

Commerce, Justice, Science and Related Agencies Appropriations Legislation
Provisions or Report Language directed at Gulf of Mexico fisheries activities.

House Action:

H.R. 2578, the Commerce, Justice, Science, and Related Agencies Appropriations Act for Fiscal Year 2016. Introduced by Congressman Culbertson (R-Texas) on May 27, 2015. The bill was referred to the House Appropriations Committee.

The bill passed the House on June 3, 2015. During the House consideration of the bill, an amendment was offered by Congressman Scott (R-Georgia) to prohibits the use of funds by NOAA to enforce 1) amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico published in the Federal Register on April 22, 2015; or 2) Red Snapper Management Measures published in the Federal Register. Amendment also provides that recreational fisherman should receive at least 20 percent of the number of days as commercial fisherman receive to fish for red snapper in the Gulf of Mexico. The amendment was adopted.

In addition, an amendment was offered by Congressman Flores (R-Texas) to prohibit the use of funds to implement the National Ocean Policy and ocean zoning under Executive Order 13547. The amendment was adopted.

While not binding, the House Report to accompany H.R. 2578 included the following language:

“Gulf of Mexico stock assessments.—Within the amount provided for Fisheries Data Collections, Surveys and Assessments, an increase of \$10,000,000 is provided for stock assessments and research needs for Gulf of Mexico fish stocks. The funds shall be competitively awarded to develop and apply innovative approaches to improve stock assessments and incorporate data from academia and fishermen. NMFS is directed to improve its communications with stakeholders on the stock assessment process and outcome. The Committee remains concerned about the negative impacts of the short recreational fishing season for red snapper in the Gulf of Mexico on the local economies the fishery supports and encourages NMFS to use a portion of the increase provided for a reward tagging pilot program.”

Senate Action:

The Senate Appropriations Committee approved the bill on June 16, 2015 with an amendment in the nature of a substitute offered by Senator Shelby (R-Alabama). The bill has not yet been acted on by the full Senate.

The bill, as reported by the Senate Appropriation Committee, includes the following language:

“SEC. 109. (a) None of the funds made available by this Act or any other appropriations Act may be used by the Secretary of Commerce to manage fisheries in the Gulf of Mexico unless such management is subject to the boundaries for coastal States set out under subsection (b).

(b) Notwithstanding any other provision of law, for the purpose of fishery management the seaward boundary of a coastal State in the Gulf of Mexico is a line 9 nautical miles

seaward from the baseline from which the territorial sea of the United States is measured.”

In addition, while not binding, the Senate report to accompany the bill included the following language regarding red snapper management and Gulf of Mexico fisheries management:

“Red Snapper Stock Assessments.—Within the amount provided for Fisheries Data Collections, Surveys, and Assessments, the Committee provides an increase of \$5,000,000 for the development and implementation of agency-independent and alternative approaches to research and stock assessments of reef fish in the Gulf of Mexico. The Committee is disappointed that NOAA has failed to implement procedures to adequately measure red snapper stocks in the northern Gulf—particularly in areas with physical structures such as offshore oil rigs and artificial reefs. NOAA is directed to begin incorporating fishery data collected on artificial reefs, offshore oil platforms, and any other offshore fixed energy exploration infrastructure directly into the agency’s stock assessments for reef fish in the Gulf of Mexico. Furthermore, not later than 60 days following enactment of this act, NOAA shall provide a report to the Committee detailing how new technologies and alternative approaches will be used to accurately assess fish populations surrounding such structures and how these data will be used for fishery management decisions in fiscal year 2016.

In addition, if an increase is made to the acceptable biological catch for red snapper in the Gulf of Mexico as a result of the direction provided in this report for stock assessments, the Committee urges NOAA to consider allocating not less than 80 percent of any total above the historical high of 10 million pounds of quota to the recreational sector. While all sectors have faced challenges in the gulf red snapper fishery, the private boat recreational sector has been especially impacted.”

The report also includes the following Gulf of Mexico related language:

“Ecosystem Imbalance.—NOAA shall take into consideration any imbalance in the ecosystem that may be occurring between larger red snapper and other fish species before accepting amendments to existing regulations or implementing new regulations that directly affect red snapper quotas in the Gulf of Mexico.”

The report also contains language regarding the use of MRIP data in the Gulf of Mexico:

“Marine Recreational Information Program.—The Committee remains concerned about the accuracy, reliability, and timeliness of recreational fisheries data collected and analyzed by NOAA’s fisheries science centers. The Committee notes that, on one side of the recreational fishing management equation, NMFS is taking steps to more accurately estimate the amount of fish caught through improvements to the Marine Recreational Information Program [MRIP]. However, this raises serious concerns for the Committee regarding the second half of the equation: if NMFS moves forward to improve

estimations of total recreational catch without also significantly improving methods to estimate fish populations, including reef fish in the Gulf of Mexico, the results will be skewed—leading to even more harmful management decisions. Therefore, no funding is provided to implement the May 5, 2015, MRIP report titled “Transition Plan for the Fishing Effort Survey” until NMFS stock assessments are sufficiently advanced, including fully accounting for Gulf of Mexico reef fish inhabiting areas of artificial reefs and fixed offshore energy infrastructure. NMFS shall continue the development process and public outreach regarding MRIP’s transition plan.”

The report also included language regarding the baseline data being used in the Gulf of Mexico:

“Baseline Data for Gulf of Mexico.—The Committee directs NOAA to continue supporting baseline research for fisheries health in the Gulf of Mexico, including studies of pelagic species. NOAA is encouraged to increase and continue collaborations in the gulf to establish an integrated and comprehensive ecosystem-level fisheries monitoring enterprise and sentinel species program.”

The report also included language regarding the electronic monitoring which specifically mentions the charter-for-hire sector of the Gulf of Mexico fishery:

“Furthermore, NMFS shall continue to work in fiscal year 2016 with the charter for-hire recreational fishery in the Gulf of Mexico; the Northeast Multispecies/groundfish fishery fleet, including small vessels within that fleet; and any regional fishery fleet interested in implementing EM/ER technologies to better track information that is currently collected through the use of human observers. The Committee is aware that the New England Fishery Management Council has been working with NMFS to begin the transition to electronic monitoring systems. NMFS is directed to begin implementing these systems not later than May 1, 2016, which marks the start of the next fishing year.

With respect to the ongoing evaluation of EM/ER technology on small fixed-gear boats, NMFS is directed to prioritize activities in fiscal year 2016 that utilize currently available technologies that contribute in the near term to improved fisheries management, including but not limited to catch or discard data.”

While not specifically identified as a Gulf of Mexico provision, the following language regarding apex predators and oil/gas structures was included in the report:

“Epipelagic Apex Predators.—The Committee acknowledges growing evidence that yellowfin tuna and other epipelagic apex predators are aggregating at offshore oil platforms in a similar manner to their more traditional aggregation points. These offshore platforms may alter yellowfin or other epipelagic apex predator movements, diet, diseases, growth, age at maturity, and spawning. However, NOAA lacks fundamental data on how this new association may impact these important species. Within funding provided, NOAA shall examine the impact of offshore oil platforms on the biology of highly migratory species such as yellowfin tuna.”

Additionally, report language regarding oyster aquaculture and restoration activities was included:

“Oyster Aquaculture.—Within the increased funds provided for NMFS Aquaculture, the Committee provides not less than \$1,000,000 to support ongoing research in off-bottom oyster production in coastal areas, particularly those new to this method of production, including the Gulf of Mexico, and encourages NMFS to dedicate resources for further research in oyster genetics, disease, and economic modeling.

Oyster Reef Restoration.—The Committee continues to encourage NOAA to work with its State and non-Federal partners to consider supporting oyster shell recycling programs as part of the agency’s competitive external funding opportunities for habitat restoration projects.”

The report also included language regarding Laboratories and Cooperative Institutes:

“Laboratories and Cooperative Institutes.—The Committee recognizes the significant roles Laboratories and Cooperative Institutes play in fulfilling the mission requirements of NOAA. In order to strengthen the state of science within NOAA’s mission scope and create advantages in new scientific knowledge, NOAA must continue to support new technologies and improved services for coastal communities and the Nation. Therefore, the Committee provides \$2,000,000 above the budget request for research activities involving watershed impacts on marine ecosystems, remote sensing, and long-term monitoring of oil spill impacts on marine ecosystem health, including in the northern Gulf of Mexico. The Committee also encourages NOAA to consider how additional cooperative institutes could strengthen NOAA’s ability to improve coastal sustainability and resilience and better prepare coastal communities to make smart land-use decisions.”

Finally, the report included language regarding research and ocean exploration with specific reference to activities in the Gulf of Mexico:

“Fisheries-Related Research.—The Committee remains concerned about the negative impacts of the short recreational fishing season for red snapper in Gulf of Mexico. Additional data sources and assessment approaches would be beneficial and should be pursued by entities other than NOAA’s regulating line office, NMFS. Therefore, the Committee provides up to \$5,000,000 within Sea Grant to research and develop alternative approaches to data collection and analysis, including a tagging pilot program focused on the recreational fishing sector. Reward tagging studies are commonly used to estimate fishing mortality of exploited stocks, are based in sound peer-reviewed science, and are straight-forward and easily understood by the general public. Furthermore, the Committee believes the tagging data will provide valuable independent estimates of recreational fishing mortality for comparison with NMFS stock assessments.

Aquaculture Research.—The Committee provides \$10,000,000 for marine aquaculture research. NOAA is directed to support marine aquaculture research and development in partnership with universities. Similar research efforts have led to beneficial outcomes

such as the development and commercialization of new technologies to meet the domestic demand for warm water marine seafood, including finfish, shrimp, and oysters.

Ocean Exploration.—The Committee directs NOAA to use a portion of the funding provided for Ocean Exploration to make competitive external awards to institutions that have partnered with OAR’s Ocean Exploration program in the past. This includes those institutions with ocean-going assets, such as Autonomous Underwater Vehicles, to support new exploration missions, expeditions, and deep-sea research in the Gulf of Mexico. Furthermore, NOAA is encouraged to continue fundamental ocean exploration in which open source data are collected for the oceanographic community and private industries in real-time through telepresence technology. Another primary focus should be the continued exploration of the U.S. Exclusive Economic Zones. As in the past, the program shall use ships and other ocean-going assets operated by academic and non-governmental institutions, provided that any data acquired are open-sourced.”