow fishing for Atlantic Striped Bass in the Block Island Sound transit area would limit the Agency's ability to promulgate regulations to support any fishing moratorium that those States might implement in the future, potentially undermining the ability of coastal States to enforce their laws. Continued careful and coordinated management of this important fish stock through management programs implemented by the Commission is essential if we are to sustain the resource and the many commercial and recreational interests that depend on striped bass fishing.

### **Conclusion**

We look forward to working cooperatively with you on these bills and would welcome the opportunity to discuss the legislation in more detail. I will be happy to answer any questions.