

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION (NOAA) FISCAL YEAR 2005
BUDGET REQUEST**

HEARING
BEFORE THE
SUBCOMMITTEE ON OCEANS, FISHERIES,
AND COAST GUARD
OF THE
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

APRIL 29, 2004

Printed for the use of the Committee on Commerce, Science, and Transportation



U.S. GOVERNMENT PUBLISHING OFFICE

20-673 PDF

WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
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ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION (NOAA) FISCAL YEAR 2005
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THURSDAY, APRIL 29, 2004

U.S. SENATE,
SUBCOMMITTEE ON OCEANS, FISHERIES, AND COAST
GUARD,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 9:58 a.m. in room SR-253, Russell Senate Office Building, Hon. Olympia J. Snowe, Chairman of the Subcommittee, presiding.

**OPENING STATEMENT OF HON. OLYMPIA J. SNOWE,
U.S. SENATOR FROM MAINE**

Senator SNOWE. We will now convene today's hearing on the National Oceanic and Atmospheric Administration's budget request for Fiscal Year 2005.

Following last week's release of the preliminary report of the U.S. Commission on Ocean Policy, our Nation's approach to managing and conserving ocean resources, and, equally important, the funding of these programs, are at the forefront of our attentions.

More than at any other time in our history, our oceans require a sound science-based stewardship and coordinated management systems as our coastal population—which is, by the way, growing at a rate of 3600 people daily—demands more from our seas.

First, Admiral Lautenbacher, I want to thank you for appearing before us today and discussing the key programmatic and budget issues confronting your agency. As my Subcommittee reviews NOAA's activities, analyzes the commission's recommendations, and prepares to act upon them in the months ahead, I will continue to look to you for insights on ways to improve the governance, management, and conservation of our oceans' many resources, as well as the funding of these programs.

Today, we will focus attention on how NOAA's budget request for Fiscal Year 2005, of \$3.4 billion, affects your agency's ability to meet its mission. This request represents an 8 percent decrease from the previously enacted 2004 level of \$3.7 billion, which obviously is an indication that funding for many essential programs could be cut or eliminated if this budget proposal is enacted.

As the authorizing subcommittee of Congress, we need to hear from you about how your agency sets its budget priorities, and how

a lack of sufficient funding for many important programs will inhibit NOAA's ability to meet its many critical mandates.

The Fiscal Year budget contains many items to help address the ongoing challenges facing our fisheries, such as \$3.75 million for cooperative research in the Northeast, \$18.9 million for better stock assessments, \$5.2 million for fisheries economics and social science research, and \$2.5 million for regulatory streamlining. However, it is equally essential that NOAA sufficiently fund some of our highest priority fisheries programs, such as the Observer Program or the Saltonstall-Kennedy grants program, which has been in existence for more than 30 years, and is an extremely critical program to sciences and fishermen throughout the Nation. I'm very concerned that that's been zeroed out in this ongoing budget request, and that the funds from previous years have been redirected to other regional programs.

In addition to fishery issues, we should focus on one of the most vital cross-cutting NOAA programs, integrated ocean observation networks. Considering the many uses of the critical environmental data obtained from this system—including fisheries modeling and management, coastal planning, harmful algal blooms management and mitigation—it is no surprise that such an observation system is one of the key recommendations of the U.S. Ocean Commission.

My observation bill on oceans, which passed the Senate unanimously, would authorize NOAA to provide leadership in this area, and I support your ongoing efforts, Admiral Lautenbacher, to maintain this program as a major priority at NOAA.

Also, I am very concerned about some of the significant reductions that NOAA is making in oceanic programs. For example, the National Ocean Service budget is being cut to 35 percent from Fiscal Year 2004, and the Oceanic and Atmospheric Research budget will be reduced 13 percent at a time when we need to invest more in our ocean and coastal programs. We should be taking all necessary steps to shore up financial and programmatic support in these areas. Your testimony today needs to explain what the effects of such cuts will be.

Of course, my home state of Maine is affected by nearly all of NOAA's ocean and coastal missions. And the Gulf of Maine has been an essential observation system for scores of fish species, marine mammals, productive habitats, and even deep-sea coral structures. So when NOAA succeeds in managing these resources, it not only benefits Maine citizens, but it benefits all of America.

This linkage between NOAA and Maine is felt most pronouncedly when it comes to the relationship between the fishing industry and your agency, Admiral Lautenbacher. And this weekend, for the New England groundfish industry, is the most critical weekend, because on Saturday the industry will come under the regulations of Amendment 13. These measures will fundamentally change the face of the fishing communities, and alter a valued way of life for many fisherman, unless we can reduce and minimize the negative impact of the implementation of Amendment 13.

And I certainly am going to do everything within the auspices of my position here, Admiral Lautenbacher. I know you have been supportive in the past in understanding what's at stake here, but I certainly don't want to sit by and watch the coastal communities

and industries that have depended upon this industry for more than four centuries wither under this harsh Federal regulation. And so, therefore, I am encouraging you, imploring you, to use your agency in a very proactive manner, as soon as possible, to do all that you can to minimize and mitigate the negative effects and consequences and the disruptions that will occur to the fishing communities and the families and fisherman themselves as a result of the implementation of Amendment 13. We've had a lot of conversations about it. We'll talk about it further.

But I'm here to say today, Admiral Lautenbacher, that I would hope that your agency can move quickly to institute measures that will allow for the use of B-days, assure future access of latent fishing effort, and implement necessary special access programs. I understand the normal rulemaking process can take several months to complete, but I can assure you that's several months that we don't have, and certainly that is true for the fishermen. They can ill afford to be waiting months upon months for many of these mitigating measures.

Amendment 13 going forward without any relief is a crisis. And I expect the National Marine Fisheries Service to use its ability to propose an emergency regulation to implement every conceivable mitigation measure.

To make matters worse, I am deeply concerned about the new requirements that are being imposed, and that your agency is enacting, as a result of the regulations that were issued this week. They would require every fishing vessel to return to port this weekend, prior to the beginning of the new fishing year. And that, obviously, is on Saturday. I think this is unnecessary. It's certainly an unprecedented action, which I think is dangerous and costly to the fishermen, and I strongly urge you to reconsider this requirement. And I would like to have you explain the rationale of the agency as to why this is worth the harm that it could cause the industry.

What is even more troubling is the approval, over the strong objections of the council, of the mandatory five-day advance reporting for any vessel wishing to fish on the northeastern edge of the Georges Bank. These vessels are already required to carry a vessel monitoring system and report daily on their fishing landings. Additionally, requiring fisherman to report five days in advance, and declare a specific fishing area, is a shocking and, frankly, outrageous requirement. This measure will make it too risky to fish on Georges Bank, and will greatly increase the fishing pressures on the Gulf of Maine, which is precisely what we have been trying to avoid in Amendment 13.

Admiral, I'm absolutely incredulous that your agency would think of advancing this kind of onerous requirement on the industry at this time. And I hope that we can have a discussion about this, this morning, because May 1 is fast upon us. Frankly, in the discussions that we had with the fishing industry in Maine yesterday in reaction to the final rules issued this week, they were incredulous that the agency would even propose them, or didn't think, even in the proposed rules, that they actually would become a reality.

So I hope that we can talk about this today and find ways to allay their concerns about how we're going to do this. I just cannot

imagine why we would require fishermen to have to report five days in advance where they're going to precisely fish in the north-eastern quadrant, or wherever, of the Georges Bank, and to locate that. It is absolutely remarkable to me that anybody would recommend that in addition to the onerous burden of Amendment 13, with its significant reduction of fishing days.

These are issues that are fundamental to Maine and to New England and to other parts of the country that are going to be affected by this particular regulation. I think it speaks volumes about the problems that we have in trying to make these adjustments in accordance with the law and using the flexibilities of the law so that it doesn't have such a severe impact on the industry in such a precipitous way.

I look forward to hearing from you what we can do to ensure that we do not further disrupt the industry, and what we can do in the intervening days that we have left—which is not much time—between now and May 1, to have you and the agency reconsider those proposals.

So, with that, Admiral Lautenbacher, I welcome you to the Committee, and you may begin. I'll submit your entire testimony for the record.

**STATEMENT OF CONRAD C. LAUTENBACHER, JR.,
VICE ADMIRAL, U.S. NAVY (RET.), UNDER SECRETARY OF
COMMERCE FOR OCEANS AND ATMOSPHERE, AND NOAA
ADMINISTRATOR, U.S. DEPARTMENT OF COMMERCE**

Admiral LAUTENBACHER. Thank you very much, Madam Chair, Members of the Committee, and staff.

Thank you very much for the opportunity to testify today in support of the President's 2005 budget request. Let me thank you for your support of our agency and for the work that we do in monitoring and understanding our environment. Your support has been critical to our ability to function and provide those services to the Nation.

As you mentioned, our budget request for this year is roughly \$3.4 billion, and that is 8.4 percent below the enacted level of \$3.6 billion. Just for sake of completeness, it is an increase of 1 percent over what the President requested last year of Congress, so it does represent an increase to the Administration, in that sense.

To go along with the budget, I wanted to just say a few things about the agency's highlights and successes, because I think it's important to look and see what this money has done for the country.

In this past year, NOAA produced the first-ever draft Climate Change Science Strategic Plan, as required by the 1990 Global Change Research Act. It's the first Administration to deliver on that request since that Act was created. It's a good plan. It has been reviewed by the National Academy of Sciences, and it's been given an endorsement as the way government research ought to be conducted.

Internationally, there have been a number of efforts that NOAA has engaged in that have brought success this year. As you know, many of our issues are international in scope, particularly in the fishing area. Under NOAA's leadership, ICCAT, the Convention on Atlantic Tunas, adopted several new measures to promote effective

monitoring and reporting and full compliance with ICCAT measures, by expanding the use of trade measures to deter illegal, unregulated, and unreported fishing. There are new management measures put in place for bigeye and albacore tunas. We have continued to protect small fish, and have instituted rules to provide for the reduction of catch of small fish. And ICCAT has banned the use of drift nets for fishing on large pelagics in the Mediterranean, which will help us quite a bit in restoring the highly migratory species that this commission works on.

I'd like to thank you for your support of our ship acquisition and ship transfer program. We have been able, with the agreement of the Committee, to replace many of our older ships. Four have been replaced and brought online, based on this support, and I appreciate that. We also launched the first of our four new fishery survey vessels in 2003. The second keel-laying will be done in less than a month.

When I came onboard NOAA, we could not even tell how old our fleet was. I finally got the group to calculate it, and it's close to 35 years of age. As you know from my testimony in my Navy days, a Navy ship at 30 years is well out of a state of technology and use to the Nation. We have been able to reduce NOAA's fleet age now to 28.2 years, so we're just under the margin of what I would call an acceptable lifetime for our ships.

I'm sorry my friend, the Commandant of the Coast Guard, is not here today. In prior testimony, when he mentioned the need for support of his budget for maintenance and operation of a fleet which needed a great deal of help, he brought out a piece of steel. I would like to show you what comes from our ships. We not only have rusted steel; this came for a ship made of wood, which is still serving NOAA in the Gulf of Alaska, one of the most dangerous places for ships to be working. That ship is the 54-year-old John Cobb, and that's what NOAA works with.

I am dedicated to bringing the age of our fleet back to something that befits our Nation and our position as the largest EEZ owner in the world, as well as our need to maintain a fisheries survey research capability that's equal to the status of this Nation. This ship is the kind of thing we're looking to replace, and we appreciate your support. We are asking for a third vessel in the budget this year.

I'm proud to report that coverage in the United States by NOAA Weather Radio has expanded. It can now be heard by 95 percent of the American public. And it's been accelerated to an all-hazards warning system so it does more than just weather for the country.

We have launched a bycatch web page in January 2003, and, in March, unveiled a Fishery National Bycatch Strategy, which includes a series of regional bycatch reduction implementation plans. It also standardizes bycatch monitoring programs across the United States. Significant progress has been made in the bycatch issue this year.

We issued the first ecological forecast of the "dead zone" in the Gulf of Mexico. We are now capable of getting ahead of some of the problems that happen along our coasts, such as harmful algal blooms and anoxia, as well as the hypoxic events in our waters off the coast.

We have experienced impressive salmon returns in the Pacific Northwest due to a combination of increased habitat and favorable ocean conditions. These returns have been 800 percent increases over recent lows, so we are turning the corner, we believe, on Pacific salmon.

We supported the initiation last year of 200 new grassroots habitat restoration projects. Those projects will restore 3,000 acres of coastal and marine habitats that support the sustainability of our commercial and recreational fisheries. Those programs, included in the budget, leverage four to ten dollars for every Federal dollar that's spent restoring habitat. It is a very effective program.

Those are just a few of the highlights. The rest are in my testimony.

The budget this year is prioritized among our four program goals. We have created a strategic plan. Our budget was created to match that strategic plan, and we have prioritized the programs in support of the four program goals, which include: ecosystem research and management, climate, commerce and transportation, and weather and water.

As I've mentioned, for our ecosystem approach to restoring and managing the use of our coastal and ocean resources, we're requesting \$33 million for the final increment of the acquisition of a third fishery survey vessel. Also in ecosystem management is an increase for marine fisheries stock assessment of \$4 million, for a total of \$19 million; \$2 million additional for strengthening living marine resources, which provides an additional 250 days at sea for stock assessments. We are asking for \$5.9 million for an increase in the vessel monitoring system program, which you mentioned. It's a very effective program, and if we can spread it to more fisheries around the United States it will help us in maintaining equity in fisheries as well as managing the various fisheries that can use that capability.

In our program for commerce and transportation, we have asked for \$2 million more for the ENC program, Electronic Navigational Charting. We've requested \$2.7 million for more national water-level observation network, as part of our integrated coastal observing system, which you mentioned. And we continue to support that, as a high priority.

And, with that, let me again mention—as I have in many years past—that people remain our highest priority. We are asking basically for \$86 million to help with the pay raise, to help with inflationary increases, and to ensure that the programs that Congress wishes to be conducted are executed properly. That is my highest priority, of what I've mentioned.

Obviously, there are not that many initiatives this year. This is a wartime budget for the Administration. Domestic programs have been held in check. My staff has done, I think, an admirable job in trying to produce a program that meets the highest-priority needs of the country within the budget allocations that have been given to the Department of Commerce.

Again, Madam Chair, thank you very much for your support, for holding this hearing, and for the work that the Committee and the staff have done to ensure that we're able to serve the Nation.

Thank you.

[The prepared statement of Admiral Lautenbacher follows:]

PREPARED STATEMENT OF CONRAD C. LAUTENBACHER, JR., VICE ADMIRAL, U.S. NAVY (RET.), UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, AND NOAA ADMINISTRATOR, U.S. DEPARTMENT OF COMMERCE

Thank you, Madam Chair, and members of the Subcommittee, for this opportunity to testify on the President's FY 2005 Budget Request for the National Oceanic and Atmospheric Administration (NOAA). First, let me thank you, the Congress, members of your subcommittee and the staff for your outstanding support of NOAA and the critical programs and services NOAA provides to the Nation.

The FY 2005 Budget Request for NOAA is \$3.38B, a net decrease of \$308.3M, or 8.4 percent, from the FY 2004 enacted level of \$3.6B. The funds requested for NOAA for FY 2005 provide essential support to our current services: the programs that enhance our scientific understanding of the oceans and atmosphere in order to sustain America's environmental health and economic vitality and allow us to invest in some new technologies and services. Before I discuss the details of our FY 2005 Budget Request, I would like to briefly highlight some of NOAA's notable successes in the past fiscal year. These successes demonstrate that "NOAA is where science gains value." The value we achieved this past year would not have been possible without your support.

FY 2003 Accomplishments

Climate Change Strategic Plan

The Climate Change Research Initiative (CCRI) was officially launched on June 11, 2001. With the assistance of 11 other agencies, NOAA produced the first ever Draft Climate Change Science Program Strategic Plan (CCSP) in February 2003, as mandated by the 1990 U.S. Global Change Research Act. Based on comments from the National Research Council (NRC), over the course of the last year, the report was refined. The final was recently released. On February 18, 2004 the NRC published a favorable review of the CCSP. In the review, the NRC praised our involvement of the public in the development of the Plan, and stated that we set a high standard for government research programs designed to deliver relevant climate information to policymakers. NOAA has a crucial role in the development of the twenty-one CCSP reports that will be developed over the next four years. NOAA has the lead on several of these critical products, including the reports on 1) Aerosols—Impact on climate, expected in 2006–2007, 2) North American Carbon Budget—Implications for the Global Carbon Cycle, expected in 2005 and 3) Decision Support—Evaluating the use of seasonal to inter-annual forecasts and observational data, also expected in 2005.

International Commission for the Conservation of Atlantic Tunas (ICCAT)

Under NOAA's leadership, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted several new measures to promote effective monitoring and reporting by members, ensure full compliance with ICCAT measures, and expand the scope and use of trade measures to deter illegal, unregulated and unreported (IUU) fishing. The Commission also adopted new management measures for bigeye and albacore tunas. In continuing efforts to protect small fish, the Commission adopted a ban on the use of driftnets for fishing on large pelagics in the Mediterranean and agreed to take the necessary measures to reduce mortality of juvenile swordfish. ICCAT also adopted a U.S. proposal on data collection and quality assurance that establishes a fund, with a startup contribution from the United States, for training in data collection and support for participation in ICCAT's scientific meetings by developing ICCAT members.

Reduction in NOAA Fleet Age

I would like to take the opportunity to thank you, Mr. Chairman, and the members of your committee for supporting NOAA ship acquisition over the last several years, thus allowing NOAA to bring four new NOAA ships online in the last fiscal year. The TOWNSEND CROMWELL was replaced by the converted Navy T-AGOS vessel OSCAR ELTON SETTE. The 35-year old FERREL was replaced by the converted YTT vessel NANCY FOSTER. The Navy T-AGOS MCARTHUR II replaced the 37-year old MCARTHUR and, finally, the hydrographic Vessel THOMAS JEFFERSON was acquired from the Navy to replace the 40-year old WHITING. NOAA also launched the first of four new fisheries survey vessels (FSV) in 2003, named the OSCAR DYSON. This FSV will provide new research capabilities for NOAA in the North Pacific. Adding these new vessels to the NOAA fleet has reduced the average age of NOAA ships by 5.4 years from 33.6 years to 28.2 years, and will allow

us to sustain our marine operations in FY 2004 and beyond. Building on this success, the request for the continued support of the NOAA fleet in FY 2005 is \$13.2M for fleet planning and maintenance, and \$35.6M for fleet replacement, which includes acquisition of the third Fisheries Survey Vessel.

NOAA Weather Radio Coverage

I am proud to report that coverage in the United States by NOAA Weather Radio has expanded significantly in the last year. The new improved NOAA Weather Radio voice can now be heard by 95 percent of the American public, providing severe weather warnings twenty-four hours a day, seven days a week. With the \$5.5M NOAA received for NOAA All Hazards Weather Radio in FY 2004, we are expanding the use of the All Hazards capability. We are also working with the Department of Homeland Security to provide a single broadcast capability in an effort to protect the Nation.

Earth Observation Summit

On July 31, 2003, NOAA participated in the Earth Observation Summit (Summit), which included representatives of 34 nations, the European Commission and 20 international organizations. Since July an additional eight countries have joined our efforts, for a total of 42 countries involved with follow-on activities from the Summit, and interest keeps building. Over 20 international organizations are also working with us. The declaration issued by the summit participants established an intergovernmental ad hoc Group on Earth Observations (GEO), which I co-chair with three of my international counterparts. GEO is charged with preparing a 10-year implementation plan for a Global Earth Observation System of Systems (GEOSS). The Summit represented a high level international commitment to move toward a comprehensive, coordinated, and sustained global observing network. In the last week of February, I joined my colleagues from South Africa, Japan and the European Commission in Cape Town, South Africa, to co-chair the third GEO meeting with members of five working subgroups: Architecture, Capacity Building, Data Utilization, User Requirements & Outreach, and International Cooperation. At this meeting the draft Framework of the groundbreaking 10-year implementation strategy was finalized for presentation to Ministers for adoption at the next global Earth Observation Summit in Tokyo on April 25, 2004. The third and final Earth Observation Summit will be held in Brussels, Belgium in February 2005 for the purpose of agreeing to the 10-year implementation plan.

Improved Weather and Water Forecasts

The forecasts of Hurricane Isabel's path and force this past September were the most accurate ever issued by NOAA meteorologists. The watches were issued 50 hours prior to landfall, and warnings came 38 hours prior to landfall, with an error in the 48-hour storm track forecast of 61 nautical miles. This was significantly better than the NOAA performance goal of more than 130 nautical miles error for storm track forecasts in 2003. The accuracy of the forecasts for this particular hurricane is a result of our investment in research, supercomputing, and improved forecasting models.

The lead time for tornado warnings also improved in 2003, up from an average of four minutes in 1987 to an average of 13 minutes, and surpassed the goal of 12 minute average warning lead time in 2003. The improved lead time resulted from our investment in the National Weather Service modernization, as well as recent investment in improvements to critical systems such as the NEXRAD radar and AWIPS work stations.

European Organization for the Exploitation of Meteorological Satellites (EUMETSAT) Agreements

On June 24, 2003 NOAA and the Director General of the European Organization for the Exploitation of Meteorological Satellites (EUMETSAT) signed two agreements that continue the history of collaboration and cooperation between our two organizations. EUMETSAT is our counterpart in Europe, and operates satellites for environmental monitoring. EUMETSAT has operated geostationary satellites since the 1980s and will launch its first polar satellite next year.

The Joint Transition Activities (JTA) agreement is a continuation of the 1998 Initial Joint Polar-Orbiting Operational Satellite System (IJPS) Agreement in which NOAA agreed to place instruments on two EUMETSAT METOP satellites, and EUMETSAT agreed to place an instrument on the NOAA N and NOAA N' s Polar-orbiting Operational Environmental Satellites (POES). In addition, each organization will have access to the other party's data and products. Under the IJPS agreement, EUMETSAT's satellites will assume the morning orbit, resulting in great

cost-savings to U.S. taxpayers, since a POES satellite will not have to be launched in that orbit. NOAA will continue to have access to EUMETSAT data and products and EUMETSAT will have access to the National Polar-orbiting Operational Environmental Satellite System (NPOESS) data and products.

The second NOAA–EUMETSAT agreement allows for U.S. access to data from the EUMETSAT geostationary system, which will improve early warning of tropical waves off the coast of Africa that could become tropical storms or hurricanes in the Atlantic. The data also will provide an early read of weather in Europe that may affect Alaska and the west coast of the United States.

First Operational Solar Imager

The first operational Solar X-ray Imager (SXI) was activated on the NOAA GOES-12 satellite last spring. This equipment provides images of the sun every minute. Access to these images has led to an increase in lead time for predicting solar flares and geomagnetic storms by as much as 12 minutes. This increased lead time is very helpful in managing the Nation's electrical power and communications services. In October 2003, NOAA researchers helped forecast a Level 5 solar storm, and captured images of this record-breaking storm using the SXI. As a result of this forecast, the airline industry was able to re-route transpolar flights, averted disrupting communications with those flights, and avoided exposing passengers to high levels of solar radiation.

Reduction of Bycatch

NOAA Fisheries launched a bycatch webpage in January 2003 that is serving as a clearinghouse for information on national and international efforts to minimize bycatch problems in the fishing industry. On March 11, 2003, NOAA formally unveiled the Fisheries National Bycatch Strategy, which includes a series of regional bycatch reduction implementation plans. The national strategy also standardizes bycatch monitoring programs across the United States. In addition to this program, numerous fishery regulations were implemented in 2003 to specifically address bycatch issues. On January 5, 2004, NOAA announced the results of a study that examined ways to reduce bycatch in the Atlantic longline fishery. The study found that the utilization of certain hook and bait combinations could reduce interactions of leatherback and loggerhead turtles with longline gear by 65 and 90 percent, respectively.

Gulf of Mexico Dead Zone Forecasts

NOAA issued the first ecological forecast of the dead zone in the Gulf of Mexico in the summer of 2003. This is the first advance forecast of the annual hypoxic event in the Gulf. NOAA scientists believe the ability to forecast events of this nature will become an important tool for decision makers and the public to use when making water use decisions.

Pacific Salmon

The Pacific Northwest has been experiencing impressive salmon returns in many areas over the past few years. In some cases, endangered Pacific salmon stocks listed under the Endangered Species Act (ESA) have increased up to 800 percent over recent lows. Although this trend is thought to be partially due to the current favorable ocean conditions, it is also related to our investment in habitat restoration and conservation partnerships. The challenge of rebuilding salmon stocks requires a long-term commitment, and our efforts must be maintained to meet the goal of recovering these stocks.

Fishery Habitat Restoration

In the last year, NOAA supported the initiation of 200 new grass-roots fishery habitat restoration projects. These projects will restore 3000 acres of coastal and marine habitats that support the sustainability of the Nation's commercial and recreational fisheries, as well as enhancing NOAA's other trust resources, including marine mammals and sea turtles. Additionally, by utilizing relationships with NOAA's national, regional, and local partners, the NOAA Community-based Restoration Program has been able to leverage \$4-\$10 for every Federal dollar invested.

Homeland Security Programs—DCNET

DCNET is a prototype system designed to provide information about dispersion of particulate matter, including biological agents, over urban areas. There are seven operational DCNET sites in the Washington, DC area. Three additional sites will soon be installed for a total of ten covering Washington, DC. There are also two operational DCNET sites in New York City. The DCNET system provide first responders with accurate determinations of the risk of exposure to toxic airborne par-

ticles and gasses for inhabitants of these metropolitan areas. NOAA is working with the Department of Homeland Security and other Federal agencies on the development of this program.

FY05 Budget Request Priorities

As you can see from the items I just mentioned, NOAA is at the forefront of many of the Nation's most critical needs, helping set a course for wise investment of America's natural resources. To help meet these needs in a fiscally responsible manner, every dollar of NOAA's FY 2005 Budget Request was prioritized among the four program mission goals that form the backbone of NOAA's current five year strategic plan. These program goals are: 1) to understand climate variability and change to enhance society's ability to plan and respond; 2) to serve society by providing weather and water information; 3) to protect, restore and manage the use of coastal and ocean resources through ecosystem approaches to management, and 4) to support the Nation's commerce with information pertaining to safe, efficient and environmentally sound transportation. This Budget Request also recognizes the importance of supporting NOAA's most important assets: our people and infrastructure.

Areas of Future Growth

The FY 2005 NOAA Budget Request will sustain our ability to manage resources and build on the successes we achieved in FY 2003, and hope to achieve in FY 2004. The funds requested for NOAA in FY 2005 support five specific areas of targeted growth, which I refer to as "cross-cutting themes." These five cross-cutting themes describe the programmatic and managerial underpinnings that facilitate delivery of NOAA services to the Nation and effective operation of our organization. These cross-cutting themes are: 1) the integrated global environmental observation and data management system; 2) environmental literacy, outreach and education; 3) sound, reliable state-of-the-art research; 4) international cooperation and collaboration; and 5) organizational excellence. These themes are not new investment areas. Rather, the focus on these particular areas is intended to strategically begin the process of building up existing specific core strengths in NOAA to improve the execution of activities and the functions of our organization as we look toward the future. Each of these cross-cutting areas falls under at least one of NOAA's four programmatic mission goals, or supports our people and infrastructure.

Under the integrated global environmental observation and data management system theme, NOAA will develop and increase collaboration with local, state, regional, national and international partnerships to augment global-to-local environmental observations and data management to enhance continuous monitoring of ocean/atmosphere/land systems.

In the area of environmental literacy, outreach and education, NOAA will utilize our broad spectrum of ecological and social science expertise to educate present and future generations.

To support sound, state-of-the-art research, we will use our capabilities to provide national and international leadership on critical environmental issues and address the research needs of industry, academia, and government.

To promote international cooperation and collaboration, NOAA will seek to support national policies and interests in an ecosystem approach to management, climate change, earth observation and weather forecasting. We will also seek to maximize the mutual benefits of international exchange with our global partners in these areas.

Improvements in organizational excellence, including leadership development, human capital and information technology will increase the satisfaction of NOAA's customers, and improve organizational performance and productivity.

People and Infrastructure

Supporting NOAA's people and infrastructure are the most important pieces of the budget to me personally. This area focuses NOAA on budget and performance integration, human resources, employee training and retooling. For NOAA, the most critical aspect of this is providing adequate support and resources for our employees. This includes the \$86.1M requested for adjustments to base, or ATBs, to cover the 1.5 percent pay raise as well as other inflationary increases. The ATBs also include funding for NOAA Corps health benefits.

The other important component in this area is infrastructure. Funding for infrastructure items ensures that, among other things, NOAA ships and aircraft are available to support missions and program requirements for all facets of the organization. NOAA is requesting an increase of \$3.0M, for a total of \$11.3M for the NOAA Satellite Operations facility in Suitland, Maryland. These funds will be used for above standard costs, moving people into the new facility, ensuring continuity of operations, and initial rent costs. There are also requests for operations and

maintenance funds for NOAA ships, such as \$2.2M for the VINDICATOR and \$2M for the OSCAR DYSON, which I mentioned earlier. Also, \$1.4M is included in this goal for regulatory and safety upgrades to NOAA aircraft.

NOAA satellites provide support to programs included under each of the four programmatic goals. An additional \$56.4M is included in the FY 2005 Budget Request to continually maintain and improve NOAA's system of polar-orbiting and geostationary environmental satellites. The additional \$31M requested for NPOESS, for a total of \$307.6M, is the Department's contribution to the development of the converged Military and Civil operational polar systems.

Climate Goal (Request \$369.3M, Decrease \$3.2M)

The first of NOAA's four programmatic goals is climate. The focus of programs that fall under this strategic goal is to enable society to better respond to changing climatic conditions. Decision makers at all levels need a reliable structure and process for receiving accurate, timely and relevant climate information to guide them in managing scarce resources, maximizing benefits and minimizing negative impacts of climate variability.

One of the most notable climate programmatic priorities in the Administration's FY 2005 Budget Request for NOAA is the funding for the NOAA portion of the Climate Change Research Initiative (CCRI). CCRI is an interagency program designed to study areas of scientific uncertainty with regard to climate and identify priority areas for investment of scarce research dollars among the program's partners. It is the near-term focus of the Climate Change Science Program I described at the start of this testimony. CCRI is composed of several initiatives orchestrated by the interagency partners, but all the participants and programs share common aims: to reduce uncertainties in climate science, improve climate modeling capabilities, and develop research and data products that facilitate the use of scientific knowledge to support policy and management decisions. The request for the NOAA portion of the CCRI program is \$64.2M, an increase of \$27.1M.

NOAA is working with our national and international partners to develop an end-to-end multi-faceted system that integrates observations of the key atmospheric, oceanic and terrestrial variables that influence climate; uses the improved understanding of these variables to create more reliable climate predictions; and establishes service delivery methods that respond to changing user needs with the most accurate and useful information possible.

The Administration is requesting increases for several of the programs included in this strategic goal, including an increase of \$6.5M, for a total of \$9.0M, for the implementation of a Carbon Cycle Atmospheric Observing System focused on North America. This system will help determine carbon dioxide sources and sinks in and around the United States in order to meet one of the goals of the interagency U.S. North American Carbon Program. An additional \$6.5M is included for the Aerosols, Clouds, and Climate Change: Observations and Predictions program for a total of \$8.6M, which will provide funding for a new five-year observation program designed to quantify how the interaction of aerosols and clouds influences climate change. An additional \$10.7M is included in this area to build a Sustained Ocean Observing System for Climate for a total of \$17.3M. This additional funding will advance this system to 53 percent completion, continuing the multi-year international plan for a complete ocean climate observing system by 2010. In addition, \$3.4M is included for the Comprehensive Large Array Data Stewardship System (CLASS) for a total of \$6.6M. CLASS provides progress towards improvements in NOAA's capability to archive and access large data sets from observation platforms, such as satellites, radar, and ocean observation systems.

Ecosystem Goal (Request \$ 1,158.2M, Decrease of \$223.9M)

The focus of the ecosystem goal is to protect, restore, and manage the use of coastal and ocean resources through an ecosystem approach to management. An ecosystem approach to management is defined as management that is adaptive, geographically specified, takes account of ecosystem knowledge and uncertainties, considers multiple external influences, and strives to balance diverse societal objectives. The transition to an ecosystem approach to management needs to be incremental and collaborative. Coastal and marine waters support over 28 million jobs, generate over \$54B in goods and services, and provide a tourism destination for 180 million Americans each year. The value added to the national economy by the commercial fishing industry is over \$28B annually. Within this context, NOAA is working with its partners to achieve a balance between the use and the protection of commercial and recreational resources to ensure the sustainability, health and vitality of these resources for this and future generations.

Some of the notable funding increases under the ecosystem goal include the \$33M provided for the acquisition of a third Fisheries Survey Vessel. Acquisition of a third state-of-the art vessel will provide higher quality series surveys and improve our data collection capabilities.

An additional \$10M is provided for the Pacific Salmon Fund, for a total of \$100M, which will be used to supplement state and Federal programs and promote the development of federal-state-tribal-local partnerships in salmon conservation efforts and habitat restoration projects. The \$2M included in the ecosystem goal for Klamath River Basin coho salmon research and recovery activities will increase our capacity to conduct research and implement restoration projects to benefit recovery of ESA listed coho salmon in the Klamath River basin.

An increase of \$4M is provided for Marine Fisheries Stock Assessment improvement for a total of \$18.9M. This program aims to improve ecosystem approach to management of marine resources through better monitoring using new acoustical fish surveys, increasing the precision of specific assessments by up to 40 percent, and reducing potential damage to marine habitat and fish stock. This funding will also provide additional charter vessel days-at-sea, and a data acquisition system for use onboard Fisheries Survey Vessels and charter research vessels.

An additional \$2M is provided for the Strengthen Living Marine Resource Monitoring initiative, providing an additional 250 days at sea for stock assessments. Funds are also provided for protected resources, including \$1M for recovery plan development and \$1M for protected resource stock assessments, which will enable NOAA to conduct the additional surveys and population assessment on whales, loggerhead sea turtles and other key species required to obtain data and improve the precision of predictive models. NOAA also requests an increase of \$9.9M in FY 2005 for a total of \$22.5M to Expand and Modernize Observer Data Collection. This will allow NOAA fisheries to continue funding New England Groundfish observers and expand coverage into other important fisheries.

An increase of \$1.8M is also provided to fund the conversion/enhancement to the NOAA vessels MCARTHUR II and NANCY FOSTER for scientific instrumentation. The Administration is also requesting an additional \$5.9M for the vessel monitoring system, for a total of \$9.3M, which will improve NOAA's ability to monitor fishing activities and compliance with regulations.

NOAA is also requesting \$1.2M to participate in the White Water to Blue Water initiative, a U.S. led partnership among governments, international financial institutions, the private sector, non-governmental organizations and others, that was announced at the World Summit on Sustainable Development in 2002. U.S. participation is jointly lead by NOAA and the State Department. NOAA, with its expertise in coastal zone management, marine science, monitoring and fisheries management, is a key U.S. agency in the mix of entities needed to bring White Water to Blue Water to fruition. The goal of this partnership is to establish sound ecosystem approaches to management in coastal countries, which in turn will promote healthy marine and coastal ecosystems, forming the basis for vibrant, stable, and secure economies. The initial phase of White Water to Blue Water activities are taking place in the wider Caribbean region, including the Gulf of Mexico.

Weather and Water Goal (FY05 Request \$1,410.9M, \$50.8M Increase)

Another of NOAA's important mission goals is to serve society's needs for weather and water information. Bridging weather and climate time scales, we will continue to collect environmental data and issue forecasts and warnings that help protect life and property and enhance the U.S. economy. On average, hurricanes, tornadoes, floods and other severe weather events cause \$11B in damages yearly, and directly impact both public safety and the national economy. Nearly one-third of the total U.S. economy is weather sensitive. In recognition of this fact, NOAA's role in observing, forecasting and warning of severe environmental events has expanded. We are strategically positioned to conduct sound science and provide integrated observations and predictions to support decision makers at the local, state, national and international levels. In recognition of this important role, NOAA will continue to increase accuracy and lead time of severe weather warnings and work to increase customer satisfaction with and benefits from NOAA information and warning services.

This goal includes \$5.5M for the Air Quality Forecast Initiative. This initiative is a cooperative effort with the U.S. Environmental Protection Agency (EPA) and state and local agencies. Under this initiative, NOAA will provide operational air quality models and generate forecasts of pollutant concentration fields, which the EPA will interpret and disseminate to state and local users. Per our agreement with the EPA, in 2004 the National Weather Service (NWS) will establish an operational air quality forecast capability for ozone over the Northeastern United States (New York and New England). NOAA plans to expand ozone forecast capability to the en-

tire United States by 2009. Air quality forecast products will be issued by the NWS National Centers for Environmental Prediction (NCEP) through their modeling capability, and will be available over the internet.

Funding requested for the National Weather Service Telecommunication Gateway (NWSTG) Legacy Systems, \$0.87M for a total of \$3.7M, will enable NOAA to complete a two-year effort to replace the NWSTG switching system and repair and update the associated facilities. Completing the system upgrade will permit increasing the volume of data that can be collected from running higher resolution weather prediction models, and the delivery of critical products to field offices, emergency managers and general users.

The \$1.4M requested for the Modernization of the Cooperative Observer Network provides near real time surface weather data relating to temperature, precipitation and soil moisture, which is important in improving drought monitoring, daily temperature forecasts and climate monitoring. This data is obtained through the use of state-of-the-art measurement, monitoring, and communication equipment. With this modernization, NOAA expects to improve daily temperature forecasts by 1.5 degrees, saving the U.S. economy over \$1B per year in energy production costs.

Another important initiative is the Coastal-Global Observing System (C-GOOS) (\$2.0M requested), which will provide new ocean measurements that will demonstrate the effects of climate changes on coastal communities, improve ocean condition forecasts, promote biological and chemical water sampling, provide information on locations of marine protected or endangered species and monitor coral reef health. This initiative will leverage and support the use of our existing network of weather buoys to support NOAA's ocean and ecosystem missions.

Commerce and Transportation (FY05 Request \$252.1M, \$3.4M Increase)

The fourth NOAA strategic goal recognizes the crucial lifeline America's transportation systems are for our Nation's economy. NOAA's information products and services are essential to the safe and efficient transport of goods and people on the sea, in the air, on land and through inland waterways. More accurate and timely warnings of severe weather events, effective marine navigation products and services and improved positioning data can better support the growing commerce on our roads, rails, and waterways. Reduced risk of marine accidents and oil spills, better search-and-rescue capabilities, and other efficiencies derived from improved information and services could be worth over \$300M a year in economic benefits. NOAA is committed to improving the accuracy and timeliness of our marine forecasts through the use of real time oceanographic information, and the maintenance of a consistent, and timely positioning network that promotes safe and efficient maritime navigation, aviation, and ground transportation.

The \$2.0M requested for the Electronic Nautical Charting (ENC) Program will allow NOAA to develop 120 new ENCs in FY 2005 for a total of 580 by the end of that fiscal year, working towards a total of 1,000 ENCs by 2009. The \$2.7M requested for the National Water Level Observers (NWLON) network will provide real time data from 175 NWLON stations to all 150 major seaports, and ensure 100 percent operational availability by FY 2009. The request sustains funding for the aviation weather initiative at \$2.5M, which will help NOAA improve vital aviation weather warning and forecast products.

NOAA Management Improvements

The goals included in the FY 2005 Budget Request contribute to the development and management of "One NOAA." I am very pleased to report to you on the development of a Matrix Management system for several NOAA programs that cross the traditional, stove-piped, NOAA line office structure. Matrix management of these programs ensures that our scarce financial resources are used and invested wisely by the entire NOAA organization on behalf of our Nation. The NOAA programs currently participating in the matrix management system include: Coral Reefs, Habitat Restoration, Ocean Exploration, Climate and Homeland Security.

We have established several Councils with existing resources, as a new and evolving management approach that creates a "virtual headquarters" without increasing NOAA staff. The Councils are comprised of NOAA senior officials acting as a "corporate body" that reviews options and provides recommendations to NOAA management. Some examples of these Councils include the NOAA Ocean Council and the NOAA Research Council.

Transition of Research to Operations

In FY 2005, NOAA is seeking to develop an institutionalized mechanism for transferring research products into operations and sustaining their production to be continually responsive to stakeholder needs. NOAA will develop a more sophisticated, integrated view of scientific research, including assessment, product development,

and communication. This will position NOAA to make investments today that will serve the information needs of the next few years and decades.

The NOAA Research Review Team, a blue ribbon panel, was established in 2003 under the auspices of the Science Advisory Board (SAB) as a Federal Advisory Committee Act (FACA) Committee, which allows outside entities to participate in this team. The team was tasked with reviewing the research enterprise in NOAA and recommending ways to improve its efficiency and effectiveness, as directed by the Conference Report accompanying the FY 2004 Consolidated Appropriations Act. The Review Team will be making recommendations on how to establish stronger links between NOAA's research programs and NOAA operational units, and assessing the relevancy of NOAA's research programs to the needs of the operational units.

The Research Review Team will present its findings to the NOAA Science Advisory Board in two reports. The first report was posted on the SAB website in January for public comment. The SAB also held a meeting on January 6, 2004 to discuss the Review Team Preliminary Report. The second report is scheduled to be available by May 1, 2004.

Status of NOAA Program Review Team (PRT) Recommendations

The NOAA Program Review Team (PRT) convened in 2003 to review the organization from bottom to top. This was the most exhaustive review of the organization to date. Sixty-eight recommendations came out of the PRT process. To date, thirty-one of them have been fully implemented, including the institution of the Programming, Planning, Budgeting and Execution System (PPBES) process. PRT action is completed on twenty-five recommendations, but more work is required before they can be fully implemented. The dozen remaining recommendations have not yet been completed.

New Management Process-Planning, Programming, Budgeting and Execution System (PPBES)

The principles of the PPBES process were followed very closely in constructing the FY 2005 Budget Request for NOAA, as a result of the PRT recommendations for revamping NOAA's strategic management process. PPBES is a formal, systematic structure for making decisions on policy, strategy, capability development/deployment, and resource allocation to accomplish NOAA's mission. Performance measures have been integrated into the FY 2005 Budget document through the PPBES process.

E-Government

NOAA Fisheries will undertake two E-government efforts in FY 2005: Electronic Rulemaking and Electronic Permitting. The NOAA Fisheries Regulatory Streamlining and Modernization initiative will reduce the time required to review and process rules and regulations, increase public participation, and generate long-term cost savings. Electronic permitting will allow applicants to receive routine renewals and some initial fishing permits via the Internet, thereby increasing processing speed and reducing consumer costs.

Management Initiatives

NOAA is also currently conducting nine separate studies to determine if 207 FTE positions in NOAA should be opened to outsourcing and competition. These studies will be completed this fiscal year, and the results will be shared with you to help you make final decisions on the FY 2005 Budget Request before you now.

Other Issues

Status of N-Prime Satellite

The NOAA N-Prime satellite was damaged in an accident at the manufacturing plant on September 6, 2003. NOAA notified Congress and OMB immediately. At this point, the contractor's and NASA's on-site investigations have been completed, and corrective actions have been implemented at the contractor's facility. NASA convened a Mishap Investigation Board because NASA provides contractor oversight for NOAA. NOAA led a team comprised of NOAA, DOD and NASA personnel to evaluate replacement options for the environmental measurements that were to come from the NOAA N' mission. The results are due this spring.

Ocean Commission Report

The draft Ocean Commission report was released to the Nation's Governors on April 20, 2004. NOAA is working very closely with our Federal agency partners and the Council on Environmental Quality to prepare the Administration's response to the report in accordance with the Oceans Act of 2000. NOAA has already begun reviewing the draft by sharing the task of review broadly across NOAA, making the

best use of the NOAA Goal Teams, Program Managers, Matrix-Managers, Line and Staff Offices, and Councils to ensure a comprehensive response to this report across the organization. This information will feed into the broader Administration process.

Administrative and Financial Study

In FY 2003 NOAA leadership commissioned Booz-Allen Hamilton (Booz-Allen) to conduct a study of the effectiveness of NOAA Finance and Administration (NFA) and recommend ways to improve the quality and efficiency of our financial and administrative functions. Several PRT recommendations had underlined the need to improve our financial and administrative service functions. The study began in September 2003 and was managed by a team of representatives from line offices, headquarters, field administrative offices, and the Department of Commerce. Booz-Allen delivered their report to NOAA on January 31, 2004.

My goals are to ensure that we have the appropriate service delivery and organizational model; that we use our resources wisely; and that we balance these aims with the interests of employees who will be affected by change.

Conclusion

NOAA's Fiscal Year 2005 Budget Request invests in our priority areas: people and infrastructure, climate, ecosystems, commerce and transportation and weather and water. This budget keeps NOAA on its course to realize its full potential as one of the Nation's premier environmental science agencies. The new goal-oriented budget structure reflects NOAA's business approach as an integrated NOAA team which responds to the needs of our customers and employees. NOAA is also doing its part to exercise fiscal responsibility as stewards of the Nation's trust as well as America's coastal and ocean resources. NOAA will continue to respond to key customers and stakeholders, and will continue to leverage its programs and investments by developing those associations that most efficiently and economically leverage resources and talent, and that most effectively provide the means for successfully maintaining NOAA mission requirements.

This concludes my statement, Madam Chair. Thank you for the opportunity to present NOAA's Fiscal Year 2005 budget. I would be happy to respond to any questions.

Senator SNOWE. Thank you, Admiral Lautenbacher.

Let us begin with the issues that I raised regarding the regulations and in response to Amendment 13, what's going to happen on Saturday, for the New England groundfishery. This is really going to have an effect. As I said earlier, I think the fishing community was stunned by the fact that these regulations have been finalized. I mean, they just simply couldn't believe that the agency would follow through with the original proposals when they were issued, a month or 60 days ago, I gather. And then they received the final rules on, I think, Wednesday, and in going through those 500 pages, they discovered these two initiatives.

So let's start with the first rule, having to return to port. Beginning Saturday, if fishermen are out at sea, as I understand it, they have to return to port. Is that correct?

Admiral LAUTENBACHER. It's correct only for fishing vessels that are in the U.S./Canadian joint area of Georges Bank. We have, finally, a firm agreement with Canada on quotas for that particular area that we share, and the counting of those quotas begins on May 1. So if there's no way to stop and start what they're doing now, then the fish they would have onboard would then be counted in the quota for the next year.

They're hard quotas. And so the object of this 1 May deadline was to allow whatever they caught, to not count. This was done to try to protect the fishermen.

Senator SNOWE. Right.

Admiral LAUTENBACHER. I understand that it is certainly an onerous burden, but the objective was to try to ensure that they were

not penalized for fish they had caught before 1 May, when these hard quotas went into effect with Canada.

Now, the agreement with Canada is to our benefit. Remember, the Canadians have not been exactly stellar in their management of their fisheries. In fact, they've collapsed to the point where there's not much fishing there. We've got to ensure that the areas where we're jointly taking fish from are not—I won't say overrun, but certainly are not unfairly disadvantaging U.S. fishermen by the Canadian fishermen in the area.

This rule provides a hard quota to allow us to continue to manage and restore the fisheries in that area. So it's only that area that we're talking about for that 1 May deadline.

Senator SNOWE. So how many fishing boats would we be affecting that would be in that situation? There isn't another way to count them on the fish that they get, up until May 1?

Admiral LAUTENBACHER. It's hard to say, but we think there are probably, you know, over a hundred to maybe 150 boats that may be in that area or may want to be in that area. So it's that one area, and the object is to try to, as I have said, have sensible management, ensure that that area is allowed to be rebuilt, and that Canada is fairly burdened with the same set of rules that we have so that our fishermen do not lose out on maintaining and building stocks in that area.

It's done to protect our fishermen, and it is unfortunate that it's caused a major issue. We will do our best to see if there's something we can do to ease the situation. I understand the disruption to the fishing.

Senator SNOWE. Right.

Admiral LAUTENBACHER. We'll go back and look at the 5-day notice. The objective of the 5-day notice—according to the agreement that we have with Canada to limit fishing in that area for Canadians, as well as Americans—is that we have to have 5 percent observer coverage, which means we have to know how many boats are there so we can get observers onboard. And right now, that's what our system estimates as the time it takes to have the observer coverage that we need. Those are the limitations.

Senator SNOWE. I just think that's going to be very, very difficult.

Admiral LAUTENBACHER. I agree.

Senator SNOWE. I mean, it's not impossible, I suppose. But, really, given what these fishermen are going to be going through just with the burdens of the Amendment 13 reduction of days, and then to have to plot out, literally, 5 days in advance, exactly where they're going to be, in that section of the Georges Bank, you know, irrespective of what the weather conditions might be. They won't know 5 days out. Now, they can get forecasts, but we all know how reliable those advanced forecasts are. Things change. I mean, this allows for no flexibility. So I just think it's going to make it very costly and very difficult, and potentially dangerous, as well.

Is there no other way? What kind of response did the agency receive from the fishing community during the public comment period of time in the proposed rulemaking?

Admiral LAUTENBACHER. I will go back and check. I didn't see any though, again, I didn't read all the comments. We had a lot of comments on Amendment 13, but there were not what I would call,

as far as I could tell, an undue number against this one, versus some of the others. I mean, there were comments on a wide variety of the issues in Amendment 13, and this is the first time, quite frankly, in the last day, that this one has come up to me as a major issue.

I understand it's a major issue.

Senator SNOWE. Right.

Admiral LAUTENBACHER. We'll go back and work on it, and see what we can do too.

Senator SNOWE. Well, as I understand it, the Council was strenuously opposed to it. I know that the reaction on the part of the fishing industry in Maine was they thought it wouldn't see the light of day. That's why they were so surprised to see it in final form.

Admiral LAUTENBACHER. OK.

Senator SNOWE. I would hope that we can redesign that. I just think that it is going to be very difficult to implement. They're very upset about it, and rightfully so, given all the safety implications. Especially upset are our fishermen, who have to travel long distances to reach the Georges Bank, under circumstances where the fishing days are already being substantially reduced. To have this additional pressure and burden, I just think it makes fishing there virtually impossible. I appreciate your saying that there may be some way to redesign this, and I am urging you to do so. I just think we have to do everything that we can.

We just cannot make the situation worse, and this clearly does. And if NMFS didn't get such a strenuous reaction to it, it's simply because, as the fishermen told us yesterday, they just simply didn't expect this to happen. They just couldn't believe it would happen. So I hope that you will reconsider, and see if there's any possibility of changing the rule. And the other issue—is there a possibility that you can do this before May 1? What are the requirements now that this is in the final rule? I understand that returning to port is not required, is that correct?

Admiral LAUTENBACHER. I have to get back to you with more information, because I'm just being briefed on this myself.

Senator SNOWE. OK.

Admiral LAUTENBACHER. I understand that they don't have to report back in on May 1, but the issue then is, how will their catch be counted, in terms of the quota? If they've caught a lot of fish before May 1, and then they're only out a couple of days, and come back in, then that all gets counted on the next year's quota, which is unfair, as well. So the issue is to try to figure out how to balance these requirements.

Senator SNOWE. There is no way to separate it out, I guess?

Admiral LAUTENBACHER. Well, let me ask, and we will get back to you.

Senator SNOWE. OK. I would appreciate that.

[The information requested follows:]

Question. What sort of comments did the agency receive regarding the 5 day observer notification requirement?

Answer. NOAA Fisheries received three comments from industry members and one set of comments from the New England Fishery Management Council that the requirement to notify the observer program 5 days in advance of the trip was excessive and that 48 hours notification should be sufficient (see below for the actual comments).

NOAA's response to the comments received is as follows: NOAA Fisheries' observer program requests five-day notification in order to have adequate time to contact and deploy observers. However, NOAA Fisheries is currently considering modifying this notification requirement.

Actual comments that NOAA Fisheries received on the 5-day notification issue:

Trawler Survival Fund and Associated Fisheries of Maine:

"There is also concern over the requirement that vessels give 5 days notice prior to fishing in the US/CA Areas and polling of their VMS 'at least twice an hour.' The former requirement is simply impractical. Vessels need to be able to make trips when the weather and fishing conditions permit, including times when back-to-back trips are a necessity. This flexibility is especially important given the sacrifices the industry is being called upon to make, and in light of the agency's responsibilities under National Standard 10. The TSF and AFM suggest that NMFS's need to insure adequate observer coverage in this area be met by an annual declaration of a vessel's intent to fish in the US/CA Areas."

Jim Odlin:

"A five working day lead time to notify National Marine Fisheries Service to participation in the U.S./Canada area is excessive and does not reflect the way fishing vessels operate or give due consideration to weather forecast that far out. I suggest 48 hours would be an appropriate lead-time to notify NMFS of participation."

New England Fishery Management Council:

"The requirement to notify NMFS five days prior to a US/CA area trip is excessive and does not reflect the way vessels operate or give due consideration to weather requirements. This should be adjusted to 48 hours."

State of Maine Department of Marine Resources:

"With respect to observer coverage for the U.S./Canada management areas, we note that the NMFS proposes to require vessel operators to provide five working days advance notice of intent to fish in those areas. We recommend that this requirement be reduced to two days advance notice and require all vessels that intent to fish there to declare their intent prior to the beginning of the fishing year."

Admiral LAUTENBACHER. I don't know exactly what we can do, but I understand the issue, and I will get more information.

Senator SNOWE. OK, because I do think it is essential, knowing what the response from fishermen has been, and I know you understand what a critical period this is for the groundfish industry throughout New England.

Admiral LAUTENBACHER. Yes. I do understand.

Senator SNOWE. We just don't want to further aggravate the circumstances that they're facing.

On that score, I know NOAA's been very helpful in trying to look at some mitigation measures, and I'd like to know what the status is of some of these. For example, special-access permits targeting haddock, are another way of mitigating these problems, but they have not been part of the program. What is the status of that? I'd like to know how B-days are working, as well as latent effort. How are those going to be advanced through NOAA and through the next framework adjustment? What's the time-frame here?

Admiral LAUTENBACHER. I understand that that is still being worked out at this point. I don't have a time-frame on it. I will get back to you with a time-frame of when we expect to finish with the B-day and other initiatives.

Senator SNOWE. What are your requirements? The reason I ask is because May 1 is this weekend and the clock is ticking now. Obviously these options would help to ameliorate, to some extent, the effects of Amendment 13. So what are your requirements, in terms of the timetable?

Admiral LAUTENBACHER. Well, what I know is that there have been some B-day proposals that have been discussed, and the council has worked on them, but, as far as I know, we haven't come to any that seem to fit everyone's parameters at this point. So I don't know that we have a good resolution yet. There have been proposals, but there has not been any agreement.

It's being worked on, but we don't have a final resolution.

Senator SNOWE. Is the discussion between NOAA and NMFS and the Council?

Admiral LAUTENBACHER. Yes. It's between the Council and NOAA.

Senator SNOWE. Is it possible to get this on a fast track?

Admiral LAUTENBACHER. I will look into that.

Senator SNOWE. Because it's a matter of urgency, as you well know, and we have to move mightily. I think any bureaucratic impediments in this whole communications effort between the agency and the Council and the industry need to be resolved. We've got to get this done. It's as simple as that. We need to finalize a resolution on those issues, at the very least. That's the minimum that we need to do, and I will do everything within my power to help that along, because time is of the essence. I think the industry's going through enough, and this is the minimum that we can do. So I think we've got to get these issues in place. I know they'll resolve the steaming-time question, as well, because of the inequity that it presents to the industry, and in Maine especially. It's not going to require them steaming longer distances to the Georges Bank, but it's going to be counted against them in their fishing days, which are already drastically reduced. So we've got a lot of problems with Amendment 13, and I want to make sure that we've got a very efficient, expeditious, agency response to the timeliness and the urgency of these matters.

Admiral LAUTENBACHER. I understand, and I will get back to you on these issues very shortly.

[The information requested follows:]

Question. What is the current status of B-DAS? What mechanism is being used to implement these B-DAS, how long will it take, and can the process be sped up?

Answer. On May 12, 2004, The New England Fishery Management Council (Council) voted to submit Framework Adjustment 40 A (FW 40A) to the NE Multi-species Fishery Management Plan to the National Marine Fisheries Service (NOAA Fisheries). The framework includes additional opportunities for the use of B-days-at-sea (DAS), i.e., additional DAS that could be used to target relatively healthy groundfish stocks for the purpose of achieving optimum yield and to help mitigate economic and social impacts of Amendment 13. Specifically, FW 40A includes two Special Access Programs (SAPs) on Georges Bank that would allow vessels to target haddock using B Regular or B Reserve DAS, as well as a Regular B DAS pilot program that would allow the use of Regular B DAS throughout the management area, provided vessels do not exceed very small trip limits of groundfish species of concern. In addition, FW 40A proposes to modify Amendment 13 by providing vessels with the ability to fish both inside and outside of the Western U.S./Canada Area during the same trip. The Council is currently working on completion of the required analyses and documents, and hopes to submit FW 40A to NOAA Fisheries no later than July 1, 2004. Should FW 40A be approved by NOAA Fisheries, the agency anticipates implementing the approve measures through proposed and final rulemaking in the fall 2004.

Senator SNOWE. OK. how do you propose to approach the U.S. Commission on Ocean Policy and some of its mandates, such as strengthening NOAA, as an agency, concerning the resources of the

ocean and having a much more rigorous cohesive, and coherent Federal response to this current challenges? Frankly, I think that they have done an outstanding job in identifying the issues that need to be examined and explored, and, hopefully, many of them will be adopted. The Commission's 198 recommendations are obviously going to cost billions of dollars. I think they've probably underestimated the cost. But I think, in terms of structure and framework and function on the part of the Federal Government, they are critically important for making a more efficient response to the way in which we deal with the major issues concerning the state of our oceans.

How are you going about evaluating these recommendations? And what are the Administration and your agency going to do to determine which are the highest priorities and which are lesser priorities, and what you're going to support and not support?

Admiral LAUTENBACHER. Yes, thank you.

The CEQ, Council on Environmental Quality, under Jim Connaughton, has taken the lead for the government. We have set up an interagency review body that is looking at the report and developing a response for the President, for when we get the final draft from the Commission after the Governors have commented. It's out to the Governors now for comment. We're obviously very interested in what the Governors will say about the report, and that has to be taken into account.

Inside of NOAA, as I've mentioned in previous years, we've set up a NOAA Ocean Council, so that we have a matrix management ocean team now that does ocean work for NOAA. It's under the leadership of Rick Spinrad, who's the head of the NOAA Ocean Service. We have gone through the Ocean Commission report internally, and we are working on its recommendations as you and I are sitting here talking today. So we've been very proactive. Our agency has supported the work of the Ocean Commission quite substantially in the last 2 years, providing staff, as well as testifying at their hearings. I think if you look at a number of the initiatives that are in our reorganization and in our budget, they are supportive of the types of things that the Ocean Commission wishes to happen.

Government-wide, we have already created, a year ago, a Joint Oceans Subcommittee, working under the Office of the NSTC, the National Science and Technology Council. It jointly reports to me, as the Co-Chairman on the Committee on Environment and Natural Resources and to the Chair of the Committee on Science. So there is a Joint Oceans Subcommittee now that's connected to the White House, in addition to the NORLC, the National Ocean Research Leadership Council, which I chair as part of the National Oceanographic Partnership Program (NOPP) Act. Those things are working well.

Within our strategic plan, one of the major initiatives is an ecosystem-based approach to management. We basically reorganized and created a team within NOAA—a system engineering effort, I would call it—to put together the pieces that have been disparate up til now. We took various fisheries management, corals, habitat restoration, all of the various stock assessments, and the research pieces, put them together and developed a cohesive plan for eco-

system-based approach to management. This budget is the first demonstration of the initial phases of that effort.

Mike Sissenwine, who used to be the science director in New England as you might remember, is the head of all of that for NOAA. There's one person in charge. So we've put a team together, one person in charge, to cover the ecosystem pieces.

As you know, we are conducting a research review. I have commissioned a research team headed by Berrien Moore, a distinguished scientist, to look at the way we do research and to ensure that it is being managed correctly, that we have the right partnerships, that we have the right framework in place. We're very much interested in ensuring our ocean research component is meeting all the needs that are stated for the country. So we are looking at the research part of NOAA very heavily.

We have been working with the EPA, the Department of the Interior, the U.S. Fish and Wildlife Service, the Navy, NSF, and all of the other agencies to look at reorganization and the governance issues that are in the report. That's part of what this interagency council is looking at. And I think that there are, as I said, many ideas that are in the report that are compatible with the direction which we have been going. It doesn't mean that we're there or that I'm in a position today to give an Administration position on the report, but it is, in fact, very compatible with the types of things that we have already been thinking about.

Senator SNOWE. So do you expect to be prepared to give a response to those recommendations once the final report is issued, which I gather will be this summer?

Admiral LAUTENBACHER. We are working hard to meet the mandates. The law requires, or allows, 90 days for the Presidential response once we get the final draft, as well as for congressional response. Our goal is to make sure that we respond within those 90 days. I mean, that's been stated to me and stated to the interagency working group, and that's our plan. We want to respond within the time limits that have been set forth.

Senator SNOWE. Given the fact that we have an 8 percent decrease from the previous year's funding level, that obviously is going to have an impact on a number of programs. And as I've been reviewing the proposed budget, I am concerned about some of the programs. For example, as I mentioned earlier, the Saltonstall-Kennedy grants which are based on a tax. Are you redirecting those funds to other programs to offset the overall losses in funding? That's a program that the fisheries have been depending upon for, as I said, more than three decades. It's very helpful and beneficial to the industry and to scientists. And so I am really surprised that that was basically zeroed out in the budget.

Admiral LAUTENBACHER. Well, I have to go back and look at the details of the Saltonstall-Kennedy grants program. Last year, we had a one-year bump that we used to take on a couple of rapidly developing issues. We used Saltonstall-Kennedy money to take care of those. This year, it wasn't felt that that was needed in the budget, so my understanding is that Saltonstall-Kennedy funding is back where it was before we had that small bump last year. I will have to give you a more complete answer on it.

[The information requested follows:]

What is NOAA doing to redirect funds to the Saltonstall-Kennedy program?

Answer: Funding for the Saltonstall-Kennedy (S-K) program comes from a percentage of the gross receipts collected by Department of Agriculture (and transferred to the Department of Commerce) under the customs laws on imports of fish and fish products. Part of this amount is appropriated to offset some of NOAA's costs related to operations, research, and facilities (OR&F), and the remainder is usually allocated for the S-K Program. The revised FY 2005 S-K transfer is \$77.5 million (before the actual transfer amount was known, the President's FY 2005 Budget projected a \$79 million S-K transfer). However, based on appropriations from the past two years, the President's FY 2005 budget proposes using all of these funds for NOAA Fisheries OR&F. The FY 2003 and FY 2004 President's Budget proposed providing funds for competitive S-K grants, but the FY 2003 and FY 2004 Appropriations Acts specified providing S-K funds only for non-competitive grants. The Appropriations Acts directed that these funds go to specific groups and projects without following the competitive S-K grant process, so this funding was not tracked under the S-K Program. Therefore, FY 2002 was the last year in which funds for competitive S-K grants were available and NOAA Fisheries has not redirected funds to this program for FY 2005.

Senator SNOWE. Well, if it does that'll be fine. That's not our reading of it.

Admiral LAUTENBACHER.—I don't have a full accounting of Saltonstall-Kennedy funding for that support mechanism or that cash-generating method.

Senator SNOWE. The same is true for harmful algal blooms. Again—is funding zeroed out in their program? It's sort of moving in a contrary direction to what was identified in the U.S. Commission on Ocean Policy, let alone the potential impacts. If you look at various areas of the country, particularly Louisiana and the Great Lakes, it's a critical problem. Are we interpreting that budget request correctly?

Admiral LAUTENBACHER. It's not zeroed out.

Senator SNOWE. The line items for harmful algal blooms is zero.

Admiral LAUTENBACHER. It's being covered in other lines.

Senator SNOWE. But we need to know that. I mean, I would think that that would be a major priority at this point in time.

Admiral LAUTENBACHER. We'll give you the breakout.

It has been—let's see, I'm trying to go back. Historically, this was inside a Coastal Ocean Program and the Center for Sponsored Coastal Research, and then it was moved, in the 2004 line items, and now we have put it back into Coastal Ocean Program. There's five million dollars in the budget for harmful algal blooms. And I'm not particularly a fan of the budget line items that we have, but I assure you that there's money for harmful algal blooms. It's not been zeroed out.

Senator SNOWE. Well, I would think so.

Admiral LAUTENBACHER. We will try to provide you with a cross-check of the tables to show where the money is. But there is money for harmful algal blooms, and it's certainly not our intent to zero out research on harmful algal blooms. All of our research activities are taking somewhat of a small hit because of the constrained resources this year, so it isn't that I can sit here and tell you that every research program is in whole, compared to the way it was last year; that's not true. But this is not zeroed out.

Senator SNOWE. Well, I think it would be important to delineate it. At least it indicates in the line item that it's zeroed out, if not in the overall budget. It's, as I understand it, \$47.9 million for the Ocean Assessment Program base. But I think this program is so

critical, I think it is essential to delineate it, to specify, particularly at a time like this.

Admiral LAUTENBACHER. I agree.

Senator SNOWE. The Gulf of Mexico dead zone—it's going to cost more than a billion dollars to address that problem. So I think that it's going to be a vital environmental conservation issue for the future.

Admiral LAUTENBACHER. Uh-huh. Just as a precursor, we have \$5 million listed for harmful algal blooms, and about \$4 million listed for *Pfiesteria* and harmful algal-bloom rapid response. So there's at least that much money available for that research, and there are probably more on other lines, but this is what I have in the information in front of me today.

I'll get you a complete listing of the money for harmful algal blooms.

Senator SNOWE. OK. I would appreciate that.

[the information requested follows:]

Question. Provide a breakout of all Harmful Algal Bloom money

Answer. A total of \$8,925K for Harmful Algal Bloom and *Pfiesteria* Research is included in the Ocean Assessment Program budget line of the NOAA/NOS FY 2005 Request.

The FY 2005 request seeks to restore the funding provided in FY 2003 for the two budget lines titled Harmful Algal Blooms (\$4,968K) and *Pfiesteria* and HAB Rapid Response (\$3,974K). No funds were appropriated on these budget lines in FY 2004.

If NOAA's FY 2005 budget passes as requested, up to \$2,000K of the requested \$8,925K would be directed towards HAB research conducted by NOAA scientists at NOAA research facilities. The remaining \$6,925 would fund competitively awarded, extramural, multi-year research through the NOAA ECOHAB and MERHAB programs conducted by NOAA's Coastal Ocean Program.

Senator SNOWE. I also wanted to examine some of the issues concerning Ocean Observation assistance. We obviously are working on enacting legislation to integrate the Gulf of Maine model into a national model. You know, the U.S. Commission on Ocean Policy—I don't know if you had a chance to evaluate that recommendation—but they're saying it will cost upwards of \$652 million a year. Would you agree with that figure?

Admiral LAUTENBACHER. As an individual, from my previous experience, I'd say they're in the ballpark. Is that a NOAA estimate? No, it is not an official NOAA estimate. I have asked my organization to cost it, and we are working on that. I am also under the impression, from the Ocean Commission, that in July they will give us their cost figures so that we'll have a chance to look at them and determine if there are differences or what the backup for that is. But, from my personal experience, I believe that that is in the range of what it would take to do that work.

Senator SNOWE. Well, I think it's a critical priority. Ultimately, in the final analysis, given the valuable data that we can receive from that type of a network nationwide, it would be absolutely essential. It's in the budget at \$17 million this year, but I think that request—obviously it's a far cry from what they're suggesting it will cost ultimately to integrate that into a nationwide system. So I appreciate your input on that.

On abrupt climate change, as I understand it in looking at the program—and, again, now, it may be that we're reading your budg-

et wrong and it's all based in some larger number here—but when you're talking about climate change, I know it is a high priority of yours, as well, Admiral—and a response to the National Academy of Sciences report on abrupt climate change and how it can happen, not on a gradual basis, but, rather, on a precipitous basis, and you see these sudden jumps, as they indicated, it's all the more important that we do all the research that we can. And I thought that the National Research Council's, report on this, back in December of 2001, was absolutely, I think, a vital report on where we need to go and, how alarming this problem is globally, and why we have to provide the leadership for it.

So can you give me an idea of what you're doing on this in your budget? Because, as I understand it, the entire program for abrupt climate has been zeroed out, plus the Paleoclimate Program is out, as well, and the postdoctoral program—so there has been some major reductions in this area. Is that true?

Admiral LAUTENBACHER. I wouldn't call them major reductions. There are reductions. There is a line called "abrupt climate change," which includes some seminar work and one other project, that has been zeroed out. Remember that we have increased funding for our Climate Change Research Initiative by \$27 million. So, overall, the higher-priority items in the budget are covered.

Now, regarding the abrupt climate change, there are a number of programs that are embedded in the rest of what we do that take into account abrupt climate change, so while that line is not there, there's a lot more money that is devoted to abrupt climate change. There are all the buoy monitoring programs, there are the ocean circulation programs, there are the Arctic research programs, there are the issues about the thermohaline conveyor belt. They are not called out as, specifically, "abrupt climate change," because they're embedded in the whole study of ocean circulation and changes in the Arctic. So it's unfair to say that the program is zeroed out. This particular line item, which had the label of "abrupt climate change," this was solely abrupt climate change—and it looked at a seminar type of workshop issue that was deemed as a lower priority than the other important work going on in climate. So it's not—

Senator SNOWE. Well, do you have—

Admiral LAUTENBACHER.—we don't believe—

Senator SNOWE.—anything on the abrupt climate change? I mean how much are you spending in that area?

Admiral LAUTENBACHER. It would be difficult to estimate, because it's wrapped up with climate change. And how much is "abrupt"—"abrupt" is a, you know—

Senator SNOWE. But it is a significant dimension of the entire problem on global climate change. I mean, there's no question about it. I mean, that's the problem we're facing.

Admiral LAUTENBACHER. And also, let me mention some of the other work that's going on. We have increased funding for the review of paleo records in ascertaining what's happened in the past to ensure that we understand what's possible to happen in the future. So there are probably about five to ten other line items that cover the subject of abrupt climate change, but it's part of those line items. It is not—

Senator SNOWE. Yes, see, it's hard to—I mean, it may well be true, but it's hard to really understand that that will be the effect of it, that you're going to have a targeted focus on abrupt climate change. It might be diffused among many programs. That's the point here. And I think this is a pivotal issue. Given what the report said here, it says, "At present, there's no plan for improving our understanding of the issue. No research priorities have been identified. No policymaking bodies addressing the many concerns raised by the potential for abrupt climate change."

Even this Committee passed out a bill that would provide a hundred million dollars in March, on the issue of abrupt climate change. It's a whole new facet to this issue that, frankly, heretofore, has not been focused on, and so it bothers me that that's happening. It may well be part of some of these other programs, but it isn't being given the high-level attention and the priority by having its own category—I think it deserves its own category, just like harmful algal blooms. They're major issues that you say are so important, are so critical, and so we've got to separate them out, delineate them, because we don't want any misunderstanding whether we are giving them our full attention. But once they're merged and submerged into various programs and agencies, you have a hard time sifting through it, so you don't know if anybody's giving it any attention.

Admiral LAUTENBACHER. I assure you that its being given attention, and we'll give you a rundown of where it is given attention and what money has been devoted to those areas.

[The information requested follows:]

Question. What is the funding break-out for Abrupt Climate Change research?

Answer. See the following chart for a complete breakdown of funding in the FY05 budget for Abrupt Climate Change research.

NOAA Abrupt Climate Change Contributions (FY04 and FY05)

Category	FY04 Omnibus	FY05 Pres. Bud.	Description	Funding (Program: Budget Line)
<i>Programs</i>				
CORC/ ARCHES	\$2M	\$0	Grant to Columbia University Lamont-Doherty Earth Observatory for studies of abrupt climate change using paleo and modern observations and models.	Understanding: Climate and Global Change (page 3–98 of Bluebook).
<i>Monitor</i>				
—Ocean currents	\$0.3M	\$0.7M	Monitor changes in the thermohaline circulation at key locations: Gulf Stream, Greenland Current. Assume responsibility for long-term Weddell Sea observations from CORC/ARCHES in FY05.	Observations: Ocean Observations/Ocean Systems (page 3–99 of Bluebook)
—Ocean thermohaline circulation	See Footnote (*)		Monitor changes in the global thermohaline circulation and its role in abrupt climate change	Observations: See Footnote (*)
—Methane clathrates	\$1.3M	\$1M	Global methane monitoring for abrupt changes in emissions from methane clathrate (hydrate) deposits on continental shelves and thawing of permafrost in the Arctic regions.	Carbon Cycle: CMDL, Laboratories & Joint Institutes (page 3–98 of Bluebook)

NOAA Abrupt Climate Change Contributions (FY04 and FY05)—Continued

Category	FY04 Omnibus	FY05 Pres. Bud.	Description	Funding (Program: Budget Line)
—Arctic Ocean	\$0.7M	\$0.7M	Measure and model changes in heat and fresh water fluxes from the Arctic to the North Atlantic and monitor sea ice thickness in the Arctic.	Observations: Arctic Research Initiative—SEARCH (page 3–99 of Bluebook)
<i>Models</i>				
—Climate reconstruction	\$0.5M	\$0.5M	Partnership between NOAA GFDL and NOAA Joint Institute at Columbia U. Lamont-Doherty Earth Observatory to model climate over the past 2000 years and identify abrupt changes.	Projections: CMDL, Laboratories & Joint Institutes (page 3–98 of Bluebook)

*Global ocean thermohaline transports are monitored through global hydrographic surveys and more frequent measurements with the Argo profiling float program. However, monitoring the thermohaline circulation is only one of several objectives for these observations. Consequently, it is not possible to separate out their cost to monitor abrupt climate change. The NOAA contribution to the global hydrographic survey is \$1.1M per year and is funded in the Ocean Observations/Ocean Systems (page 3–99 of Bluebook). The NOAA contribution to the Argo program is \$10.5M per year. (page 3–99 of Bluebook: \$7.3M in ARGO-related costs [considered part of Ocean Observations/Ocean Systems] and \$3.2M in Climate Change Research Initiative)

Admiral LAUTENBACHER. It is not something that we take lightly. It is a serious part of the climate change research plan that I talked about being delivered, and we are devoting resources and——

Senator SNOWE. Well——

Admiral LAUTENBACHER.—technical expertise to it.

Senator SNOWE. OK. But, I received a letter, from Dr. Dunn, of the University of Maine Climate Change Institute, that says that—on the CORC–ARCHES Program and the Office of Global Programs have been zeroed out. The University of Maine’s been working on this program since 1992. Again, it’s all about understanding these huge fluctuations and swings in climate change.

So, in any event, I would appreciate that, because I think this not the time to be retreating. And we may not be, but if it is diffused in part of these programs, it’s just really hard to tell to what extent it’s getting the high-priority attention that it deserves.

Would you say overall your budgeting increases are in climate change?

Admiral LAUTENBACHER. The whole category of climate change in our strategic plan, which is one of the four big—you know, every dollar in NOAA is sorted into those four categories, besides the support—it is about \$2 million different. So it’s roughly the same. There has been re-prioritizing in there to ensure that we support the President’s Climate Change Research Initiative, and that is up \$27 million. The Initiative covers the critical issues that we need to address for the policymakers in this country to decide what to do about climate variability and potential climate change. They include ocean observing, which is, I know, a priority of yours. They include carbon monitoring and a system to find out what’s going on with the carbon; and aerosols, which is one of the major uncertainties regarding what’s going on in our atmosphere. And they also include a data-handling system so that we can provide the kind of data simulation, data archiving, and the usage of data to provide the basis for scientific activity. So those are—that entails the major increases within that area, and they match with the priorities in

the Climate Change Science Plan reviewed by the National Academy of Sciences.

Senator SNOWE. Well, I hope you will review this area, in terms of exactly what the effects would be, and I would like to work with you on that, because I think it's just such a major environmental issue. I know it is a concern to you, and you've made it one of your highest priorities, and I applaud you for that, because I think it's one of the—I think its dimensions and facets, may have a tremendous impact on our environment and our well-being, and we've got to do so much more in the future.

I appreciate what you've done, and I just want to make sure that the budget is aligned with those key issues, and with the research that has already been conducted, which underscores the importance of certain areas that we should support and finance.

Admiral LAUTENBACHER. I agree, and I assure you that, as always, we will work with you to try to get the best budget that we can for this year.

Senator SNOWE. On right whale protection, I understand NMFS has an interagency ship-strike strategy for several years, but it's not clear what the strategy contains and when it will be completed. Obviously, there are a number of hurdles here in this process. What can we do, though, to remove those hurdles? Because I think the time has come to really resolve this. What we're seeing is that ultimately, many of the right whales have been killed by ship strikes and not with the fishing gear. I think we've got to resolve those issues to determine a strategy that will best—I mean, I understand the economic impact it'll have on the shipping industry, as well. So I think we've got to work these issues through once and for all. Where does that stand today?

Admiral LAUTENBACHER. I'm as equally impatient and concerned as you are. In the last year, we have made some breakthroughs with the folks who determine shipping routes and in the areas of concern. We have, I think, agreement, at this point, and we're planning on putting an advance notice of proposed rule-making in the Federal Register in about 2 weeks. So, we're at the point where we've gotten enough together to press forward and get the right kinds of rules in place to prevent ship strikes.

Senator SNOWE. When do you think that would happen? What's your timeframe?

Admiral LAUTENBACHER. Well, you know, you have to have it open for a period of comment.

Senator SNOWE. Right.

Admiral LAUTENBACHER. And then it will come back. So, we're probably talking 6 months.

[The information requested follows:]

Question. What is the timetable for the completion of the strategy to reduce ship strike mortalities?

Answer. NOAA Fisheries has completed a draft strategy and published an Advance Notice of Proposed Rulemaking for regulations to implement the strategy on June 1, 2004 (69 FR 30857). This notice provides the framework for the ship strike strategy and makes the strategy available to the public. In addition, the notice outlines proposed regulatory measures for the shipping industry as an element of the strategy. The notice also states NOAA Fisheries' intent to prepare an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) and solicit comments on the proposed regulatory measures and any alternatives to the strategy. NOAA Fisheries plans to complete a proposed rule for regu-

latory measures with a draft EA by January 2005. However, if it is determined that the agency must prepare an Environmental Impact Statement under NEPA, it will take longer to complete the proposed rule. NOAA Fisheries will also conduct public meetings during the development of the EA.

Senator SNOWE. OK. Well, I hope that we can encourage you to finish, because it has been long overdue. And I think the fishermen are certainly doing their part with their fishing gear and reducing entanglements. And now we're facing problems with whale deaths due to ship strikes. So hopefully we can get the rule in place.

And I understand the Appropriations Committee, last year—well, this year—in the 2004 budget, provided \$12 million, up from \$6.8 million. So, that is an increase for right whale activities. So how do you plan to distribute that funding, to the states or otherwise? What are you doing with that additional funding?

Admiral LAUTENBACHER. I don't have that right in front of me. Let me provide it to you later.

[The information requested follows:]

Question. How will the \$12M provided for right whale funding in FY 2004 be distributed?

Project Title: Reducing Ship Strikes (\$3.376M)

Activities: Ship strike reduction measures in Fiscal Year 2004 are focused on aircraft surveys, Mandatory Ship Reporting systems, support of research grants and contracted studies, and implementation of activities consistent with the Ship Strike Reduction Strategy.

Project Title: Reducing Entanglement: Implementation of the ALWTRP (\$2.447M)

Activities: Alternative Fishing Methods and Management Program, Atlantic Large Whale Take Reduction Team (ALWTRT) administrative support and contracts, EIS preparation, gear buyback and recycling pilot program, continue and improve disentanglement programs.

Project Title: Right Whale Biological Studies (\$1.641M)

Activities: Continue studies of right whale habitat, continue population monitoring, continue studies of health and reproduction, initiate development of a Right Whale Research draft EIS.

Project Title: Recovery activities of the Northeast and Southeast Recovery Plan Implementation Teams (\$0.136M)

Activities: Develop and implement the public outreach component of the national ship strike reduction strategy, provide technical advice on the development of and EA/EIS to implement the national ship strike strategy, continue activities to reduce the risk of ship collisions during the winter calving season.

*The remaining \$2.546M will be used for personnel and administrative costs, contracts for biological technicians (for aircraft surveys), and enhancing enforcement.

State Cooperative Whale Protection Programs (\$1.910M)

Activities:

- Massachusetts Right Whale Conservation Programs
- Georgia/Florida Right Whale Conservation Programs
- State Right Whale Conservation Programs through the National Fish and Wildlife Foundation
- Joint Enforcement Agreements (JEA)

Admiral LAUTENBACHER. I don't have a breakdown of how the \$12 million is going out. I know it was increased. Much of the money was moved around within accounts that were devoted to general marine mammal protection, so there are some issues as to how we cover some of those parts of it, as well as the right whales

and the rest of the marine mammal protection priorities that we have.

Senator SNOWE. OK, I appreciate that.

Admiral LAUTENBACHER. We'll get you a list of the \$12 million.

Senator SNOWE. OK.

And, finally, on the Coastal Zone Management Act, as you know, I reintroduced the reauthorization in January 2003, and it has been in limbo ever since, because a hold was put on the bill, as you know, regarding oil and gas interests. I know NOAA's been working with the Department of Interior. Is there any way in which we can resolve these issues so that we can allow this legislation to move forward?

Admiral LAUTENBACHER. We support reauthorization of the Coastal Zone Management Act, so I don't think that's an issue. We have also been working on a rule, which has been held up, as well. So I'm not real optimistic.

Senator SNOWE. Have you been—

Admiral LAUTENBACHER. I would like to move it forward.

Senator SNOWE.—working with—

Admiral LAUTENBACHER. We've worked with the Department of the Interior. We do.

Senator SNOWE. OK. And have you been doing anything to try to resolve the impasse? I mean, is there any line of communication open between the Departments?

Admiral LAUTENBACHER. There are lines of communication, but I don't believe that we have been able to overcome some of the difficulties, the differences that we have. And this is a long saga.

Senator SNOWE. Yes. OK.

Admiral LAUTENBACHER. But we will keep working on it, because we would like to have it reauthorized, as well.

Senator SNOWE. Are you talking to the Department of Interior about this?

Admiral LAUTENBACHER. We do talk to them, yes. Yes, we talk to the Department of the Interior.

Senator SNOWE. Just not going anywhere, huh? OK.

Admiral LAUTENBACHER. Not yet.

Senator SNOWE. Not yet. Well, if there's anything that we can do, as well—I know I've had—

Admiral LAUTENBACHER. I understand.

Senator SNOWE.—conversations, as well, here, and it's just really unfortunate that we aren't able to move forward with this critical legislation. I mean, it really is unfortunate.

Admiral LAUTENBACHER. I agree.

Senator SNOWE. OK.

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

The Senator from Washington, welcome.

Senator CANTWELL. Thank you, Madam Chairwoman. Thank you for holding this important hearing. And I apologize for not getting down here sooner, but obviously we've been following the testimony.

Admiral, it's good to see you, although I have to say I feel like the Northwest woke up to a bombshell this morning in regards to

the *Washington Post* story on hatchery salmon being counted as wildlife. And so I wanted to ask you—let's just say I had several other important Northwest issues I wanted to ask you about, but I think I need to start there, because it is quite a surprising story. I guess the key thing is that you've had some internal decisions—maybe they are about to be released or are in the final stages of being released—and you have decided to count hatchery-raised salmon as the biological equivalent of wild salmon.

As you know, we've been spending lots of money to save wild salmon, based on science and biological information, and my sense is that there is nothing that has changed about that science or biological information that would justify a departure from what we've been doing to date. But somehow now, all of a sudden, hatchery salmon could be counted the same as wild salmon. So, first of all, do you stand by the information that was in the *Washington Post* story? Is that where NOAA is heading?

Admiral LAUTENBACHER. I think the information in the *Post* is somewhat out of context and generalized to the point where it's just not something people ought to give a great deal of credibility to.

As you know, we're under a court order to come in with a hatchery policy and deal with this within a short timeframe, so we are going to meet that court deadline. And part of the decision against us was that we had not taken into account, at all, the increment or the potential for help from hatchery fish.

First of all, our policy is not finalized. The Administration policy is not finalized, it has not gone through all of the decision processes. So there is no policy yet in place that says what the paper reported.

Senator CANTWELL. But, Admiral, we're in agreement that the previous Administration policy was not to count hatchery fish the same as wild salmon, correct? That has been the policy of the—

Admiral LAUTENBACHER. Yes. When you say—

Senator CANTWELL.—Federal Government—

Admiral LAUTENBACHER.—not to count—it's not clear that our policy won't be not to count hatchery fish the same as wild fish. The issue is, do you take them into account—do you look at what they do? Do they make a contribution or not make a contribution? How do they make a contribution in sustaining the wild population? Do they interfere with it? Do they get in the way of it? Do they add to it? Do they help us sustain a database of DNA? There are a range of issues that you must look at when you're trying to determine the status of an endangered species. That's what we're being asked to look at. So the issue—just to say throw out hatchery fish and they don't count, they're not there, they're totally out, they're not part of anything we should consider is what I think we're being criticized for.

Senator CANTWELL. Admiral, this is—

Admiral LAUTENBACHER. The object of the policy is to try to look at how to deal with that issue. So it's not a policy—first of all, the policy hasn't been made yet, it hasn't been decided upon, hasn't been finished. But the issue is that we have to deal with the hatchery fish in some way.

Senator CANTWELL. Didn't a panel of leading experts—salmon ecologists and biologists—convene to give input to NOAA on this issue? Based on their scientific expertise, didn't they tell your agency that hatchery fish shouldn't be counted? And yet NOAA is basically—I don't think you've released the scientific analysis—countering what these scientists have said should be the basis of salmon recovery. I'm very concerned that we're moving away from science, which is what our policy has been, and should be, based on.

Admiral LAUTENBACHER. We're not moving away—

Senator CANTWELL. This isn't some political judgment, or political expediency—

Admiral LAUTENBACHER. I assure you, it's not political judgment or political expediency. There are groups of scientists that are in—there's an array of scientific—

Senator CANTWELL. Can we get—

Admiral LAUTENBACHER.—opinions on that.

Senator CANTWELL.—can we get the analysis, then?

Admiral LAUTENBACHER. And we are trying to ensure that we take all of that into account and have a policy that's based on the best synthesis of the scientific opinions that we have today in this area.

Senator CANTWELL. So can we get a—

Admiral LAUTENBACHER. This is not an attempt to count every hatchery fish and say, "That's a wild fish." That's not what this is about, and that's a misleading statement that's provided in the *Washington Post* this morning. That's a jump to a conclusion that's not there yet.

Senator CANTWELL. So can we get a release, then, of the analysis that was done by the scientists so that we all can look at that information?

Admiral LAUTENBACHER. Certainly when we finish through with this, the backup information will be available and transparent, as it is for everything that we do. Absolutely.

Senator CANTWELL. So you're here to tell us this morning that the decision will be based on science.

Admiral LAUTENBACHER. Absolutely. No question about it.

Senator CANTWELL. And you would say that the previous science basically had said that there was a difference, a distinction in how we preserve wild salmon.

Admiral LAUTENBACHER. There's still a difference and a distinction in how we preserve wild salmon. Nobody's refuting that. The issue is, What do you say about hatchery fish? How do you deal with that component?

Senator CANTWELL. I think—I think, Admiral, there are billions of dollars being invested in saving wild salmon. There are organizations that have been working very hard, since the salmon were listed under the Endangered Species Act, to try to save wild salmon. And now to see a report in the newspaper that somehow hatchery fish should be treated differently than we've been treating them. You're saying, "Well, don't overreact to it"—but if you read the story, and the story is coming from some knowledgeable people, it would lead you to the conclusion that, in fact, people are going to

say, "Listen, you don't really have to worry about the wild salmon issue, because we have plenty of salmon."

Admiral LAUTENBACHER. I think that's a jump to a—that's a bridge too far. You can't jump to that conclusion. I hope people will not come to that conclusion. The Administration has asked for another \$10 million for the Salmon Recovery Fund. We are trying to restore wild salmon as ardently as we have in the past. There's been no change in that policy, from either Administration. So I don't think that's the issue here.

The issue is, What do we say about the hatchery fish? We have to be able to analyze what it is they do or don't do, what it means to the different strains of the wild species that we have, and provide the best science we can on what that combination looks like. It doesn't mean that we count a hatchery fish with a wild fish, that they're equal. That's not what the article—the article is loosely constructed and, I think, misinterpreted some of the statements that Bob Lohn made in answer to questions.

Senator CANTWELL. Well, the *Post* says, let me read it to you, that Mr. Lohn "added that the new policy will probably help guide decisions this summer by the Bush Administration about whether to remove 15 species of salmon from the protected and endangered or threatened list."

That's somebody that works within your organization, correct?

Admiral LAUTENBACHER. It certainly will. If we have a policy, it has to help guide decisions. There's no sense in having a policy if it doesn't guide the decision—so policy, yes, will help—will guide what we do in those decisions on listing or non-listing.

Senator CANTWELL. Well, I heard what you just said, and to me, you're saying that, yes, NOAA you could take this decision about wild salmon and make a conclusion that wild salmon are no longer threatened or endangered. Is that right?

Admiral LAUTENBACHER. I didn't say that at all. I said they're going to review whether they're threatened or endangered. We have to review the listing. That's a requirement that we're under the gun to do.

Senator CANTWELL. And what impact will this research have on that?

Admiral LAUTENBACHER. It certainly—

Senator CANTWELL. Could it change the status?

Admiral LAUTENBACHER. The status could be changed from a number of factors. We've had significant returns in the last couple of years, and they're expected to be just as high this year. There have been increases in salmon populations. So that could affect it. The increase in habitat that we have available, hundreds of miles—700 miles more of habitat have been placed into effect, basically, as habitat. So there are a lot of factors that would add to the decision on whether something is threatened or endangered.

Senator CANTWELL. Could hatchery fish alone change the listing status?

Admiral LAUTENBACHER. I'm not competent to answer that question. I'd have to see what the scientists said on it. I mean, what they say is what they say, and we'll look at it. I don't know whether it would make a difference to that extent or not. It would prob-

ably be a factor. I mean, you'd have to look and see what the science said about that strain and that particular set of factors.

Senator CANTWELL. Well, then I don't think Mr. Lohn is overstating the situation. I don't think he has misinterpreted it at all. I think he is saying exactly what you just said—you could take that data and information and change the listing. So I think the key thing is for us to get access to the science and to make sure that we continue to make our decisions based on science. My sense is the science will hold, that you cannot solve this problem with hatchery fish.

So, I don't know how much time you're allotting, Madam Chairwoman, but I do have a couple of other questions.

The orca population in our state, as you know, has already been listed by our own state as an endangered species. I think you're going through the review process now. Can you give us an update on that?

Admiral LAUTENBACHER. Well, there are different sets of subspecies, or whatever you want to call them. There's—I forget the exact terminology for it—but, in any case, there's a set of Puget Sound *orcas* that we have put in a certain category, and we are reviewing that to see if it needs to be upgraded. And I don't know when that will be finished, but I can get you a date on it, or I'll get you more information, if you'd like to know.

Senator CANTWELL. But the orcas already are listed as a threatened species, isn't that correct? There is already a plan to try to—

Admiral LAUTENBACHER. Are you talking about the Puget Sound species, the southern species?

Senator CANTWELL. It's already a depleted status.

Admiral LAUTENBACHER. Depleted, that's the word I'm looking for. Depleted status, right. And that was done, I think, last year. That's a relatively new development—if we're talking about the same subcategory.

Senator CANTWELL. And what does depleted status entail?

Admiral LAUTENBACHER. It entails a watch. It entails extra attention to ensure taking a look at inventories and seeing—and re-evaluating it. And I think what we're going through now is a re-evaluation.

Senator CANTWELL. Well, I thought it included specific measures to help restore the population. Do you agree or—

Admiral LAUTENBACHER. I'll have to get back to you on that.

[The information requested follows:]

Question. What species of whales were listed under the ESA or depleted under the MMPA and what is the process for listing a species as threatened or endangered under the ESA?

Answer. The Endangered Species Act provides the process for listing a species as endangered or threatened, and the Marine Mammal Protection Act (MMPA) provides the process for designating a marine mammal species or stock as depleted.

ESA Listing Process: NOAA Fisheries can initiate status reviews of species on its own, or the review may be initiated by a petition from a member of the public. When the agency is petitioned to list a species, it must meet statutory deadlines. To the maximum extent practicable, within 90 days after receiving a petition, NOAA Fisheries must make a finding on whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted based on the listing criteria found in the statute (below). NOAA Fisheries must publish this finding in the Federal Register and, if this finding is positive, initiate a status review. After reviewing the best available scientific and commercial

information, NOAA Fisheries must publish a 12-month finding within one year of the date of the petition. Either the petitioned action is not warranted, the petitioned action is warranted, or the petitioned action is warranted but precluded because of other pending proposals and expeditious process is being made to list qualified species. If NOAA Fisheries finds that the petitioned action is warranted and not precluded, it must promptly publish a proposed rule for the listing action. NOAA Fisheries solicits comments from the public and, within another year, makes a final determination on whether to list the species.

A species must be listed if it is threatened or endangered due to any of the following five factors:

- present or threatened destruction, modification, or curtailment of its habitat or range;
- overutilization for commercial, recreational, scientific, or educational purposes;
- disease or predation;
- inadequacy of existing regulatory mechanisms; and
- other natural or manmade factors affecting its continued existence.

A threatened species means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. An endangered species means any species that is in danger of extinction throughout all or a significant portion of its range.

MMPA Depleted Designation: Under the MMPA, after consultation with the Marine Mammal Commission, NOAA Fisheries may designate a species or stock of marine mammals as depleted when it falls below its optimum sustainable population (OSP). The MMPA defines OSP as “the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element” (16 U.S.C. 1362(9)). NOAA Fisheries regulations have further defined optimum sustainable population as “a population size, which falls within a range from [the carrying capacity of the] ecosystem to the population level that results in maximum net productivity.”

Listed Species: All species of large baleen whales (right whales, humpback whales, fin whales, blue whales, sei whales, Bryde’s whales, and the bowhead whale) and the sperm whale (largest toothed whale) are listed as endangered under the ESA and have been since the implementation of the statute due largely to commercial whaling (these whales are also considered depleted under the MMPA). The only baleen whales not listed under the ESA or the MMPA are the gray whale in the eastern Pacific Ocean (delisted in 1994) and the minke whale (never listed).

There are currently two whale stocks considered depleted under the MMPA, but not listed under the ESA. These are the Southern Resident Killer Whales in the Pacific and the Cook Inlet beluga whale. The AT1 killer whale group in Alaska is proposed as depleted and the final designation is expected to be published soon.

Senator CANTWELL. The reason——

Admiral LAUTENBACHER. It would be unfair of me to make comments on what exactly—I do not have in my head——

Senator CANTWELL. OK.

Admiral LAUTENBACHER.—right now the——

Senator CANTWELL. I would appreciate——

Admiral LAUTENBACHER.—factors regarding a depleted status. But I can get that for you.

Senator CANTWELL. The reason why I’m bringing that up is because I know Bob Lohn has taken steps to move this process along, and a depleted status is about trying to make changes so that you don’t go to the extent of an endangered listing.

Admiral LAUTENBACHER. Absolutely.

Senator CANTWELL. So we have been——

Admiral LAUTENBACHER. That’s important.

Senator CANTWELL.—successful in securing research funds and other funds to help with the depleted status and identifying ways to help restore the population. So, you can understand that I am disappointed that NOAA did not include research funding in its

2005 budget request. So I'm just trying to understand how the Administration can be concerned about the orcas, can have a depleted process, but then not ask for funds to carry out that activity.

Admiral LAUTENBACHER. Many of these funds were added after the Administration's submission to Congress. I'll have to go back and look and see which ones were or weren't. We have this marvelous mismatch in our budget procedures, which I'm sure you're aware of, which means that we build our budget for the next year—well before we have the congressional final on the previous year's budget. We end up in this “do loop” where we build our proposal on last year's proposal. And then by the time we get through the whole system and the bill comes out, it's much different than the one we proposed. So I'd have to go back and look to see if that's the reason why it's not there, or there's some other reason.

The research funds that are in the President's proposal are certainly less than what Congress approved in last year's budget, so there will be things that are missing in that area, and I take it this is one of them. But I can go back to check to see if—

Senator CANTWELL. Yes, I'm just—

Admiral LAUTENBACHER.—it was internal to NOAA or—

Senator Cantwell:—I'm just curious—

Admiral LAUTENBACHER.—whether it was the final deliberations on building the budget, in Congress.

Senator CANTWELL. Yes, I'm just concerned, because we've already taken steps at the state level, and we have, it seems, at the Federal level, taken steps to say that this population is depleted and that we're very concerned about the orcas and what is happening to them. And, I think it's safe to say there are a lot in the larger community who don't think that we're moving fast enough, given the sharp decline in the orca population.

So, the fact that we don't have Federal research dollars and support for the depleted status leaves a lot of people questioning your agency's commitment to the problem. I'm sure there are Members here that will work hard on restoring that, but the question is, how does the agency, internally speaking, come to terms with the fact that it has a mission to carry out, but then doesn't request funds for it? So if you could get us an answer on that, I would—

Admiral LAUTENBACHER. OK.

Senator CANTWELL.—greatly appreciate it.

[The information requested follows:]

Question. Why were no funds requested for killer whale species whose status has been designated as depleted?

Answer. We would like to thank the Senator for her work in FY 2003 and 2004 in helping to secure funding for research into the status of and the threats facing the Southern Resident Killer Whales. Due to budget constraints, the Protected Species Management—N. Pacific South Resident Orca Population budget line was not included in the President's FY 2005 budget request. If the President's FY 2005 budget request is supported, NOAA Fisheries would use Base Protected Species funding for orca conservation efforts.

Senator CANTWELL. I don't know, Madam Chairwoman, if you had other questions.

I do have one other issue. Not to bring up all the Northwest issues, but you're here, and we appreciate the opportunity Admiral. I am told tht we have a weather radar-coverage issue on the Northwest Coast, which I think is caused by the way the Olympic Moun-

tains cast a shadow. If you remember the New Carissa accident off the Coast of Washington, you'll realize why accurate weather forecasts are needed. We have a marine sanctuary there. We have a lot of activity from Whidbey Island Naval Station, from the fishing industry, and from many other coastal activities. So, it is a bit surprising that we have one of the worst radar coverages in that section of the coastal United States than anywhere else in the country. I wanted to get your impression on whether you thought we could add additional radar information there to help in preventing accidents in the future, to help on search-and-rescue operations, and so on.

Admiral LAUTENBACHER. I understand the concern. I will look at it and get back to you.

[The information requested follows:]

Question. Is there a way to get better radar coverage for the Olympic Peninsula?

Answer. The Board on Atmospheric Sciences and Climate (BASC) of the National Research Council is conducting a study to assess the effectiveness of operating NEXRAD radars in complex terrain, in support of the National Weather Service's flash flood warning and forecast mission, with a focus on Sulphur Mountain, California. The results of the study, expected this fall, will form the basis for the NWS to develop objective criteria to evaluate whether a given location requires increased weather radar coverage, including NEXRAD and other more advanced technologies. The NWS will reevaluate radar coverage across the country, including the Olympic Peninsula area. Preliminary results are expected in Spring 2005.

Admiral LAUTENBACHER. I am not aware of any plans right now to add a radar to that area, but let me look into it for you.

Senator CANTWELL. Well, we would appreciate that. And maybe my staff could provide you additional information about the issue so we could get the process rolling, because we have a huge port entry there into Grays Harbor, and, as I said, we have the marine sanctuary. We've had some incidents in the past several years that I think highlight the problem caused by the Olympic Mountains shadow. I don't know where the closest station is, but I do know we don't have the coverage we need. So if you could look into it, I'd appreciate it.

Admiral LAUTENBACHER. Understood.

Senator CANTWELL. Thank you, Madam Chairwoman.

Senator SNOWE. Thank you, Senator Cantwell.

And, Admiral Lautenbacher, just to follow up on the questions that Senator Cantwell raised regarding counting hatchery salmon as wildlife in the Pacific Northwest, was is it—exactly how do you intend to proceed on this?

I mean, it's an interesting perspective, given the fact of the experience of Maine. As you know, the Atlantic salmon has been placed on the threatened and endangered species list, and going through, you know, a variety of mitigation efforts, and it's been a very costly endeavor. So how would the various regions of the country be treated under this scenario?

Admiral LAUTENBACHER. I will have to go back and look at it, but my impression is that this is a hatchery policy and it would apply to more than just the Northwest. Now, I've got to go back and verify that. But that's in my head.

[The information requested follows:]

Question. In reference to a recent article in a newspaper regarding the Hatchery Salmon Policy, which would equate hatchery fish to wild fish, what scientific analysis supports the change in policy?

Answer. On June 3, 2004, NOAA issued a Notice of Proposed Policy in the Federal Register (69 FR 31354), which is being developed in response to the *Alsea* court decision. The *Alsea* decision correctly noted that a portion of the Oregon coast coho distinct population segment (DPS) cannot be listed as threatened or endangered under the Endangered Species Act (ESA). This is because the ESA provides for listing of species, subspecies, and DPSs but not for smaller units. For Pacific salmonids, DPSs are defined as evolutionarily significant units (ESUs). Therefore, if an ESU includes hatchery fish, then the entire ESU must be listed if any portion of the ESU is to be considered in listing decisions. For over a decade, NOAA Fisheries scientists have biologically grouped certain hatchery fish with natural spawning fish into ESUs as a scientific matter. Given this science-based decision, NOAA Fisheries cannot choose, for policy reasons, to only list the natural portion of the ESU.

Additionally, in February 2003, a group of ten independent fisheries scientists representing a range of institutions, with extensive experience in research of the salmon life cycle, published an analysis in which they found that hatchery fish should not be excluded from their wild counterparts in listing determinations under the Endangered Species Act. Tribal fish scientists have also conducted a number of studies that support this conclusion.

NOAA is not equating hatchery fish with wild fish, but it is acknowledging that, in some circumstances, hatchery fish may help improve the status of wild fish by contributing to the four key attributes of a viable salmonid population (VSP): abundance, productivity, spatial structure, and genetic diversity. The VSP analysis that NOAA undertakes for each salmonid ESU listing decision does not assign equal or predetermined weight to each of these attributes, nor does it preclude consideration of other factors that may be biologically relevant in a particular circumstance. For ESUs that include hatchery fish (those that are of a level of genetic divergence that is no more than what would be expected between closely-related populations within the ESU), the VSP analyses address the four key attributes of the entire ESU, including the hatchery fish, in determining whether an ESU is at risk of extinction now or in the foreseeable future. Because there are so many different ways in which hatchery-origin fish are introduced into the environment, there is no uniform answer about the potential contribution of hatchery-origin fish to the survival of the ESU.

This proposed policy applies only to Pacific salmon and steelhead and only in the context of making ESA listing determinations, not in the context of recovery. Nevertheless, the proposed policy is intended to be generally consistent with the joint NOAA Fisheries/U.S. Fish and Wildlife Service Policy Regarding Controlled Propagation of Species Listed under the ESA (65 FR 56916; September 20, 2000). While acknowledging the potentially supportive role that artificial propagation may play in the conservation and recovery of listed species, the joint policy stresses that artificial propagation is not a substitute for addressing the factors responsible for a species' decline and that recovery of wild populations in their natural habitat is the first priority. It also recognizes that genetic and ecological risks may be associated with artificial propagation, and requires that artificial propagation for species conservation and recovery be conducted in a manner that minimizes risks and preserves the genetic and ecological distinctiveness of the species to the maximum extent possible.

Senator SNOWE. It's a major—I mean, it is a—

Admiral LAUTENBACHER. And this comes from the suit—I guess *Alsea Valley Alliance versus Evans*—that throughout everything that we did, based on the fact that nobody talked about hatchery fish, it was—they weren't talked about, they weren't discussed, and there was no indication of what they did or didn't do. So we're under court order to come to some scientific resolution of what they do or don't do, and that's what we're trying to meet.

Senator SNOWE. Well, we're living under the—

Admiral LAUTENBACHER. I'd have to look at the listings, as well.

Senator SNOWE. I know. Well, it is rather stunning, given what we have endured over the last few years, as you well know, and the guidelines that our industry was subjected to regarding the im-

pact of hatchery fish on wildlife and what constituted wildlife salmon and—you know we went through the rigors of all of that. So it is a stunning departure to all of a sudden to abruptly discover this in the front page of the newspapers today.

Admiral LAUTENBACHER. Well, I abruptly discovered it in the front of the newspaper today, too.

Senator SNOWE. You, too. I'll just tell you, I think we need to—you know, this is a major issue, obviously, that affects—

Admiral LAUTENBACHER. It is a major issue.

Senator SNOWE.—now many.

Admiral LAUTENBACHER. And I don't think—

Senator SNOWE. We're living by a certain set of rules. So it's just fascinating to me that somehow it's evolving into something else. And given all the hardships that our industry has gone through, in the State of Maine—they're on the list, as you know, and we're living by that. You've been helpful in providing support for the recovery of the salmon—but this is an interesting development now, blurring the lines after all we tried to do to prove that one wouldn't affect the other. But obviously that wasn't sustained, and here we are, and Maine's industry is going through a very wrenching process, as well.

Admiral LAUTENBACHER. I don't think we should jump to the conclusion that the previous rules will be thrown out. Let me just say that off—

Senator SNOWE. But, in any event, it would apply across the country, would it not? Including Atlantic salmon, as well?

Admiral LAUTENBACHER. I think if you come up with a new way of looking at things, that it would be hard not to say it applies to—you know, to the whole system, just from a precedent point of view.

Senator CANTWELL. Madam Chairwoman?

Senator SNOWE. Senator Cantwell?

Senator CANTWELL. I share your amazement, because obviously our region has been working on this for a number of years and a variety of plans, and this will certainly throw it into turmoil and uncertainty. I'm not sure if this leaked document is an accurate reflection, but we have reports somebody says that is, and that in NOAA is going to include hatchery fish that are no more than moderately divergent from the natural population. Basically, that's what the new policy is going to say.

I am skeptical, I want to see the science on that. I want to see what the science process was, and how the scientific recommendations were treated. Madam Chair, I think you know how these kinds of things can throw a whole region into disarray. My region has been working very diligently to solve this problem, and spending significant taxpayer resources—now all of a sudden to come up with a different conclusion that is different than the science that we've had in the past is nothing short of amazing, and obviously quite disturbing. So I appreciate—

Senator SNOWE. I know, just given our history and what we did ultimately in the State of Maine making the decision in the industry to agree to it and to proceed and move forward with mitigation and being placed on the list. Given what we have experienced and endured over the last few years, it is remarkable that we're at this point discussing this, with all that we have gone through.

So we're obviously going to want many answers to many questions regarding this—from the beginning.

Admiral LAUTENBACHER. Understood. I am as equally concerned, believe me.

Senator SNOWE. OK.

Any other questions?

Senator CANTWELL. No, thank you, Madam Chair.

Senator SNOWE. Well, Admiral Lautenbacher, thank you for appearing here today, for your responsiveness. And we're looking forward to continue working with you.

This hearing is adjourned.

[Whereupon, at 11:19 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO
VICE ADMIRAL CONRAD C. LAUTENBACHER

Northeast Multispecies Fishery Management Plan

Question 1. As you know, in a matter of days Amendment 13 will take effect in the New England groundfishery. Undoubtedly, these measures will fundamentally change the economy and culture of Maine's working waterfront. Once the impacts of these regulations are experienced first-hand and fully realized, we will have to face a very difficult reality and take more action to minimize the impacts. I continue to urge NOAA to work with our fishermen, communities, and the Council to implement any possible measures for helping ease these impacts.

- On the issue of latent effort, how is catch history being linked to future fishing opportunities in Amendment 13? How is NOAA working with the Council and fishermen to better address latent effort in the future?
- The plan contains a section on the "U.S./Canada Resource Sharing Understanding" to allow limited fishing for cod, haddock, and yellowtail flounder . . . what exactly is the legal status of this "Understanding"? Is it strong enough to protect U.S. interests if challenged? If this "Understanding" falls apart for any reason, how will that affect U.S. fishing of these stocks?
- With an average of just over 50 fishing days, many fishermen will not be able to make a living. So what else is NOAA doing to understand and minimize the socio-economic impacts on fishermen and communities that could result from Amendment 13? How can Congress help NOAA achieve a better balance these impacts and other management needs?

Answer. Under Amendment 13, the fishing history of a limited access Northeast multispecies days-at-sea (DAS) vessel is linked directly to its current and future fishing opportunities. The total number of DAS that a vessel may currently fish is based upon a formula that takes into account the vessel's past DAS use and landings during the 1996 through 2001 fishing year qualification period (May 1, 1996 through April 30, 2002). In addition, Amendment 13 defines several categories of DAS (A, B, and C) that reflect the vessel's historic activity. For example, a vessel that was active during the qualification period would be allocated relatively more Category A and B DAS and less Category C DAS. A vessel that was inactive during this period would be allocated only Category C DAS. Category C DAS represent latent effort and under current rules may not be used. In contrast, Category A DAS may be used in an unrestricted manner and Category B may be used to target relatively healthy stocks under specific conditions. Framework Adjustment 40-B, currently under development by the New England Fishery Management Council (Council), proposes re-categorizing 10 Category C DAS as Category B (reserve) DAS for vessels allocated zero Category A or B DAS under Amendment 13 for use when fishing in specific Special Access Programs. As stocks rebuild, the Council could recommend the further use of Category C DAS.

The "U.S./Canada Resource Sharing Understanding" was developed to help ensure that U.S. and Canadian interests were addressed in a mutually advantageous way for stocks of fish shared by both countries. Because of the exigencies in developing a management plan for these stocks as quickly as possible, the United States and Canada decided that it would not be practicable to attempt to develop the Understanding through a more formal and time-consuming process required by U.S. law to enter into binding agreements or treaties between the two governments. By developing the Understanding, although not legally binding, NOAA Fisheries had more flexibility to address and protect, in an expedited manner, the regional interests in the stocks shared between the two countries. Although the Understanding may not be enforceable in a strict legal sense under international law, it nevertheless spells out objective criteria and principles that both countries have publicly committed themselves to follow. Because of the public status and the importance of

this Understanding to the United States and Canada, NOAA Fisheries believes that this Understanding is likely to be adhered to by both countries. In the unlikely event that Canada chooses not to adhere to the Understanding, the United States is free to change its fishing regulations to protect any U.S. fishing interests that may be jeopardized, through the Council process or by Secretarial action, as necessary.

NOAA Fisheries is working closely with the Council to develop regulations that would allow vessels opportunities to harvest stocks that are in relatively good condition, while at the same time protecting stocks that are of concern (Framework Adjustments 40-A and 40-B). In addition, NOAA Fisheries is supporting industry efforts to conduct research on new fishing methods and gear that would facilitate such harvest.

Stock Assessment Processes

Question 2. The FY 2005 budget request includes \$18.9 million to address longstanding shortfalls in fisheries science capabilities through investments in infrastructure for “five state-of-the-art stock assessments.” Is New England included among these five stock assessments? If so, which stocks will be assessed with these new stock assessments? How will these assessments differ from previous assessments?

Answer. Yes, New England is included among these five stock assessments. Through these funding enhancements, the Northeast Fisheries Science Center will continue to focus on improving quantitative fish stock assessments. The relevant actions are:

- Add program resources to implement trawl survey monitoring
- Implement trawl gear inspection and operational protocols
- Increase industry participation in survey activities
- Design more effective survey gear
- Improve biological (length-age) collections for stock assessments
- Increase observer monitoring and port sampling of the fisheries
- Improve methods in stock assessment models
- Graduate student and faculty support in fish population dynamics

In FY 2005, the Center will increase the number of age-based assessments supporting the Northeast Multispecies Fishery Management Plan, beyond the 17 stocks (out of 42) currently monitored at this level. Age-based analyses are generally considered to be preferable to analyses based on less detailed demographic information or simple catch indices. Age-based assessment models can provide short-term (1–3 years) projections of future stock recruitment and abundance.

Processing archived red hake otoliths and refinement of ageing techniques for four species of skate and dogfish will provide the essential data required in more advanced age-based stock assessments. Improvements in data collection for Atlantic mackerel and scup will be achieved through newly acquired hydroacoustic technology.

Data Collection Protocols for Stock Assessments

Question 3. Commerce’s Inspector General took a close look at the protocols that NOAA uses to inspect, calibrate, use, and maintain its stock assessment data collection equipment. They acknowledged the steps NOAA has taken and recommended that more be done. As of last November, NOAA was to have provided the IG with an “audit action plan” addressing all of the report recommendations.

- Whether through NOAA’s internal review or through the IG’s investigation, what are the key changes that NOAA is making to their sampling gear protocols? How will these changes help minimize the risk of future gear calibration mistakes?
- What is the status of the audit action plan? If it has not yet been delivered, what is the timeline for this?

Answer. Based on the Inspector General’s (IG) recommendations, the Assistant Administrator for NOAA Fisheries directed the NOAA Fisheries Science Centers to identify all scientific equipment that requires calibration and the detailed steps they will take to organize, and if necessary, develop procedures for calibrating identified gear.

A Survey Standardization Working Group (SSWG) consisting of at least two members from each Fisheries Science Center that conducts bottom trawl surveys was es-

tablished January 6, 2004. The first meeting of the group was held on January 26, 2004.

The Northeast Center, the Electronics Technician (ET) working on the fisheries research vessel (FRV) ALBATROSS N and DELAWARE IT, and the NOAA Office of Marine and Aviation Operations (OMAO) collaborated to develop more thorough protocols for the calibration of equipment. Protocols were submitted for review and adoption within OMAO on February 23, 2004. In addition, the OMAO ET consults with the vessel Chief after each cruise to identify any potential problems with wire readout, and receives a copy of the recorded measurements for each haul.

The Trawl Survey Advisory Committee has met five times (total of nine meeting days) since May 2003. At each of these meetings, the committee has discussed NEFSC bottom trawl gear and the Center has received and adhered to advice on replacement hardware and net mensuration from the committee. The committee is actively working on recommendations for bottom trawl gear to be adopted in conjunction with the new fisheries survey vessel (FSV) and is focused on generation of an initial trawl design to be tested during an October 2004 research cruise on the FRV Delaware IT.

The Assistant Administrator for Fisheries directed the Northeast Fisheries Science Center (NEFSC) to improve the checklist and specifications describing the various components of the trawl net. Personnel from NEFSC implemented improved checklists in August 2003 after consultations with commercial fishery industry members. NEFSC initiated a contract with a gear standardization group at Memorial University (Newfoundland, Canada), which is considered to be the world leader in the standardization of fishing gear. This contract outlines complete detailing of trawl gear and components used for quantitative surveys including the Yankee 36 roller net (focus of the OIG audit), the Winter flat net, and the NEFSC shrimp trawl. Memorial University staff worked with gear staff from NEFSC during November 3–10, 2003, to inspect and measure example gear at the center's gear warehouse in Pocasset, Massachusetts.

Measurements and specifications for doors are included in the gear standardization contract currently being completed by Memorial University. Deliverables from the contract will include a set of specifications for the two door types used during fishery independent surveys at the center. The center also revised operational protocols in spring 2003 to ensure that backstrap chains are considered as a unit with doors, so that measurement and replacement of chains can be thoroughly documented. In addition, the center has been proactive in initiating the procurement of door shoes to serve as replacements during the expected usage of this door type (5 years). The center is also committed to the purchase of accurate load cells required to weight doors to ensure accurate weight measurements on large trawl components (doors) and entire trawl nets.

The Northeast Center previously completed revision of procedures related to the standardization of door shoes and backstraps. Door shoes are now routinely replaced following each completed survey.

Procedures to ensure proper deployment of floats (to ensure that the float line does not become tangled with other parts of the net) were implemented beginning with the Winter 2003 survey and are ongoing. Center personnel established a more thorough inspection checklist for gear that included specific details about attachment procedures and condition of floats. Contract personnel from Memorial University completed buoyancy testing of floats in November 2003 and delivered recommendations on proposed tolerance levels for variation in buoyancy of floats. Net inspections currently being conducted by the Northeast Center include an assessment of float condition.

NOAA's audit action plan for the bottomfish trawl protocol was delivered to the IG's office on March 3, 2004. The IG concurred with the plan on March 11, 2004.

Fisheries Observer Coverage

Question 4. The FY 2005 budget request presents conflicting information about court-ordered observer coverage for Amendment 13—the narrative describes how \$5.5 million is requested for these observers, but the line item for this appears to be zeroed out. As you know, the court requires 10 percent observer coverage to monitor New England groundfish bycatch.

- Could you please clarify exactly how much NOAA will spend on observers? What percent coverage would that achieve?
- The FY 2004 request included an increase of \$3 million for expanding fishery observer coverage in the Northeast. What fisheries will these observers address? Will the herring fishery be included? If so, at what level of coverage?

Answer. In FY 2005, NOAA Fisheries is requesting \$9.5M for Observers-Fishery Observers, of which \$5.5M is for New England groundfish observers. As in our FY 2004 budget request, we are including the funds for New England groundfish observers in the Observers-Fishery Observers rather than in a separate court-ordered observers line. The \$5.5M allows for 5 percent observer coverage. The U.S. District Court ordered that “. . . NMFS shall provide 10 percent observer coverage for all gear sectors, unless it can establish by the most reliable and current scientific information available that such increase is not necessary . . .” Based on an analysis of the relative precision of discard estimates using observer coverage and landings data for 17 groundfish stocks, NOAA Fisheries determined that 5 percent will provide sufficiently robust statistical data for assessment of the catch, bycatch, and discards of the New England multi-species groundfish fishery. NOAA informed the court that 5 percent coverage is sufficient to meet the court requirements. For FY 2004, funds are being spent on achieving 10 percent coverage of the fishery due to direction in the FY 2004 Appropriation.

In FY 2004, NOAA Fisheries received \$9.4M for funding of NE Groundfish Court-Ordered Observer Coverage. These funds were used to deploy observers in the following fisheries:

- New England Large Mesh Otter Trawl (gadoids, flatfish, monkfish)
- New England Small Mesh Otter Trawl (gadoids, herring, small pelagics, dogfish)
- New England Gillnet (gadoids, flatfish, dogfish)
- Georges Bank Scallop Dredge (including groundfish closed areas)
- Gulf of Maine Shrimp Trawl
- New England Demersal Longline (gadoids, dogfish)
- New England/Mid-Atlantic Midwater Trawl (herring, mackerel)
- New England/Mid-Atlantic Pair Trawl (herring, mackerel)
- New England/Mid-Atlantic Purse Seine (herring)

NOAA Fisheries allocated approximately 300 days of at sea in FY 2004 to herring trawl fisheries in the Gulf of Maine out of the NE Groundfish observers line item. This should provide 15–20 percent coverage of this fishery.

Offshore Aquaculture

Question 5. The budget request includes \$1.6 million for marine aquaculture activities. In previous years this account has been much higher (*e.g.*, in FY01, \$8.4 million was appropriated for NOAA aquaculture), but after zero funding enacted in FY03 and \$765,000 enacted in FY04, this program is making a rebound.

I’m aware that NMFS has been re-examining their aquaculture program and looking at ways to create new growth opportunities in offshore Federal waters. Similarly, the U.S. Ocean Commission addressed the need to further define how these operations would be regulated.

- What is the status of NOAA’s draft bill on offshore aquaculture? What is the timeline for delivering it to Congress? I urge you to try and complete all clearances as soon as possible, so that we can give this issue early and proper attention in a comprehensive ocean management system.
- What can you tell us about NOAA’s draft bill? Specifically, what role would the Councils have? How would the regulatory process work in this approach? To what extent does it align with the Ocean Commission’s recommendations?

Answer. NOAA is currently considering the best approach to take in developing aquaculture, including a possible permit system for aquaculture operations in the Exclusive Economic Zone and environmental standards if existing standards, promulgated by other agencies, are deemed to be insufficient. Recommendations of the U.S. Commission on Ocean Policy will be taken into account in determining the Administration’s approach to aquaculture. In the event the Administration proposes legislation, NOAA expects, and will welcome, public debate with respect to the regulatory process, the role of the Councils, and other details of implementation.

Salmon Restoration

Question 6. Again for FY 2005, NOAA requests \$5.027 million for Atlantic salmon recovery activities, indicating basically level funding for salmon recovery. Salmon restoration professionals in Maine believe that much more money is needed, for both state and Federal research as well as Endangered Species Act compliance and the National Academy of Sciences report clearly called for a range of new and expanded efforts.

Because of the great need to provide Federal support for this federally-listed endangered species, I am *very grateful* for your cooperation in providing \$30,000 for community outreach activities of the Penobscot River Restoration Program. This program holds great promise to make substantial advances in salmon habitat restoration, yet it continues to need funding—on the order of \$25 million dollars over the next few years.

- Based on my discussions with salmon managers in Maine, there appears to be a chronic state of confusion about how much of NOAA's salmon budget is supposed to go to the State of Maine for their recovery plan and efforts. Specifically, how much from each Atlantic salmon line item will go to Maine? How much has been forwarded to Maine in the FY04 enacted funding?
- Ideally, considering the current status of Atlantic salmon and the range of restoration, research, and compliance activities that need to occur, what would be a reasonable estimate of the true Atlantic salmon funding needs? Is funding limitation a true limiting factor to recovery, or do you think these fish are doomed, regardless of how much is spent?

Answer. Of the \$5.027M NOAA requested for Atlantic salmon in the FY 2005 budget request, \$1,500K is for Maine Atlantic salmon recovery efforts—an increase of \$313K over the FY 2004 enacted level. In FY 2004 NOAA awarded \$1,146K of the enacted \$1,187K to the Maine Atlantic Salmon Commission to carry out cooperative research on Atlantic salmon as part of the federal/state efforts to protect and recover this critically endangered species. This is the funding contained in the line item Protected Species Management State of Maine Salmon Recovery.

The draft recovery plan for the Gulf of Maine Distinct Population Segment of Atlantic salmon includes a total estimated minimum cost of recovery for actions from year 1 to year 3 at \$33.2M for all federal, state, and local agencies. The plan also includes a comprehensive list of the actions associated with these cost estimates.

Ongoing research is identifying factors limiting recovery and pointing to management actions that can address those factors. One example is the research finding that smolts leaving the Dennys River were not well suited to make the transition to salt water. The experimental liming project being planned for that river has the potential to mitigate water quality conditions and send many more smolts successfully out of the system with the goal of realizing more adult returns. These and other actions provide promise that with our ongoing research and adaptive management, we can identify and correct factors limiting salmon productivity and therefore successfully recover the species.

The cost estimate identified above includes recovery actions for the listed species. The Penobscot River Restoration Project, which you mention, has the potential for significant benefits to Atlantic salmon and other sea run species in Maine. However, the substantial costs associated with this project are not included in the cost estimate identified above.

Lobster Sea Sampling

Question 7. For the first time in recent memory, the FY 2005 budget request zeroes out the lobster sea sampling line item. This item, recently funded near only \$150,000, does not make a large dent in the NOAA budget, but it does provide a tremendous return in valuable data and information for management. While 80 percent of the lobster fishery occurs in state waters, coordinated sampling of the lobster population is a key element of science-based management for this regional fishery.

- Is this decision to cut funding based on the fact that this is mostly a state-run fishery? Does this mean that it is not a NOAA priority? If so, isn't this a case of allowing marine science to be dictated by political boundaries and not ecosystem factors?
- How important are lobster populations in the overall functioning of the Gulf of Maine ecosystem? Shouldn't lobster sea sampling data get incorporated into marine ecosystem models?
- What are NOAA's plans for reinstating this funding?

Answer. NOAA recognizes that the American lobster supports the most valuable commercial fishery in the Northeast United States. Evidence indicates that lobsters in the Gulf of Maine constitute the largest in economic importance of three primary stock units along the Atlantic coast. The lobster resource is one of ecological importance (in terms of food web dynamics and as an indicator of environmental health) in the nearshore and offshore portions of the Gulf of Maine ecosystem.

Still, due to the current tight budget constraints, the "Lobster Sampling" line item was not included in the President's budget. In FY 2005, a number of similar items

were also proposed for reduced or no funding in order to ensure that the agency's highest priorities are funded.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO
VICE ADMIRAL CONRAD C. LAUTENBACHER

Coastal Management

Question 1. Currently 52 percent of all Americans live in coastal watershed areas. This number is expected to increase to 75 percent by the year 2025. In addition, over half of the Nation's GDP, \$4.5 trillion, is generated in our coastal areas. With figures such as these, it is obvious that we as a nation must improve management of our coastal zones, however the Administration's budget request proposes decreasing Coastal Zone Management grants by \$3 million.

- At a time when our coasts are experiencing a continuing increase in growth and development, do you feel that these cuts are appropriate?
- The U.S. Commission on Ocean Policy recommends strengthening the Coastal Zone Management Act and increasing funding in order to adequately achieve the goals of the Act. What is the Administration's response to this recommendation? Do you feel that the goals of the CZMA can be achieved with reduced funding for Coastal Zone Management grants?

Answer. NOAA, like all Federal agencies, has limits on its ability to dedicate resources across all of its mission areas. In times of limited growth for discretionary government spending, we must often make difficult choices concerning the allocation of those resources. The reduction to Coastal Zone Management grants represents less than a 5 percent decrease from the FY 2004 appropriated level and less than 7 percent from the FY 2004 President's Request. NOAA believes the reduction will have only a small impact on any individual state when spread across the 34 participating state programs.

In the spring of 2003, OMB reviewed the CZMA programs as block/formula grants using its Program Assessment and Rating Tool. OMB found that the Coastal Management Program has been effective in achieving participation from coastal states, but also concluded that the program lacks the long-term and annual performance measures needed to demonstrate that the program has been effective. In response to those findings, the CZM Program was directed to complete the development of outcome oriented performance measures. This task is currently underway. In addition, some funding was redirected toward programs which can better demonstrate progress.

The Administration is currently developing its response to the U.S. Commission on Ocean Policy. NOAA is participating in discussions with the OMB and the Council on Environmental Quality regarding the Administration's response to recommendations related to the Coastal Zone Management Act.

Question 2. The draft report from the U.S. Commission on Ocean Policy also highlights the "significant challenge" posed by nonpoint source pollution. Despite the existing problems associated with nonpoint source pollution, funding for NOAA's Coastal Nonpoint Pollution Control Programs has been completely eliminated in the FY 2005 budget request.

- Why has this program been zeroed out?
- What is the agency's view on S. 218, the CZMA reauthorization bill, which would enhance states' abilities to address coastal development and polluted runoff? Does the agency have any suggested improvements?

Answer. In times of limited growth for discretionary government spending, the Administration often has to make difficult choices concerning the allocation of these resources. Other Federal agencies, especially the U.S. Environmental Protection Agency and U.S. Department of Agriculture, invest heavily in polluted runoff programs. In addition, states can continue to rely on other sources of financial and technical assistance from NOAA, including funding from section 306 of the Coastal Zone Management Act as well as management tools and scientific research developed and disseminated by NOAA regarding the sources, impacts, and management of polluted runoff.

States and territories have largely completed comprehensive plans to address land-based sources of runoff from agriculture, forest harvesting, urban construction and development, marina activities, and modifications of natural drainage patterns. NOAA believes that its role in nonpoint pollution control continues to be important and beneficial, and will continue to work with state partners and other Federal

agencies to best leverage limited resources to address nonpoint pollution. NOAA is requesting funds in other areas to support science, education, and assistance efforts to improve the understanding and management of nonpoint source pollution, and states may also choose to support implementation activities through their Coastal Zone Management grants. NOAA is confident that existing and incrementally improved state coastal nonpoint programs will yield coastal water quality benefits.

Given the inextricable link between coastal development, especially the expanding built environments in coastal watersheds, and polluted runoff, NOAA generally supports the intent of the language in S. 218 that provides greater emphasis on community planning efforts to address growth issues in a sustainable manner and allows for the expenditure of CZMA funds to coordinate and implement existing State coastal nonpoint programs. NOAA believes it will be critical to clarify and strengthen the role of State coastal programs (*i.e.*, the CZMA's role) in addressing land-based sources of pollution on a watershed-basis by improving the ability of coastal States to effectively plan for and manage coastal development and to conserve coastal areas that have significant ecological, recreational or other values.

A coordinated approach to managing and guiding coastal conservation and development is needed to accommodate growth while protecting ecologically and functionally important habitats. NOAA thus supports amendments to the CZMA that enable protection of the most critical coastal resources and target growth and redevelopment to appropriate areas within coastal watersheds.

Question 3. In FY 2004, Congress appropriated \$33.8 million for the National Estuarine Research Reserves System (NERRS) Land Acquisition and Construction account, however the Administration proposes to decrease this amount by \$26.5 million in the FY 2005 budget, leaving only \$7.25 million. The states have recommended funding of at least \$15 million for this account, and \$60 million for a national coastal land acquisition program such as under the Coastal and Estuarine Land Conservation Program created by Congress.

According to the Ocean Commission, a dedicated land conservation program for coastal areas and estuaries is an important tool for preserving coastal health, and such a program should be authorized and funded through amendment of the CZMA.

In light of this recommendation, why is the Administration proposing such a low level of funding for the NERRS Land Acquisition and Construction account?

Answer. The Administration's Request for the NERRS Land Acquisition and Construction account will permit several high priority construction and land acquisition projects to be completed. In times of limited growth for discretionary government spending, we must make difficult choices concerning the allocation of those resources.

Oceans and Human Health

Question 4. The U.S. Commission on Ocean Policy dedicated an entire chapter of its preliminary report to the topic of oceans and human health, highlighting both the benefits from products developed from marine organisms, and the negative health risks posed by marine microorganisms. The Commission recommended the establishment and funding of a national Oceans and Human Health Initiative. I introduced this legislation along with Senators Stevens and Inouye, and it has passed the Senate and been referred to the House. However, despite the attention given to it by both Congress and the Commission on Ocean Policy, the Administration has proposed no funding for the Oceans and Human Health Initiative in the FY 2005 budget request. The Oceans and Human Health Initiative was funded at approximately \$10 million in FY 2004. Why has the Administration requested no money for this initiative in the FY 2005 budget?

Answer. Under NOAA's Ecosystems Mission Goal, NOAA has already been supporting activities related to oceans and health applications (*e.g.*, harmful algae blooms). NOAA does appreciate continued support for our current programs related to human health and the oceans.

With FY03 and FY04 funding, the Oceans and Human Health Initiative (OHHI) has established external and internal peer-reviewed grants programs, distinguished scholars and traineeship programs, education and outreach activities, and three recently established NOAA OHHI Centers of Excellence in Seattle, WA, Charleston, SC, and Ann Arbor, MI, with much of their funding going to external partners. The Centers are focusing on issues of beach safety and water quality, seafood quality, coastal pollution, marine genomics, and marine toxins and pathogens.

Question 5. Are you aware that this country suffers economic losses of close to \$100 million a year due to marine toxins resulting from harmful algal blooms? In light of this statistic, do you feel it is appropriate to leave the Oceans and Human Health Initiative unfunded, and other coastal ocean science programs, including the Sea Grant Program, at low or under funded levels?

Answer. Harmful algal blooms (HABs) are indeed a costly and pervasive problem in our Nation's coastal waters. HABs produce toxins that contaminate shellfish, disrupt ecosystems, cause fish and marine mammal mortalities, and have resulted in significant economic losses. Virtually every coastal state has reported major harmful algal blooms. NOAA intends to continue its research into the causes and effects of HABs, and is requesting a total of \$8.9M specifically for Harmful Algal Bloom and *Pfiesteria* research in FY 2005. In addition to these activities NOAA CoastWatch provides near real time satellite ocean remote sensing support to the NOAA HAB forecast system. With respect to data management of HAB data, NOAA is developing a pilot project in the Gulf of Mexico with the NOAA National Coastal Data Development Center, EPA Gulf of Mexico Program Office, National Association of Marine Laboratories, Naval Meteorology and Oceanography Command, and the U.S. Coastal Global Ocean Observing System Office to implement an end-to-end system from observations, through products, to archive at the National Oceanographic Data Center.

The direct and indirect impact of marine toxins related to harmful algal blooms on human health is one of the areas covered by the Oceans and Human Health Initiative. The three recently established NOAA OHHI Centers of Excellence will conduct, among other things, research on various human health aspects of, and prediction of, freshwater and marine toxins related to harmful algal blooms. Marine toxins are also addressed through the OHHI peer-reviewed grants program, and the Distinguished Scholars program.

The interaction between oceans and human health is recognized as an important area of research within NOAA. NOAA's National Centers for Coastal Ocean Science (NCCOS) has a long history of work in areas covered within the Oceans and Human Health Initiative, such as harmful algal blooms, marine toxins and pathogens, chemical contaminants, seafood safety, beach and shellfish bed closings, and other coastal public health issues. In addition, NOAA scientists have experience working with marine organisms as sentinel species and for biomedical research. The recent construction of the Hollings Marine Laboratory—a multi-institutional, multi-disciplinary facility providing science and biotechnology applications to sustain, protect, and restore coastal ecosystems, emphasizing linkages between the marine environment and human health—provides NOAA scientists and associated researchers with state of the art equipment to conduct this type of research. NOAA's FY 2005 request maintains funding for the Hollings Marine Lab and other NCCOS Centers to continue this important work. The FY 2005 request would also provide \$8.7M for the Coastal Ocean Program. The Coastal Ocean Program is highly regarded in the research community, and has a reputation for supporting high-quality scientific research, which delivers information to assist decision makers in meeting the challenges of managing our Nation's coastal resources.

NASA's Earth Observing Satellites

Question 6. The National Research Council, in its 2002 Assessment of the Usefulness and Availability of NASA's Earth and Space Science Mission Data, noted one problem with NASA's satellite programs—NASA budgets for development, launch, and short mission life but not continued operations. On the other hand, Earth Science Data becomes more scientifically useful as it is taken over a longer period (so that scientists can see often slow changes or trends).

The Ocean Commission recommended that "Congress should transfer National Aeronautics and Space Administration's (NASA's) Earth environmental observing satellites, along with associated resources, to the National Oceanic and Atmospheric Administration (NOAA) to achieve continued operations. NOAA and NASA should work together to ensure the smooth transition of each Earth environmental observing satellite after its launch."

Do you agree with this recommendation? Would we benefit scientifically and operationally from having NASA's earth science programs integrated within NOAA?

Answer. The Administration is currently reviewing the Ocean Commission Report, including recommendation 26–8. The National Aeronautics and Space Administration (NASA) provides critical research and development in support of NOAA's role as the Nation's civil operational environmental satellite agency. NOAA and NASA have been working on transitioning select NASA research missions into operations at NOAA, and will continue to explore opportunities to improve the transition process.

Ocean Exploration and Research

Question 7. According to the Ocean Commission, about 95 percent of the ocean floor remains unexplored. Past exploration has dramatically increased our knowledge about the rich deep-sea ecosystems in an area we once thought was void of

all life. However, the Administration has proposed *decreasing* the budget for ocean exploration by \$3.1 million from the FY04 level of \$13.1 million. You have also proposed reducing funding for the National Undersea Research Program by \$6 million from the current level of \$16.8 million. I find these proposed decreases extremely surprising given that the Ocean Commission has recommended funding of \$110 million for ocean exploration in its preliminary report. Why is the Administration proposing to decrease the exploration budget when current levels are already far less than what the Ocean Commission says is needed?

Answer. The President's FY 2005 budget includes some reductions to fund higher priority initiatives in the NOAA budget, and we believe that we can still operate a productive program at the levels provided in the President's FY 2005 request. Some funds that were formerly allocated to Ocean Exploration (OE) and NOAA's Undersea Research Program (NURP) are being directed toward ocean observing, which also leads to ocean discovery and a greater understanding of our oceans.

The request represents only an 8 percent reduction to the NURP ongoing program and a 13 percent reduction to the OE ongoing program. The request does not include congressionally directed funding for NURP National Institute for Undersea Science and Technology (NIUST), OE Smithsonian East Wing Oceans Exhibit, or OE submersible microtechnology research.

Through the President's FY 2005 Budget, NOAA clearly embraces the value of exploration and research in the oceans by the inclusion of OE and NURP. NOAA is currently the only Federal agency to explicitly support programs dedicated to the exploration of the oceans and to providing scientists with access to advanced underwater technologies (*e.g.*, human occupied submarines, autonomous and remotely operated underwater vehicles, advanced diving techniques, and the Aquarius—the world's only undersea laboratory) for research directed at NOAA's stewardship responsibilities.

Question 8. Do you feel that the proposed funding level for ocean exploration will give NOAA the resources it needs to establish a coordinated ocean exploration program and develop new technology?

Answer. We are enhancing the value and the amount of science that our ocean science dollars generate by leveraging funding with other programs inside NOAA. Through our participation in the National Ocean Partnership Program, we are working with other Federal agencies, such as the National Science Foundation and the Office of Naval Research to leverage funding outside the agency.

NOAA will sustain its role of leadership in exploration in the coming years. Our program was operated in the first three years as a demonstration of what potential there was in making such scientific investments, many of them high risk. Those risks have paid off and we see the value, nationally, in the fruits of exploration (*e.g.*, new species discovered, 50,000 miles mapped). We are now aligning the program along a course that we will be taking in the coming years that involves mapping the multiple aspects of the ocean floor and habitat and examining what these new maps reveal at finer scales. We shall continue to engage the academic community in the planning and participation of exploration activities. We also use the NOAA Exploration program to promote the excitement and discovery of oceans in our education and outreach activities.

Ocean Education

Question 9. The Ocean Commission's preliminary report has a strong emphasis on education, and many of its recommendations relate to efforts which can be undertaken by NOAA. In fact, ocean education is part of NOAA's mission. If NOAA is to take the lead on ocean education, it would seem that one could expect NOAA to support its high-profile and long-standing education programs. However the FY 2005 budget proposes eliminating all funding for Dr. Ballard's JASON Project, which had previously been funded at \$2.5 million, and also proposes a decrease in funding for the National Sea Grant College Program, even though the Ocean Commission stated that Sea Grant's current level of funding, just over \$60 million, is inadequate to meet its ocean education goals considering only 5 percent of the program's budget goes towards education. Admiral, given your funding priorities, it appears that you do not believe NOAA should not be taking the lead on ocean education in the US. Is that the case? Please explain.

Answer. During my tenure at NOAA, I have made significant strides to affirm our commitment to education as NOAA priority. NOAA has been a leader in this area for many years through the National Marine Sanctuary Program, the National Estuarine Research Reserves, the National Sea Grant College program and the Teacher at Sea program. More recently, NOAA has brought ocean education to students and teachers through NOAA's Office of Ocean Exploration. To ensure coordination and leadership across the Agency, NOAA created an Office of Education and Sus-

tainable Development and a NOAA Education Council comprised of representatives from major educational programs in the Agency. Together, the Office and Council lead NOAA's efforts to improve environmental literacy through education.

NOAA's currently spends approximately \$32 million to support formal and informal education activities related to NOAA sciences. This estimate captures the major NOAA program components, such as the National Marine Sanctuary Program, the National Estuarine Research Reserves, the National Sea Grant College program, the Teacher at Sea program, the Office of Ocean Exploration, the Education Partnership Program for Minority Serving Institutions, and the Office of Education and Sustainable Development. Additional education-related resources are provided through research grants and fellowship opportunities that support student of higher education.

NOAA remains committed to its strong and growing partnership with colleges and universities around the country. All NOAA Line Offices participate in partnerships such as Cooperative Institutes and collocation of NOAA offices and programs at universities. Through these collaborations, we are able to incorporate current university science and technology into NOAA research and operations.

Like all Federal agencies, NOAA has limits on its ability to dedicate resources across all of its mission areas. In times of limited growth for discretionary government spending, we must often make difficult choices concerning the allocation of those resources.

Question 10. The Ocean Commission has stated that continuing annual costs for ocean education should total close to \$250 million. Do you feel that this estimate is in the right ballpark?

Answer. With the release of the final report on September 20, the Commission revised its estimate of continuing annual costs for ocean education to \$136 million across Federal agencies. The recommendations of the Ocean Commission are being carefully studied by the Administration, and assessments of funding for specific efforts, such as education, will follow.

Marine Mammals and Protected Resources

Question 11. I find the decrease in funding for certain species and programs alarming. It seems that the FY 2005 budget request would decrease funding for Hawaiian Sea Turtles by \$4 million. Similarly, funding for Steller Sea Lions has been decreased by nearly \$6 million. Where the funding request would decrease funding from FY 2004 enacted levels for specific species and programs please provide a detailed explanation of the rationale for those decreases.

Answer. The President's FY 2005 budget request represents a balanced and prioritized look at the needs of the entire protected species program. We have identified eight program areas where the FY 2005 President's budget request is below the FY 2004 appropriated level. These programs include Right whales, Hawaiian sea turtles, Steller Sea Lions, Alaska Harbor seals, Bottlenose Dolphin research, NFWF species management (National Fish and Wildlife Foundation), California Sea Lions, and North Pacific Southern Resident Orca. The requested level of funding for these program areas ensures a continued commitment to the conservation and management of protected species. Considering the current tight budget constraints, the requested amounts will allow NOAA to focus on the most critical information and management needs.

Question 12. One of the most alarming proposed budget cuts for this office is the amount of funding for Right Whales. The North Atlantic Right Whale is one of the two most endangered marine mammal species in U.S. waters. Only a single population of 300 remain, and these animals are under constant threats from ship strikes and gear entanglement. Recently national news focused on Kingfisher, a 1-year old Right Whale who became entangled in fishing gear off the coast of South Carolina. Given the significantly low population numbers of Right Whales and the recent public attention raised by Kingfisher, why is the Administration proposing to decrease funding for Right Whales to only \$5.8 million? This is less than half of the FY 2004 enacted level of \$12 million!

Answer. You are correct that the two human-caused sources of mortality to right whales—ship strikes and interactions with fishing gear—must be reduced in order to recover the species. We have identified and implemented some management measures to address both of these threats. The search for additional solutions is ongoing.

The Administration's request of \$5.85M for right whales does represent a significant program for the conservation of right whales. Considering the current tight budget constraints, the requested level of funding will allow NOAA to focus on the development and implementation of the most critical gear and vessel interaction measures.

Question 13. Please explain what funding is being requested for the marine mammal stranding and ocean health program, and the basis for the cuts in this program, particularly when the importance of such ocean health programs has been recognized by the Ocean Commission.

Answer. NOAA recognizes the importance of the marine mammal health and stranding response program and has requested level funding for the program in FY 2005. Funding for the marine mammal health and stranding response program is derived from several budget lines including the Protected Resources Research and Management Services Science and Technology base (\$680K), Marine Mammal Protection—Base (\$250K), Endangered Species Act—Other Species (\$800K), and Marine Mammal Strandings (Prescott grants) (\$4,000K). Funding at the requested level would not represent a cut to the program.

Question 14. The Office of Protected Resources has been falling behind in many of its core areas. Recovery and conservation plans have not been timely produced, permitting for takings of marine mammals has dragged nearly to a halt, the process for take reduction teams in many areas is not producing effective results, and stock assessments are not being carried out as required by law. Please explain the staffing and resource allocations for these core areas, the levels for each in the FY 2005 request, and whether the request is an increase or decrease compared with FY 2004 levels.

Answer. The Protected Species program is making progress in addressing the issues of recovery planning, permits, take reduction planning, and stock assessments. The program has completed guidance for recovery planners, and is in the process of developing and revising several plans. The draft Atlantic salmon recovery plan has been released for public review and Pacific salmon recovery plans are nearing completion with several drafts expected in FY 2005. The program expended approximately \$15.1M on recovery planning and implementation in FY 2004, with significant effort devoted to completion of sub-basin plans for Pacific salmon, completion of the draft Atlantic salmon plan, and continued work on completion of the Hawaiian Monk Seal, Steller Sea Lion, North Atlantic Right whale, Kemp's ridley sea turtle, and Atlantic Loggerhead sea turtle recovery plans. The President's FY 2005 budget request contains an increase of \$1M specifically for recovery planning.

Improvements are being made to the process for obtaining marine mammal and ESA permits, especially in regards to National Environmental Policy Act (NEPA) analysis. The President's FY 2005 request contains a \$5M increase for NEPA activities, \$2M of which would be used to complete NEPA analyses needed to continue streamlining the MMPA and ESA permitting process. The program expended approximately \$3.4M on permitting activities in FY 2004.

The Protected Species program has suffered delays in completing take reduction plans for marine mammals, largely due to lack of adequate information. While the program did experience cuts to marine mammal funding in FY 2004, we were still able to fund surveys that will be critical to completing take reduction planning efforts for Atlantic offshore cetaceans. However, without funding at the FY 2005 requested level, the program will be significantly impaired, leading to additional delays in completing required stock assessments and take reduction planning efforts.

Funding in FY 2005 for take reduction planning efforts and marine mammal stock assessments will be provided from three areas: Protected Resources Science and Technology Base funding, Marine Mammal Protection base funding, and Protected Species Stock Assessments and Mortality estimation. The Protected Resources Stock Assessments and Mortality Estimation funding line is a new item and contains a \$1M increase specifically for stock assessments. The Marine Mammal Protection base funding and Protected Species Science and Technology base funding were funded at \$16.1M in FY 2003, \$12.4M in FY 2004, and are requested to be funded at \$19.0M in FY 2005. However, not all of the funding in these two lines is used for stock surveys and assessments.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
VICE ADMIRAL CONRAD C. LAUTENBACHER

NOAA Fisheries Pacific Islands Region

Question 1. On April 21, 2003, just over one year ago, NOAA designated the Pacific Islands Region (PIR). Although the PIR has been in existence for over a year, it still does not have a Regional Administrator, dedicated General Counsel, or many other critical positions needed to administer the region. The failure to fill these critical positions calls into question NOAA's commitment to establishing the PIR as a true, fishery region within the National Marine Fisheries Service (NOAA Fisheries) on equal footing with its peers.

Moreover, a statement made by Dr. Bill Hogarth, director of NOAA Fisheries, in a Department of Commerce press release announcing the establishment of the PIR, casts further doubt on NOAA's commitment to the PIR: "We will have senior NOAA Fisheries leadership directing our scientific research and management of the living marine resources in the Western Pacific. This will ensure that the field structure is aligned to accurately and effectively reflect the needs of the agency's constituencies as well as provide needed conservation and management programs in this area."

Finally, the President's Fiscal Year 2005 budget request for the PIR falls disappointingly short of my own analysis of my constituents' needs. These three factors—the failure in staffing, NOAA's stated intention to manage the PIR from national headquarters, and the budgeting shortfall-raise grave doubts as to the future of the PIR.

- What long-term budget adjustments does NOAA plan to ensure that the PIR will have the same financial support that its sister regions enjoy?
- How long does NOAA intend to "have senior NOAA Fisheries leadership directing" the PIR? What is the justification for having the regional needs of Hawaii's constituencies met by policy-makers over 5000 miles away, with no day-to-day accountability to the people they will be affecting?
- When will the PIR enjoy staffing levels commensurate with its status of a fisheries region, including its full complement of administrators, financial experts, and legal counsel?

Answer. NOAA is committed to providing the necessary financial support to the Pacific Islands Region (PIR). The PIR and Pacific Islands Science Center (PISC) have been established as separate financial management centers within NOAA Fisheries with their own budgets. Priority is being placed in the out years budget planning process to ensure the PIR has the resources to carry out its mission responsibilities consistent with the other Fisheries regions.

Leadership is being provided directly on-site in Hawaii and no longer is being directed from afar. Both the PIR and PISC have all senior managers in place and have authority over their respective organizations just like the other five Fisheries regions and science centers. Both the PIR and PISC are headed by Senior Executive Service directors and have a full complement of GS-15 (Pay Band V) Deputies and Division Chiefs (same as the other Fisheries Regions and Science Centers).

Progress has been made to fully staff the PIR and PISC with administrators, financial experts, and legal counsel. Staff is in place to allow the PIR and PISC to conduct and manage their own operations. The requirements of staffing to meet mission are addressed annually based on appropriation level and annually during the budget formulation process for future years.

NOAA Collaboration with the Extra-Mural Research Community

Question 2. NOAA has a long, successful history of collaboration with the extra-mural research community through such endeavors as the National Undersea Research Program, Joint Research Institutes, Sea Grant, Regional Integrated Sciences and Assessments (RISA), and other such programs under the Office of Global Programs, which have lead to significant scientific advances in such areas as climate and global change, physical oceanography, and fisheries oceanography. In Hawaii, we are particularly proud of the long-standing, close collaboration between the University of Hawaii and NOAA researchers through the Joint Institute for Marine and Atmospheric Research (JIMAR) and Sea Grant. We are also excited to have become a part of the RISA program through the East-West Center. How are collaborative efforts through Joint Research Institutes, Sea Grant, and RISAs accounted for in NOAA's new strategic plan? Overall trends throughout the Administration's budget request show funding reductions across the board for such collaborative efforts. What is the President's position on the value of programs that promote federal-academic collaborative efforts through joint and cooperative institutes. If the Adminis-

tration no longer sees a need for close collaboration with the academic community, what plans does it have to replace the expertise, know-how, and facilities that academic partners bring to the table? Finally, please describe NOAA's 'in-house' capacity to conduct cutting-edge research without close collaboration with the academic community?

Answer. NOAA is supportive of external-NOAA partnerships, and believes that harnessing the intellectual capabilities of the external community is fundamental to achieving its missions. NOAA strives to engage in effective and productive partnerships, and regards close collaboration with the academic community as essential to conducting cutting-edge research. However, the NOAA Research Review Report pointed out that NOAA could do a better job of documenting the role of extramural research in its budget submission to the Department of Commerce, the Office of Management and Budget, and to Congress. The report said that NOAA also should highlight the role of extramural research in its key documents, such as the NOAA Strategic Plan and new Five-Year Research Plan.

NOAA's FY 2005 to FY 2010 draft Strategic Plan is currently out for public review. The draft plan includes language on partnerships and considers collaborative efforts valuable. For example, an Organizational Excellence and Mission Support Goal in the draft plan states: "increase number of facilities with improved collocation of NOAA services and partners." The draft plan also states that to ensure sound, state-of-the-art research, NOAA will, "remain committed to our external partners and will leverage their abilities to assist us in meeting our research goals and in educating the next generation of scientists."

NOAA's Five-Year Research Plan draft, FY 2005 to FY 2009, is also out for public review. The Research Plan states, "Partnerships are essential to maximize resources, advance research, and address complex problems." The Plan recognizes collaborative efforts through Joint Research Institutes, Sea Grant, and RISAs. Language from the Plan states:

"NOAA is committed to maintaining a strong relationship with the external research community by expending a significant portion of our research funding outside NOAA. In addition to supporting individual scientists who respond to specific announcements of opportunity, NOAA funding supports research at Joint and Cooperative Research Institutes, and at various academic and other institutions through the National Sea Grant Program and National Undersea Research Program. In particular, NOAA's Joint and Cooperative Institutes-academic institutions that participate in a large portion of NOAA's research-play a vital role in enhancing our current weather and climate prediction capabilities; they also play an essential role in broadening NOAA's ability to provide an expanding array of environmental assessment and predictions and to address regional forecasting needs."

Question 3. Due to the isolated nature of the Insular Pacific, these programs provide one of the critical mechanisms for collaboration with external scientific communities. Please provide a breakdown of funding for each program specific to the Insular Pacific for Fiscal Years 2000 through 2005.

Answer. Please see accompanying Microsoft Excel spreadsheet.

Question 4. Please provide a breakdown of funding for NOAA programs, both internal and external for programs specific to the Insular Pacific (defined as American Samoa, Guam, Northern Marianas, Republic of the Northern Marianas, the Federated States of Micronesia and Palau) from FY 2000 to FY 2005.

Answer. (see table)

Funding for NOAA Programs in the Insular Pacific

[in millions]

NOAA Line Office	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
<i>National Ocean Service</i>						
National Water Level Program	0.000	0.000	0.000	0.000	0.000	0.200
Coral Reef Conservation Program	0.300	3.600	5.200	3.400	3.900	3.400
Marine Protected Areas	0.000	0.000	0.000	0.000	0.000	0.100
Marine Sanctuaries Program	0.300	0.400	0.300	0.500	0.400	0.400
<i>Subtotal: National Ocean Service</i>	<i>0.600</i>	<i>4.000</i>	<i>5.500</i>	<i>3.900</i>	<i>4.300</i>	<i>4.100</i>
<i>National Marine Fisheries Service</i>						
NMFS Pacific Islands Region	0.800	0.900	0.700	1.200	1.100	1.300
NMFS Pacific Islands Center	0.035	0.012	0.018	0.019	0.024	0.025
<i>Subtotal: National Marine Fisheries Service</i>	<i>0.835</i>	<i>0.912</i>	<i>0.718</i>	<i>1.219</i>	<i>1.124</i>	<i>1.325</i>
<i>Office of Oceanic and Atmospheric Research¹</i>						
Sea Grant	0.326	0.222	0.263	0.366	0.259	TBD
JIMAR	0.000	0.000	0.000	0.746	0.346	TBD
OGP/RISA	0.295	0.005	0.126	0.284	0.176	0.190
CMDL	0.425	0.425	0.425	0.585	1.075	TBD
<i>Subtotal: Office of Oceanic and Atmospheric Research</i>	<i>1.046</i>	<i>0.652</i>	<i>0.814</i>	<i>1.981</i>	<i>1.856</i>	<i>0.190</i>
<i>National Weather Service</i>						
WFO Guam and CNMI	2.509	2.513	2.621	2.831	3.096	3.079
WFO American Samoa	0.750	1.000	1.357	1.700	1.320	1.000
FS Micronesia, Rep. Marshall Is, and Rep of Palau ²	0.000	0.000	0.000	0.000	3.512	3.512
<i>Subtotal: National Weather Service</i>	<i>3.259</i>	<i>3.513</i>	<i>3.978</i>	<i>4.531</i>	<i>7.928</i>	<i>7.591</i>
<i>National Environmental Satellite Data and Information Service</i>	<i>0.000</i>	<i>0.000</i>	<i>0.000</i>	<i>0.000</i>	<i>0.000</i>	<i>0.000</i>
<i>NOAA Marine and Aviation Operations</i>						
KAIMIMONANA	1.800	2.100	2.000	1.700	1.800	2.000
OSCAR SETTE	0.000	0.000	0.000	2.100	1.800	1.900
CROMWELL	1.500	1.500	1.500	0.000	0.000	0.000
<i>Subtotal: NOAA Marine and Aviation Operations</i>	<i>3.300</i>	<i>3.600</i>	<i>3.500</i>	<i>3.800</i>	<i>3.600</i>	<i>3.900</i>
TOTAL	9.040	12.677	14.510	15.431	18.808	17.106

¹ Most OAR funding for these for FY 2005 is yet to be determined² Funding for Weather Services for the Federated States of Micronesia, Rep of the Marshall Is, and the Rep. Of Palau was provided in FY 2000–2003 by the Department of Interior and not through NOAA Appropriations. These amounts were \$3.8M in FY 2000, \$5.38M in FY 2001, \$5.3M in FY 2002, and \$3.8M in FY 2003. Funding in FY 2001 and FY 2002 included \$3.08M in construction funds for the WSO Yap and WSO Majuro.RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. RON WYDEN TO
VICE ADMIRAL CONRAD C. LAUTENBACHER

Question 1. PacifiCorp, an electric utility that owns the Condit hydroelectric project on the White Salmon River in Washington, has entered into a settlement agreement with various state and Federal Government agencies as well as environmental organizations and Indian tribes to decommission and remove the Condit project. Removal of the project will cause the release of sediment currently located behind the dam into the lower portion of the White Salmon River and the confluence of the White Salmon with the Columbia River. I have joined Senators Cantwell and Murray in seeking congressional authorization for the Corps of Engineers to dredge the sediment resulting from the project removal because removal of the sediment would improve navigability and produce substantial environmental benefits, including enhancement of endangered fish populations such as Chinook salmon and steelhead. Wouldn't you agree with me that the Corps of Engineers, if it undertakes this dredging activity, should receive credit under the biological opinion covering the Federal Columbia River System Power System (FRCPS)? Wouldn't this dredging contribute to off-site mitigation requirements for Endangered Species Act (ESA) listed species which are subject of the FRCPS biological opinion or subsequent ongoing ESA Section 7 consultation requirements? If you agree, would you notify the Corps of Engineers that this dredging will benefit ESA listed species and should be given credit under the FRCPS biological opinion and provide me with a copy of such notice?

Answer. On January 17, 2003, NOAA Fisheries' Northwest Regional Office sent a letter to Mr. Witt Anderson of the U.S. Army Corps of Engineers' Northwest Division specifically acknowledging that dredging the sediment behind the Condit hydroelectric project would benefit fish species listed under the ESA. In the same letter, NOAA Fisheries informed the Corps of Engineers that dredging sediment deposited

in the mouth of the White Salmon River following removal of Condit Dam would qualify for credit as off-site mitigation. A copy of the letter is attached.

ATTACHMENT

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
Portland, OR, January 17, 2003

WITT ANDERSON, Chief,
Fish Management Office,
U.S. Army Corps of Engineers, Northwestern Division,
Portland, OR.

Subject: Condit Dam, White Salmon River, Washington

Dear Witt Anderson:

In 1999, the National Marine Fisheries Service (NOAA Fisheries) entered into a settlement agreement with Pacificorp and other parties which requires Pacificorp to remove its Condit Project, located on the White Salmon River in Washington. The settlement is currently pending before the Federal Energy Regulatory Commission (FERC). The dam removal, scheduled to occur in 2006, will restore access by Endangered Species Act (ESA) listed chinook salmon and steelhead to approximately 30 miles of habitat above the dam and will improve river habitat below the dam over the long term. Dam removal will release a large quantity of sediment that has accumulated behind the dam into the lower 3 miles of the White Salmon River. It is expected that a large share of this sediment will settle near the mouth of the river. It is possible that a portion of this sediment may need to be removed to maintain a tribal in-lieu access site for fishing. At this time, it is uncertain how much sediment will actually deposit, or how much removal will be required, if at all. However, preliminary estimates assume a cost of approximately \$4 million for sediment removal (cost estimates assume that removed sediment would be discharged in the Columbia River).

The settlement limits Pacificorp expenditures for dam removal to \$13,650,000 (1999 dollars). NOAA Fisheries and other parties to the settlement agreed that if the cost cap was likely to be exceeded, and alternative funding was not provided by other parties, Pacificorp would not be obligated under the agreement to remove the project. At this time, it appears that it will not be possible to complete the project removal within the settlement cost limit.

During the negotiation, the parties discussed various alternatives for obtaining additional funding to reduce the risk of exceeding the cost cap. During the course of the negotiation, NOAA Fisheries and other parties discussed with the U.S. Army Corps of Engineers (Corps) permitting issues related to dam removal. More recently, NOAA Fisheries has discussed with the Corps the possibility of Corps funding or undertaking dredging activities that may be required. Although the Corps has no responsibility to contribute or otherwise support the project, there is high potential for benefits to ESA listed fish. Consequently, the Corps requested from NOAA Fisheries a preliminary assessment of whether the Corps could receive credit under the December 21, 2000, biological opinion covering the Federal Columbia River Power System (FCRPS) for dredging sediment that would be deposited near the mouth of the White Salmon action agency projects proposed to implement actions set forth in the reasonable and prudent alternative (RPA) of that biological opinion. A copy can be found at <http://www.nwr.noaa.gov/hydrop/hydroweb/fedrec.htm>.

Our preliminary evaluation indicates that a Corps action to dredge sediment deposited at the mouth of the White Salmon River following removal of Condit Dam could qualify for credit as off-site mitigation. The Corps' contribution to the dam removal effort would increase the likelihood that Condit Dam would be removed, allowing access to nearly 30 miles of spawning and rearing habitat listed chinook salmon and steelhead. This project could implement RPA action item 149 as a Corps demonstration project. Any specific proposal would have to be submitted to NOAA Fisheries for evaluation and a formal determination.

I recognize that at this stage the Corps has not determined whether it has an interest in this project or what authority and funding sources could apply. However, in view of the benefit to listed salmonids and the opportunity to aid achievement of FCRPS biological opinion performance standards, NOAA Fisheries strongly encourages the Corps to seek means to partner in the project. If at some point in the future a determination is made that the Corps can participate in this project, NOAA Fisheries would reserve the right to consider funding implications, if any, e.g., com-

petition for funds on other aspects of Corps implementation of the FCRPS biological opinion.

If you need any additional information, please do not hesitate to contact me.

Sincerely,

BRIAN J. BROWN,
Assistant Regional Administrator,
Hydro Program.

Gwill Ging, USFWS
Gail Miller, Pacificorp
Michael P. O'Connell, Stoel Rives

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO
VICE ADMIRAL CONRAD C. LAUTENBACHER

Question 1. Were you aware of allegations that government observers working under the authority of the Inter-American Tropical Tuna Commission (IATTC) on Mexican tuna-fishing boats were regularly taking bribes to report tuna as "dolphin-safe," even though they were caught on dolphins? If so, when did you become aware of these allegations?

Answer. NOAA Fisheries is aware of allegations that observers employed by Mexico's national observer program, a component of the On-Board Observer Program operated under the Agreement on the International Dolphin Conservation Program (AIDCP), accepted bribes to underreport dolphin sets. Allegations of this type are not unique to the AIDCP On-Board Observer Program. Since the program began, allegations have been made that observers are taking bribes to alter the data they report. One allegation that recently received significant media attention was communicated verbally to NOAA Fisheries employees aboard a NOAA research vessel in 1999. NOAA Fisheries is concerned with the potential for observers to be bribed and has been working to investigate these allegations and strengthen the AIDCP On-Board Observer Program since it was developed.

Question 2. Did anyone at the National Oceanic and Atmospheric Administration (NOAA) investigate these allegations? Mr. William T. Hogarth, Assistant Administration for Fisheries, National Marine Fisheries Service, stated before the House Fisheries Conservation, Wildlife and Oceans Subcommittee that the IATTC investigated these allegations. Did you or anyone at NOAA ask for a report of the IATTC's findings?

Answer. NOAA Fisheries investigates allegations of activities that occur on U.S. vessels or by U.S. citizens. For allegations concerning foreign vessels and crews, NOAA Fisheries Enforcement endeavors to provide relevant information to the concerned government(s) in order to aid its investigation. With respect to the allegations described in the 1999 e-mail by a NOAA Fisheries employee that observers in the Mexican National Observer Program regularly take bribes to alter data, a NOAA Fisheries enforcement officer followed up on this allegation by interviewing the NOAA Fisheries employee who forwarded an account of his conversation. However, the interview did not yield any specific leads.

Allegations such as those made in the 1999 e-mail are very general and, as a result, difficult to validate and investigate. The IATTC investigated these general allegations by comparing differences in frequencies with which several national observer programs reported different types of observer data and compared those frequencies to those of the IATTC's international observer program (also see response to Question 6 for greater detail on the analysis). The results of the comparison did not support the claim that observers employed by any national observer program were regularly taking bribes that would alter the data they report at a significant level.

The IATTC Secretariat investigates all specific allegations of observer interference. If an observer reports that a fishing captain or other member of the vessel's crew interfered with his/her ability to perform his/her duties, the IATTC/AIDCP Secretariat presents this information to the Nation with jurisdiction over the vessel and its crew to investigate and apply any sanctions, if warranted. The IATTC/AIDCP Secretariat then reports whether the Nation determined that an infraction occurred and, if so, whether a sanction was applied.

Question 3. Why does the Administration believe these allegations were irrelevant to its decision in 2002 to relax restrictions on foreign-caught tuna?

Answer. The Administration believes that allegations of observer interference, including bribe attempts, could only be relevant to the 2002 final finding to the extent that the allegations could be substantiated to some degree. For the purposes of the

final finding, a distinction was drawn between unsubstantiated allegations and those that could be verified to some degree. The Secretary of Commerce did not consider unsubstantiated allegations in making the final finding. In addition, while allegations of observer interference have been made in reference to observers in the ETP purse seine fishery, as well as other domestic and international observer programs, the information we have to date does not indicate that observer interference occurs on a scale that would have changed the Secretary's final finding (*i.e.*, that the purse seine fishery is not having a significant adverse impact on depleted dolphin stocks).

Question 4. What steps are being taken by the Administration to address concerns that observer-reported data regarding dolphin-safe tuna has been falsified?

Answer. The Administration is taking several steps to ensure that observer data continue to be reported accurately and that consumers continue to have confidence in the integrity of the dolphin-safe label for tuna. At the June 2004 meeting of the IATTC, the United States proposed that all vessels over 24 meters in length be required to carry a vessel monitoring system (VMS). VMS will provide an additional tool to verify observer records. For example, techniques are being developed to use VMS to identify fishing signatures, such as characteristics of vessel movements and speed that would indicate a vessel is fishing on tuna associated with dolphins.

The Parties to the AIDCP are also considering how to proceed with a port sampling program using catch composition to determine whether vessels less than 400 short tons carrying capacity, which are not required to carry observers, are setting on tuna associated with dolphins. The port sampling program would statistically compare the catch composition of small vessels with tuna caught by large vessels in association with dolphins to compare the size and species of tuna. A statistical decision rule would be established to determine whether a small vessel is likely setting on tuna associated with dolphins and, as a result of an October 2002 resolution adopted by the Parties to the AIDCP, must carry an observer on future trips.

Question 5. Mr. Hogarth stated at the House hearing that the IATTC's International Review Panel (IRP), which reviews infractions by member nations, is "transparent." However, the IRP in fact is not open to anyone. Members are nominated by the IATTC Secretariat and voted in by member governments. These members must sign a confidentiality agreement to not reveal any of the workings of the IRP. The only public documents from the IRP are the Annual Reports, which summarize infractions. No information on the names of tuna boats or the names of captains involved in infractions is available to the public or interested parties. Why does Mr. Hogarth consider the IRP "transparent"?

Answer. The Commerce Department's representatives to the AIDCP agree with Dr. Hogarth's characterization that the International Review Panel (IRP), which makes recommendations to the Parties to the AIDCP, is transparent to both its members and the general public.

IRP membership is comprised of representatives of each of the national governments that are Parties to the AIDCP and representatives of non-governmental organizations, such as The Ocean Conservancy and the Humane Society of the United States. The United States has also included additional interested individuals in its delegation, as many of the Parties do, so they may attend IRP meetings.

IRP members discuss actions that could constitute possible infractions of the AIDCP reported by observers. The IRP determines which of these actions should be referred to national governments for a full investigation and to apply any sanctions. All possible infractions identified by the IRP are referred to national governments for this purpose. IRP meeting attendees, whether members of or additions to a national delegation, must sign a confidentiality agreement in order to protect the identities of individuals or companies whose alleged actions may have violated the AIDCP, but for which an investigation has not been conducted. In the opinion of the Commerce Department's representatives to the AIDCP, publishing the names of individuals or vessels that may (or may not) have committed an infraction would not increase the transparent procedures of the IRP. However, in some instances the names of vessels or captains have been released in order to address the rare event of egregious non-compliance records.

In addition, the IATTC/AIDCP Secretariat publishes the list of vessels authorized to purse seine for tuna in the ETP and a list of captains who are qualified to harvest tuna associated with dolphins; only captains on this list may operate vessels with dolphin mortality limits. Captains may be removed from this list for several reasons. The United States requested that the IATTC/AIDCP Secretariat publish and distribute to the AIDCP Parties on a quarterly basis the names of these captains and reasons for their removal. In order for a captain to be reinstated on the

list of qualified captains, he must attend an instructional seminar and have complied with any sanctions applied to him.

The IRP publishes meeting minutes and annual reports on the IATTC website. These documents are available to the public and include all possible infractions, by flag and type, identified by the IRP and the actions taken by governments to respond to these possible infractions.

Question 6. The IATTC's IRP has documented in annual reports numerous accounts of observer interference and harassment over the years. The IRP has also issued numerous statements concerning the serious lack of enforcement by member governments and has called on member nations to better enforce the terms of international agreements to protect observers. In light of this, why do Mr. Hogarth and the Administration continue to insist that the IATTC program is reliable? What is the U.S. delegation, which still provides the majority of funding for IATTC functions, doing to improve enforcement and avoid bribery and intimidation of observers?

Answer. The AIDCP On-Board Observer Program is reliable. The AIDCP Parties have been concerned that national observer programs may be biased in the data they report, so they asked the IATTC/AIDCP Secretariat to statistically compare data reported by different national observer programs with IATTC's international observer program. (A portion of the AIDCP On-Board Observer Program's operational budget is funded by IATTC contributions, while the majority is funded by individual annual vessel assessments. Because the U.S. fleet is so small, the largest fleets of Mexico, Ecuador, and Venezuela pay the majority of vessel assessments.) Each observer program's reporting of different infractions, numbers of sets on tuna associated with dolphins, dolphin mortalities, and other data were analyzed. While no statistical trends have emerged, the IATTC/AIDCP Secretariat continues to provide analyses to the AIDCP Parties. The reporting rates of the national observer programs and the IATTC program do not indicate underreporting by one program or in one data field (e.g., number of dolphin sets). In other words, these analyses do not support the claim that observers in a national program are regularly taking bribes to underreport sets on tuna associated with dolphins, infractions, or other data.

The United States investigates possible infractions committed on U.S. vessels and by United States citizens. The United States also monitors enforcement actions and compliance by other Parties to the AIDCP. Recently, the United States and other Parties confronted recurring non compliance by Colombian and Bolivian flag vessels. The United States took steps to initiate bilateral consultations with the governments of these nations under Article XX of the AIDCP. As a result, Bolivia's recent actions indicate a renewed commitment to complying with the AIDCP and the U.S. delegation is hopeful that Colombia will respond similarly. If bilateral consultations do not improve compliance, the United States will then consider additional options, such as trade sanctions. Neither Colombia nor Bolivia has an affirmative finding. As a result, tuna harvested in the ETP by vessels of these nations is already embargoed and cannot be imported into the United States.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
VICE ADMIRAL CONRAD C. LAUTENBACHER

Question 1. I supported NOAA's decision to list the Southern Resident orca population as "depleted" under the Marine Mammal Protection Act. With a 20 percent decline in the population in less than a decade, I felt a depleted listing would allow our region to move forward and begin identifying the steps necessary to recover these regional icons.

- For the record, please describe the activities NOAA has undertaken since the depleted listing last May.
- A "depleted" listing under the Marine Mammal Protection Act triggers the development of [a] conservation plan. What is the status of that plan and what actions do you anticipate it will require?
- How does a "depleted" listing under the Marine Mammal Protection Act compare with an "endangered" listing under the Endangered Species Act?

Answer. When the final rule designating the Southern Resident Killer Whale as depleted under the MMPA was published in May 2003, NOAA Fisheries had already begun planning for the preparation of a Conservation Plan to restore the population. Since then, NOAA Fisheries has convened a series of workshops to provide information on what is known about the potential factors affecting the decline of the south-

ern resident stock and to gather ideas from federal, state, and local government agencies, the scientific community, non-governmental organizations (NGOs), and interested members of the public on potential management actions to aid in conservation of the killer whale population. Concurrent with the workshops on management measures, NOAA Fisheries research scientists met with outside researchers and organizations to identify research needs and prioritize research activities related to killer whales. NOAA Fisheries' Northwest Fishery Science Center (NWFSC) funded over 20 research projects in 2003 and continued many of these, as well as several new projects, in 2004.

Dates and titles of management measure workshops:

- May 7, 2003—Research Workshop on Vessel Interactions
- May 13, 2003—Research Workshop on Prey
- May 31, 2003—Introductory Conservation Planning Meeting and Interactive Session
- October 24, 2003—Conservation Workshop on Contaminants
- January 19, 2004—Research Workshop on Long-Range Research Plan
- March 22, 2004—Conservation Workshop on Vessel Effects
- April 19, 2004—Conservation Workshop on Prey
- April 20, 2004—Southern resident killer whale behavior workshop
- June 5, 2004—Conservation Planning Anniversary Update Meeting

The conservation workshop agendas, presentations, and notes on the suggestions received during the sessions are posted on NOAA Fisheries' Northwest Region website at: <http://www.nwr.noaa.gov/mmammals/whales/CPPSKW.html>. The research workshop agendas and questions developed are listed on the NWFSC website at: <http://www.nwfsc.noaa.gov/research/divisions/sdlkwworkshops/index.cfm>.

Throughout the process, our constituents have encouraged us to implement proactive measures while we develop the Conservation Plan. These measures include:

- Additional hours of uniformed on-water enforcement (Washington Department of Fish and Wildlife)
- Support for Soundwatch Boater Education and Stewardship Program
- Increased visibility for the "Be Whale Wise" whale watching guidelines
- Killer whale conservation outreach program with the Seattle Aquarium.

To move forward with the Conservation Plan, NOAA Fisheries has:

- Developed a work plan for the Conservation Plan
- Identified facilitation expertise for topic specific workshops
- Secured the Seattle Aquarium as the venue for the workshops
- Contracted technical expertise for Conservation Plan Development
- Hosted topic specific conservation workshops
- Coordinated with NWFSC, Washington State, and Department of Fisheries and Oceans, Canada.

We plan to complete a draft Conservation Plan by the end of 2004 and a final plan in mid-2005. An integral part of the Conservation Plan will be the Long-Range Research Plan currently being developed at the NWFSC. The conservation workshops focused on the three main topics identified as potential risk factors for killer whales: contaminants and pollution, prey, and vessel effects. Considering the many and diverse ideas we received during the workshop discussions, we anticipate recommended measures in each of the topics identified as potential factors for decline. The draft Conservation Plan will be used to guide inter-agency discussions on management actions for killer whales that may require cooperation and coordination between multiple jurisdictions and will be made available to the public for comment.

A depleted listing under the Marine Mammal Protection Act (MMPA) and an endangered listing under the Endangered Species Act (ESA) can be compared in four main areas: (1) the way conservation units are defined, (2) the status afforded the listed species/stock, (3) the way plans for recovery are developed, and (4) the protections afforded to the species/stock.

Conservation Units—The MMPA recognizes "population stocks," which NOAA Fisheries has interpreted to mean "discrete" groups (demographically isolated from one another). The ESA recognizes "distinct population segments," which NOAA Fisheries and the U.S. Fish and Wildlife Service (FWS) have interpreted to mean

“discrete” groups having a “significance” or “importance” to the evolutionary ecology of the species or subspecies.

Status—Species listed under the ESA are, by definition, depleted under the MMPA. However, a species (or population stock) may be depleted under the MMPA but not threatened or endangered. “Depleted” may mean that the population stock is at an abundance considered less than optimal for the population (lower abundance than the lower limit of Optimum Sustainable Population levels).

Planning for recovery—Both the ESA and MMPA require plans to describe recovery objectives and a list of actions to achieve those objectives. Conservation plans under the MMPA are, by statute, modeled after recovery plans under the ESA. Conservation plans and recovery plans are functional equivalents.

Protections—The MMPA and ESA both have provisions to prohibit the direct “take” of animals in the population. A depleted determination triggers a “strategic” stocks designation, allowing NOAA Fisheries to work with other agencies under MMPA section 112(e) to alleviate impacts to important habitats that may be causing a decline or impeding recovery. The ESA requires NOAA Fisheries to identify “critical habitat,” and, under section 7, any Federal agency must consult with NOAA Fisheries or FWS to ensure that its actions are not likely to jeopardize the continued existence of a listed species or adversely modify or destroy designated critical habitat. The MMPA has no functional equivalent to ESA section 7.

Question 2. The Southern Resident orca population is currently under consideration for a listing under the Endangered Species Act. Since the orcas range all over the Puget Sound and are the keystone species, an ESA listing could potentially have a dramatic impact on my home state.

- If NOAA decides to designate the Southern Resident Orcas as endangered or threatened under the ESA, what new steps will your Administration need to take to meet its obligations to protect these animals?
- How do you think a listing could affect public and private activities in Puget Sound?
- Is NOAA prepared to carry out the necessary consultations with other Federal agencies? If not, what additional resources will NOAA require?
- From what you have learned through the ongoing analysis, what is the likelihood that NOAA will list the Southern Resident population?

Answer. Many of the management options or measures that could be invoked as the result of an ESA listing are currently available or required under the MMPA. The MMPA provides direct protections, and the conservation planning process under the MMPA and the recovery planning process under the ESA are functional equivalents. A notable exception would be the inter agency consultation requirements under section 7 of the ESA. Should listing occur, Federal agencies would be required to ensure that programs and projects they authorize, fund, or carry out were not likely to jeopardize the continued existence of the Southern Resident Killer Whale or adversely modify (or destroy) designated critical habitat. Given the potential factors for decline that have been identified for the Southern Resident Killer Whale and the automatic MMPA determination of “depleted” based on ESA listing, NOAA Fisheries could foresee a relatively broad suite of Federal actions for which consultation might be required.

To the extent that ESA section 7 results in modification of Federal activities, some affect on the activities of public and private industry would be anticipated following ESA listing. In addition, unpermitted “take” of members of listed species would be prohibited under both the ESA and MMPA. Any private or public action that would cause take would have to be authorized or modified to avoid take. It is difficult to speculate the magnitude of this effect given that the listing has not occurred.

ESA listing would result in significant increases in the workloads of NOAA Fisheries and partner agencies to perform consultations and identify and designate critical habitat for the species. Further, it is important not to lose sight of the ongoing work to complete the Conservation Plan. This effort would shift to recovery planning should listing occur. Funding to support future coordination between NOAA Fisheries, the State of Washington, and Fisheries and Oceans Canada for implementation of plans to restore the killer whale population will continue to be a priority.

As you are aware, NOAA Fisheries’ decision not to list Southern Resident Killer Whales following the 2002 Status Review was remanded back to the agency by the court in late 2003. As a result of instructions from the court, NOAA Fisheries has moved up its commitment to review the available science on the status of killer whale taxonomy from 2006 to 2004. NOAA Fisheries is completing a second status review in light of new information that has become available since 2002 and is con-

ducting an updated risk assessment to determine whether or not listing is warranted. We anticipate the completion of the process by December 17, 2004, the date specified by the court. We will keep you informed on the status review and listing determination.

Question 3. Following the Southern Resident's depleted listing under the MMPA, I secured Federal appropriations to fund research by NOAA Fisheries that will attempt to determine factors behind the orca's decline, define goals for recovery, and identify specific measures to help restore the population.

- At the hearing, I expressed my disappointment at NOAA's failure to include funding for this important research in its Fiscal Year 2005 budget request. In response, you told me you would look into why those funds were not included. Please update me on your findings.
- Understanding what is harming Puget Sound's orcas is of course critical to any successful recovery effort. Please provide me an overview of what has been learned from the research.
- How will this research help inform the development of a conservation plan that is required under the depleted or endangered listings?

Answer. NOAA Fisheries recognizes that funding for research on Southern Resident Killer Whales is important for determining which factors affect the decline of the whales, defining goals for recovery, and determining specific recovery needs. Funding at the FY 2004 appropriated levels would satisfy many of these needs. Due to budget constraints, the Protected Species Management-N. Pacific South Resident Orca Population budget line was not included in the President's FY 2005 budget request. If the President's FY 2005 budget is enacted, NOAA Fisheries would use Base Protected Species funding for orca conservation efforts.

Research results related to understanding what is harming Puget Sound's orcas have been grouped into the following five areas:

Taxonomy—New genetic analyses results were presented at an International Cetacean Systematics workshop. The workshop included comprehensive taxonomic review of the killer whale species. Taxonomic information suggests that the Southern Resident Killer Whale may be a part of a putative subspecies of killer whales, North Pacific Residents.

Vessel interactions—Baseline acoustic measurements have been made in core summer range, and four studies have been undertaken to assess behavioral responses to vessels. Results are pending on-going analyses.

Prey Associations—Analyses of time-depth recorder data from Southern Resident Killer Whales have indicated that dive depths decreased between 1993 and 2002, suggesting a long term change in prey behavior or abundance. A significant increase in the number of predation event samples were collected, which will improve our understanding of prey selection—results are pending analyses.

Health Assessment—Recent analyses of pollutant levels in killer whale prey indicate that chemicals currently used in flame retardants are at much higher levels than expected. These chemicals are an emerging threat because these contaminants are known to have negative effects on health.

Distribution and habitat use—Increased sighting effort has improved our understanding of fall habitat use and we were able to significantly increase the number of winter sightings outside inland waters.

Research currently being conducted is designed to fill identified data gaps and to improve our understanding of the risk factors that may be affecting the decline or recovery of the Southern Resident Killer Whale. During the conservation planning workshops convened over the past year, participants were instructed to consider actions based on the known current condition and NOAA Fisheries' Northwest Region noted areas that were identified as data deficient for future research initiatives. Conversely, the research workshops that the NWFSC conducted were used to design and prioritize research projects to gather needed data. The new information from research will be used to enhance our understanding of the risk factors affecting recovery, thereby improving our ability to develop effective management measures. The Conservation Plan will contain both management measures based on the known current condition and research objectives from the NWFSC Long-Range research plan.

Question 4. At the hearing, I also asked you whether you knew of any plans to improve weather radar coverage off the Washington coast. My constituents tell me that radar coverage is inadequate and a serious safety concern. You stated that you did not know of any efforts to add coverage but would research the matter. Please

update me on your analysis of the situation and what remedies NOAA can take to solve this critical problem.

Answer. The Board on Atmospheric Sciences and Climate (BASC) of the National Research Council is conducting a study to assess the effectiveness of operating NEXRAD radars in complex terrain in support of the National Weather Service's flash flood warning and forecast mission, with a focus on Sulphur Mountain, California. The results of the study, expected this fall, will form the basis for the NWS to develop objective criteria to evaluate whether a given location requires increased weather radar coverage, including NEXRAD and other more advanced technologies. The NWS will reevaluate radar coverage across the country, including the Olympic Peninsula area. Preliminary results are expected in the Spring of 2005.



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