

**WRITTEN TESTIMONY OF
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**NATIONAL MARINE FISHERIES SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

LEGISLATIVE HEARING ON H.R. 3070 AND H.R. 4245

**BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON OCEANS, POWER, AND WATER**

UNITED STATES HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2016

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 Daniel Morris and I am the Deputy Regional Administrator for the Greater Atlantic Regional Fisheries Office, 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 H.R. 3070 and H.R. 4245. My comments will focus only on H.R. 3070, as H.R. 4245 is not within NOAA's jurisdiction.

The Federal government and the states have a long and successful history of partnering to manage fisheries in a sustainable manner and, when necessary, resolve fisheries issues. Two notable examples guiding this management include legislation such as the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act. The Striped Bass Act focused specifically on striped bass conservation and management, while the Atlantic Coastal Act provided a way for the states and the Federal government to partner on a wide range of fisheries issues of mutual concern.

Atlantic Striped Bass

Atlantic Striped bass are managed directly by the state jurisdictions through the Atlantic States Marine Fisheries Commission (ASMFC). Historically, the fishery for striped bass was one of the most important on the Atlantic coast. Overfishing and poor environmental conditions led to the decline of the fishery in the 1980's. Through effective management and cooperation by the states under ASMFC, The Atlantic Striped Bass Conservation Act, and the Atlantic Coastal Fisheries Cooperative Management Act, the stock was rebuilt in 1995.

In 1990, the National Marine Fisheries Service (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 (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 that both commercial and recreational 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.

In 2009, the Commission reviewed the idea of opening this area to fishing, but did not take any action, allowing the continuation of the EEZ prohibitions.

In 2015, based on a new stock assessment which showed downward trends in the striped bass coastal stock, the Commission adopted new management measures to reduce fishing mortality including a 25% reduction on the coast and a 20% reduction in Chesapeake Bay harvests. Changes to the EEZ, as proposed under H.R. 3070 would have implications for the management of the stock, both for commercial and recreational fisheries. 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.

Federally Managed Stocks

There are no fisheries, apart from striped bass, that are expected to be affected significantly by the opening of the area proposed by H.R. 3070. Active recreational and commercial fisheries for summer flounder (fluke), scup (porgies), black sea bass, winter flounder, and potentially squid can seasonally occur within the areas that would be opened by proposed H.R. 3070. Summer flounder, scup, and black sea bass are jointly managed between NMFS and the Mid-Atlantic Fishery Management Council in Federal waters and the Atlantic States Marine Fisheries Commission and Rhode Island in state waters. Given the joint management structure, it is unlikely that changing the Demarcation Line between State and Federal waters adjacent to Block Island would have a significant impact on these fisheries as management rules are typically consistent across the jurisdictions. Similarly, winter flounder is collaboratively managed between state and Federal management partners. Although there have been some differences in state and Federal management measures for winter flounder, changes in the demarcation line should not appreciably alter the winter flounder commercial or recreational fisheries. Squid are managed by NMFS and the Mid-Atlantic Fishery Management Council in both state and Federal waters, but the proposed opening by H.R. 3070 would not change the existing management regulations that are effective for state and Federal waters and, by extension, would not change the existing fishery.

Conclusion

NOAA understands the importance of the striped bass and other recreational and commercial fisheries to the states and fishermen along the Atlantic coast. We would only note that if H.R. 3070 was to be enacted, subsequent efforts will be required by NMFS, the Commission, and Councils to ensure the harvest in this area is equitably divided among the adjacent state's recreational and commercial fishermen and adequately accounted in both recreational and commercial quotas. We will continue to work closely with our constituents, the states, and the Commission on this important issue to ensure the best management of this important resource.

Thank you again, Mr. Chairman. I am happy to respond to any questions that you, or members of the Committee, may have.