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HEARING ON
LEGISLATION REGARDING OCEANS ISSUES

BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE
U.S. HOUSE OF REPRESENTATIVES

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Chairman Huffman, Ranking Member McClintock, and Members of the Subcommittee, thank you for the opportunity to testify today regarding several ocean-related bills. The Department of Commerce and NOAA appreciate the Subcommittee's attention to ocean and coastal issues. We look forward to continued collaboration.

[H.R. 1314 – Integrated Coastal and Ocean Observation System Act Amendments of 2019](#)

NOAA supports reauthorization of the Integrated Coastal and Ocean Observation System Act of 2009 (ICOOS Act) and appreciates the Committee's interest and support. The ICOOS Act authorized a comprehensive, interagency and partner-based effort both to observe the ocean, coasts, and Great Lakes, and to provide ocean information, data, and services to the Nation. The U.S. Integrated Ocean Observing System (U.S. IOOS) works to safeguard life and property, sustain economic vitality, support ecosystem stewardship, and support risk management and decision making. U.S. IOOS Office continues to fully implement the ICOOS Act, most recently finalizing certification of all 11 U.S. IOOS Regional Associations. Data coming from these IOOS partners now adheres to common federal collection, storage and management standards, meaning it can be integrated with other data, and help make "big data" research and development possible. An implementation report, as well as key accomplishments, are included in each biennial *U.S. IOOS Report to Congress*.

H.R. 1314 would reauthorize the ICOOS Act through FY 2024 and include amendments to the execution of the Act. First, the bill would provide the NOAA Administrator with the authority to stagger the terms of IOOS System Advisory Committee members (*see* 33 U.S.C. 3603(d)) to promote the retention of institutional knowledge on the Committee. Second, the amendment to "Interagency financing and agreements" (33 U.S.C. 3604) provides NOAA with additional authorities to transfer funds to partners efficiently.

[H.R. 2189 - Digital Coast Authorization](#)

The Digital Coast Act (H.R. 2189) would build on existing authorities and codify the NOAA Digital Coast program as a NOAA program. It would authorize appropriations to fill critical data gaps, strengthen the external partnerships that make the Digital Coast effort unique, and increase the number of Digital Coast trainings and tools that communities need to realize the full potential of coastal data.

NOAA supports H.R. 2189 because coastal communities increasingly rely on NOAA's Digital Coast to address changing environmental conditions and drive economic growth. The Digital Coast is a widely-used digital information platform that provides the data, tools, and training coastal communities request and need most. For example, communities use the Coastal Flood Exposure Mapper to create local, customized maps that show the people, places, and natural resources exposed to coastal flooding. The OceanReports tool enables ocean and coastal users and resource managers to analyze the best sites for sustainable aquaculture and other ocean projects that minimize environmental impacts in U.S. ocean "neighborhoods."

Now in its eleventh year, a NOAA return on investment study concluded the Digital Coast is a "good deal" for taxpayers.¹ Current benefits exceed costs by a margin of three to one, with net benefits of \$25 million between 2007-2013. Continued operation of the Digital Coast over the next 15 years is expected to yield a net benefit of \$117 million, equating to a return on investment of 411 percent. Another benefit of the Digital Coast is the Digital Coast Partnership, a group of eight national organizations that work with NOAA to ensure the relevancy of this effort. Partners, such as the National Association of Counties, the American Planning Association, and the Association of State Floodplain Managers, help ensure that the Digital Coast continues to be the most relevant, trusted, and used information resource for the coastal zone.

[H.R. 1240 – Young Fishermen's Development Act](#)

The goal of the Young Fishermen's Development Act is to assist the next generation of commercial fishermen. H.R. 1240 would establish a national grant program and partnerships to ensure that young fishermen are provided with information and tools necessary to establish safe and sustainable seafood businesses, which will benefit the future of the U.S. seafood industry, our national economy, and the continued viability of fish stocks. NOAA has existing programs that address the concerns that animate H.R. 1240.

H.R. 1240 would require NOAA to allocate \$2 million from the Asset Forfeiture Fund for the Young Fishermen's Development Grant Program. This Fund offsets, in part, the costs of administering the NOAA Enforcement Program, reducing the burden of enforcement costs on taxpayers. The amount deposited in the Fund each year is dependent on the level of non-compliance in any given year and NOAA's ability to identify and successfully prosecute these violations, so it would be difficult to guarantee \$2 million would be consistently available annually for the Young Fishermen's Development Grant Program. A disbursement at this level for five years could significantly deplete the Fund and diminish its availability to be used for the purposes for which it was created.

¹ National Oceanic and Atmospheric Administration. (2015). *Projected Benefits and Costs of the Digital Coast*. Available at <https://coast.noaa.gov/data/digitalcoast/pdf/benefits-costs.pdf>

[H.R. 1218 – American Fisheries Advisory Committee Act](#)

The President’s Fiscal Year 2020 budget request does not include funding for the Saltonstall-Kennedy (S-K) Grant Program. NOAA welcomes any efforts to review and improve the use of externally obligated research dollars. However, H.R. 1218 may not achieve the intended results because overlaying an authoritative committee over a previously existing process may not change the makeup of the applicant pool, nor the selected proposals. NOAA is also concerned that H.R. 1218 creates a potential conflict by assigning the inherently governmental responsibilities of approving federal funding opportunities to the new committee.

[H.R. 417 - To establish measures to combat invasive lionfish](#)

H.R. 417 amends Title 18 of the United States Code to add several species of lionfish to the list of injurious species that are prohibited from being imported or shipped into/within the United States and also exempts deceased lionfish products from requirements of permitting under 50 CFR 14.21. The bill appears to specifically prohibit the entry of live lionfish into the United States or its territories while also broadening the ability of deceased lionfish or lionfish products harvested in waters subject to the jurisdiction of the United States to be landed without separate permitting requirements.

NOAA works closely with CBP, USFWS, and state coastal management agencies, and is a co-chair of the interagency Aquatic Nuisance Species Task Force. These agencies together address importation and trade of protected and injurious marine species. However, NOAA is not authorized to enforce the sections of law addressed by this bill. NOAA currently works with FDA and State authorities in the safe commercial processing of lionfish for human consumption. NOAA has also conducted significant research and development on lionfish, including their biology and ecology, their interactions with commercial fisheries, and the design of lionfish traps that could help to control lionfish populations and support the development of a lionfish fishery.

NOAA defers to CBP and USFWS on the enforcement aspects of H.R. 417. NOAA notes that the lionfish of the genus *Dendrochirus* pose similar invasiveness characteristics as those lionfish within the *Pterois* genus, but *Dendrochirus* is not addressed in H.R. 417 or the existing statute.

[H.R. 1979— To improve the management of driftnet fishing](#)

On the West Coast, the Pacific Fishery Management Council manages highly migratory species fisheries under the U.S. West Coast Fisheries for Highly Migratory Species Fishery Management Plan. At present, the only authorized gear types used to target swordfish in the West Coast exclusive economic zone are harpoon and large-mesh drift gillnet gear.

H.R. 1979 aims to phase out the use of large-mesh drift gillnets off the coast of California to reduce bycatch below current levels and transition the fishery to alternative gears. The target stock for this fishery, the western central North Pacific Ocean stock of swordfish, is underutilized. Transitioning the fishery to alternative gears, like deep set buoy, is expected to further reduce the amount of swordfish harvested along the West Coast since those gears require more tending and do not catch the same volume. We appreciate Congress' effort to work with the agency on this important issue, but, as written, H.R. 1979 raises several concerns.

First, NOAA is concerned that some of the language in the bill does not reflect the progress made to date in minimizing bycatch in the U.S. West Coast drift gillnet fishery. Based on the best available science and 26 years of observer data, bycatch of threatened or endangered protected species is a rare event. NOAA is concerned that the term “significant entanglement and mortality of marine resources” in proposed paragraph 206(b)(8) is inconsistent with the fishery’s Category II listing under the Marine Mammal Protection Act because Category II fisheries are considered to have only “occasional incidental death and serious injury of marine mammals.” Second, amending the Magnuson Stevens Act to expand the existing prohibition of large-mesh drift gillnets to include nets less than 2.5 km long with a mesh size of 14 inches or greater may factor into NOAA’s issuance of comparability findings to certain foreign fisheries under the MMPA. Approximately 26 nations representing 61 fisheries that export fish and fish products to the United States are caught with driftnets or drift gillnets targeting finfish, shark, billfish, or other highly migratory species. If these fisheries could no longer export drift gillnet product to the United States, the U.S. swordfish supply would be further reduced. Such a scenario is likely to result in higher swordfish prices and a loss of consumer surplus to U.S. seafood consumers who include swordfish as part of their diets. NOAA is concerned that shifting to alternative gears that are not economically viable could decrease U.S. swordfish harvest and reduce the U.S. West Coast large mesh drift gillnet fishery’s competitiveness against foreign fisheries with less restrictive environmental regulations during the phase out. Finally, NOAA previously provided the Congressional Budget Office a cost estimate of six to eight million dollars to fund the transition program outlined in S. 2773, similar legislation that was introduced last Congress. This estimate was based on basic calculations of costs associated with forfeiture of drift gillnet permits and gear and estimates the cost of purchasing deep-set buoy gear; it does not estimate the cost of purchasing other alternative gears, which would likely differ in cost. NOAA’s estimates did not account for any potential opportunity costs in transitioning from one gear to another.

NOAA Corps Reauthorization (H.R. 2406)

The National Oceanic and Atmospheric Administration Commissioned Officer Corps (NOAA Corps) is one of the seven uniformed services of the United States.² The 321 officers of the NOAA Corps make up only about three percent of NOAA’s personnel, but as the operators of NOAA’s ship and aircraft fleet, they are the operational heart of the agency. Their unique combination of scientific and operational expertise coupled with a high degree of flexibility allow them to serve throughout the agency’s line and staff offices and support nearly all of NOAA’s missions and programs on behalf of the nation. This legislation would authorize current and former NOAA Corps officers to apply for jobs being filled under merit staffing procedures within the Department of Commerce. Currently, NOAA Corps officers have no hiring status in law and therefore compete for jobs through an open competitive process. Given its recent introduction, the Administration is still reviewing H.R. 2406. The Department and NOAA look forward to working with Congress as the bill moves through the legislative process.

Conclusion

In conclusion, NOAA values the opportunity to continue working with this Subcommittee to continue to lead the world in ocean science, serve the Nation’s ocean-dependent communities,

² The United States has seven uniformed services, of which five are ‘armed services’ (Army, Navy, Air Force, Marines and the Coast Guard) and two which are not armed (the US Public Health Service and the NOAA Corps).

and ensure responsible stewardship of our ocean resources. Thank you and your staff for your work to support NOAA. I look forward to your questions.