WRITTEN STATEMENT FROM
NATIONAL MARINE FISHERIES SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

ON THE

LEGISLATIVE HEARING ON
THE SOUTH PACIFIC TUNA ACT;
THE SUPPORTING THE HEALTH OF AQUATIC SYSTEMS THROUGH RESEARCH, KNOWLEDGE, AND ENHANCED DIALOGUE ACT;
AND RED SNAPPER ACT

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

JULY 27, 2023

Chair Bentz, Ranking Member Huffman, and Members of the Subcommittee, thank you for the opportunity to testify today. NOAA is responsible for the stewardship of the nation's living marine resources and their habitat. We provide vital services for the nation: sustainable and productive fisheries, safe sources of seafood, the recovery and conservation of protected species, and healthy ecosystems—all backed by sound science and an ecosystem-based approach to management. The resilience of our marine ecosystems and coastal communities depends on healthy marine species.

We offer the following comments on the bills under consideration today and look forward to discussing our views with the Subcommittee.

H.R. 1792 - South Pacific Tuna Act

NOAA supports H.R. 1792, the South Pacific Tuna Act of 2023 (SPTA). This bill will update the existing South Pacific Tuna Act of 1988 with conforming edits to reflect the recent amendments to the South Pacific Tuna Treaty (the Treaty), a multilateral treaty between the governments of the United States and several Pacific Islands, which were agreed by the Parties in December 2016, and received advice and consent to ratification from the Senate in July 2022. The primary goal of the Treaty amendments is to provide greater flexibility for both U.S. vessels and the Pacific Island parties (PIPs) to negotiate levels of access for U.S. vessels to PIPs' waters, while maintaining a reasonably certain operating environment for U.S. vessels. The amendments to the

SPTA will allow NOAA to efficiently implement annual access and fee agreements and new operational requirements, allowing the United States and its vessels operating under the Treaty to benefit. The amendments to the SPTA are necessary for the United States to ratify the amended Treaty.

The Treaty, which entered into force in 1988, provides fishing access for U.S. purse seine vessels to the exclusive economic zones (EEZs) of 16 members of the Pacific Islands Forum Fisheries Agency (FFA)—Australia, Cook Islands, Federated States of Micronesia, Fiji, Republic of Kiribati, Republic of the Marshall Islands, Republic of Nauru, New Zealand, Niue, Republic of Palau, Papua New Guinea, Samoa, Solomon Islands, Kingdom of Tonga, Tuvalu, and Republic of Vanuatu—and promotes broader cooperation between the parties and relevant stakeholders.

The Treaty has provided a solid foundation for a mutually beneficial strategic and economic relationship between the United States and the PIPs for more than three decades. It is viewed as a model of international and fishery cooperation and has helped establish fisheries observer and data reporting requirements, as well as monitoring, control and surveillance standards for the region's fisheries, all of which are vital to deterring illegal, unreported, and unregulated fishing. It serves U.S. economic interests by providing predictable and advantageous access to the world's most lucrative tuna fishing grounds and also serves as an important vehicle for public and private- sector cooperation with the Pacific Islands region on issues ranging from maritime security to capacity building and economic assistance. Beyond its specific provisions, the Treaty has symbolic importance as a longstanding component of the political and economic relationship between the United States and Pacific Island countries.

NOAA is responsible for implementing the Treaty, and, on behalf of the Secretary of Commerce, is responsible for issuing the domestic regulations needed to carry out the terms of the Treaty and the objectives of the SPTA. These amendments to the SPTA are necessary in order to allow NOAA to promulgate regulations to fully implement the amendments to the Treaty. Regulations issued under the SPTA are applicable to all U.S. purse seine vessels operating under the Treaty, and include requirements related to vessel licensing under the Treaty, reporting on fishing activities, carrying vessel observers, and operating transmitters used as part of the satellite-based vessel monitoring systems, and more.

In order to continue its leadership role in regional fisheries conservation and management, it is important for NOAA to have a strong and productive U.S. purse seine fishery in the region. NOAA appreciates the Committee's attention to this topic.

H.R. 4587 - Red Snapper Act

NOAA would oppose legislation which removes one of the most common management tools that the Councils and NOAA use around the country to achieve Congressionally mandated objectives to end overfishing and rebuild stocks. This bill would provide that the Administrator of NOAA not issue an interim or final rule that includes an area closure in the South Atlantic for species managed under the Snapper-Grouper Fishery Management Plan until the South Atlantic Red Snapper Count Research Program[1] (otherwise referred to as the South Atlantic Great Red Snapper Count) is complete and the data related to that study is integrated into the stock assessment.

Currently, the Council is not proposing, in its advisory capacity, that NOAA Fisheries develop a South Atlantic Red Snapper closed area. Were the Council to do so, it is unlikely that NOAA's regulatory process would conclude prior to the completion of the South Atlantic Great Red Snapper Count. As such, the legislation is likely unnecessary.

A 2021 stock assessment indicated that South Atlantic red snapper are undergoing overfishing (too many fish being caught), are overfished (the stock size is too low), and are currently rebuilding. Red snapper overfishing is primarily caused by discard mortality incurred when the red snapper season is closed and fishermen are targeting snapper-grouper species that co-occur with red snapper. Therefore, reducing the harvest of red snapper alone (i.e., lowering the catch limits) will have minimal impact toward ending overfishing. The vast majority of discard mortality for red snapper (99% of dead discards in numbers of fish from 2017-2019) occur in the recreational sector (private and for-hire). In response to the stock assessment, the South Atlantic Fishery Management Council (Council) developed a regulatory amendment that, if implemented by NOAA, would reduce the catch levels and implement gear requirements for harvest of snapper-grouper species.

The Council originally proposed analyzing time/area closures at their June 2022 meeting but ultimately did not consider time-area closures in their regulatory amendment. The Council approved this regulatory amendment for proposal to NOAA in the Council's advisory capacity at their March 2023 meeting. However, this amendment, if implemented, would not have ended overfishing, which is required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Once NOAA receives the regulatory amendment from the Council, it will initiate an evaluation to determine if the amendment is consistent with the Magnuson-Stevens Act and other applicable laws. If it is consistent with Federal law, NOAA will proceed with rulemaking.

[1] The South Atlantic Great Red Snapper Count is an effort financially supported by NOAA's National Sea Grant College program and overseen by the Sea Grant programs of Florida, Georgia, South Carolina and North Carolina with scientific oversight from NOAA Fisheries.

The South Atlantic Great Red Snapper Count will provide an estimate of abundance for the South Atlantic red snapper population and is expected to be available in 2025, at which time it will be incorporated into the upcoming stock assessment. Following this count, NOAA will perform its stock assessment between 2024 and 2026, and in 2027, it will operationalize the stock assessment by incorporating it into the science and management of the stock. Meanwhile, the Council is conducting a Management Strategy Evaluation of the snapper-grouper fishery to provide information to manage the multi-species snapper-grouper fishery in a more holistic manner. The Council and NOAA are also considering Exempted Fishing Permitted projects to test innovative management strategies to reduce effort and dead discards of red snapper and other snapper-grouper species.

H.R. 4051 - Supporting the Health of Aquatic Systems Through Research, Knowledge, and Enhanced Dialogue (SHARKED) Act

Regarding H.R. 4051, or the Supporting the Health of Aquatic systems through Research, Knowledge, and Enhanced Dialogue (SHARKED) Act, NOAA recognizes the concerns regarding shark depredation and are working to find ways to mitigate any impacts to the extent practicable. Depredation is a complex topic with multiple facets, including some that are beyond the control of fisheries managers. It is worth noting that sharks are not the only species that are involved in depredation events. For example, in the Gulf of Mexico, dolphins and large groupers are also common culprits of depredation, while in Alaska and on the West Coast, orcas and sperm whales often engage in depredation. NOAA has invested funding in a range of studies and research on depredation, including through our Bycatch Reduction Engineering Program. The results of some of these studies and the overarching need for research were outlined in the Report to Congress that we provided last year per the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2021. NOAA does not have resources to implement this bill should it become law.

Eliminating depredation is neither practicable nor feasible. As required by the Magnuson-Stevens Fishery Conservation and Management Act, NOAA has successfully rebuilt stocks and continues to work to prevent overfishing of and rebuild overfished shark stocks. As shark populations rebuild and climate impacts the location of sharks and prey, shark depredation events will likely continue. Given the complexities involved, NOAA aims to identify ways to mitigate the impact of depredation on fisheries and the fishing community. To do that, we need better data on the extent of depredation and the species involved (both those being depredated upon and those doing the depredating) and we need to continue investing in efforts to mitigate and/or deter interactions. We are working to include depredation in various reporting mechanisms used by commercial and recreational fishers and, as described above, are already investing in mitigation and deterrence efforts. We welcome the opportunity to work with Congress on H.R. 4051 and these important issues.

Conclusion

NOAA is proud to continue to lead the world in conducting ocean science, serving the nation's coastal communities and industries, and ensuring responsible stewardship of our ocean and coastal resources. We value the opportunity to continue working with this Subcommittee on these important issues. Thank you and your staff for your work to support NOAA's mission.