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H.R. 3070, "EEZ CLARIFICATION ACT"; AND H.R. 4245, TO EXEMPT IMPORTATION AND EXPORTATION OF SEA URCHINS AND SEA CUCUMBERS FROM LICENSING REQUIREMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, POWER AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. 3070, TO CLARIFY THAT FOR PURPOSES OF ALL FEDERAL LAWS GOVERNING MARINE FISHERIES MANAGEMENT, THE LANDWARD BOUNDARY OF THE EXCLUSIVE ECONOMIC ZONE BETWEEN AREAS SOUTH OF MONTAUK, NEW YORK, AND POINT JUDITH, RHODE ISLAND, AND FOR OTHER PURPOSES, "EEZ CLARIFICATION ACT"; AND H.R. 4245, TO EXEMPT IMPORTATION AND EXPORTATION OF SEA URCHINS AND SEA CUCUMBERS FROM LICENSING REQUIREMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973

Tuesday, February 2, 2016
U.S. House of Representatives
Subcommittee on Water, Power and Oceans
Committee on Natural Resources
Washington, DC

The subcommittee met, pursuant to notice, at 10:08 a.m., in room 1324, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Gosar, Graves, Bishop; Huffman, Costa, and Lowenthal.

Also present: Representatives Poliquin, Zeldin; Courtney, and Pingree.

Dr. FLEMING. The Subcommittee on Water, Power and Oceans will come to order. The subcommittee meets today to hear testimony on H.R. 3070, sponsored by Mr. Zeldin, and H.R. 4245, sponsored by Ms. Pingree.

Under Committee Rule 4(f), any oral statements at hearings are limited to the Chairman and the Ranking Minority Member, and the Vice Chair and a designee of the Ranking Member. This will allow us to hear from our witnesses sooner, and help Members keep to their schedules.

Before we begin, I ask unanimous consent that Mr. Zeldin, Ms. Pingree, Mr. Poliquin, and Mr. Courtney be allowed to join us on the dais and participate at the appropriate time in the hearing, if their time permits.

[No response.]

Dr. FLEMING. Hearing no objection, so ordered.

Now I yield myself 5 minutes to make my opening statement.

STATEMENT OF THE HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Dr. FLEMING. The subcommittee meets today to consider two bills that promote commercial and recreational fishing access and help provide more seafood availability for domestic and international seafood customers and consumers. Both of these bills make common-sense adjustments to Federal law to correct regulatory nightmares and inconsistencies. It is my hope that the agencies before us today are willing to work with us on solutions.

H.R. 3070, introduced by our colleague, Lee Zeldin from New York, corrects a unique navigational issue in Block Island Sound, off the coasts of Long Island and Rhode Island. As we will hear today, this small strip of federally controlled waters poses regulatory confusion for fishermen who are trying to abide by both state and Federal fisheries laws, but are challenged by navigational boundaries that are not visually apparent around Block Island.

Mr. Zeldin's legislation, which has bipartisan beginnings since a prior bill was introduced by his predecessor, makes a small adjustment to the Federal/state water boundaries to resolve this fisheries management issue.

The second bill we will consider today is H.R. 4245, introduced by our Maine colleagues, Chellie Pingree and Bruce Poliquin. This bipartisan bill exempts two species from the U.S. Fish and Wildlife Service's seafood licensing requirements, a correction that has been supported by the National Marine Fisheries Service.

This is a classic case of where the left arm of the Federal Government is acting against the wishes of the right arm. This inconsistency has nothing to do with making seafood safer, but it has a lot to do with feathering an agency's nest with import and export fees that are passed on to the consumer, or result in delayed or even spoiled shipments.

It is my hope that today we can work with the U.S. Fish and Wildlife Service on a path forward to correct this inconsistency with these species, as well as squid and octopus. This, too, is a bipartisan problem that deserves a solution.

We will hear more about these bills from the experts we have before us today. I want to welcome our non-committee colleagues and the witnesses for being here. I look forward to hearing from all of you today, and learning more about these important issues.

[The prepared statement of Dr. Fleming follows:]

PREPARED STATEMENT OF THE HON. JOHN FLEMING, CHAIRMAN, SUBCOMMITTEE ON WATER, POWER AND OCEANS

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Dr. FLEMING. The Chair now recognizes the Ranking Member, Mr. Huffman, for his statement.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Mr. Chairman. Good morning, and thanks to my colleagues from Maine, New York, and Connecticut for coming to educate us on the bills before the subcommittee today.

But, first I want to put in a little plug for California uni, also known as "California Gold," much of which is harvested off the coast of my district. The sea urchin fishery in my state is actually thriving. It supports 200 commercial divers, generates roughly 10 million in dockside sales, and provides our restaurants and others around the world with a product that many people say is delicious. I'm not one of them.

[Laughter.]

Mr. HUFFMAN. But the fishery is thriving, and it appears to be a very sustainable fishery. I am interested to hear about the sea urchin fishery in Maine, to see if we can help you folks be more like California.

[Laughter.]

Mr. HUFFMAN. But in all seriousness, we do want to better understand the issues that are reflected in H.R. 4245. We want to learn from the Fish and Wildlife Service about its role in inspecting product that is destined for the export market.

I am also eager to hear from our witnesses today on the other bill, H.R. 3070. I think of striped bass on the East Coast much the same way as I think of Chinook salmon back home in California. Obviously, an iconic species which has, at times, supported legendary commercial and recreational fisheries; but also a species that faces a lot of challenges.

Both of these fish live at sea but spawn in rivers. They are anadromous, so they spawn where there is pollution, habitat degradation, and other factors that make reproduction a constant struggle. Both are highly sought after, obviously, as food and sport, to the point that demand, apparently, will always outstrip supply. For those reasons, careful, conservative—yes, you heard that word from

me—management is just as important for striped bass as it is for salmon on the Pacific Coast.

Unfortunately, the Atlantic striped bass fishery is not doing very well. The best available science showed that the stock was on the brink of becoming overfished in 2013. That required the Atlantic States Marine Fisheries Council to reduce striped bass harvest by more than 20 percent beginning last year. That is a shame, because it negates a lot of good work that was done to rebuild this stock between the mid-1980s and the mid-2000s. And I am, frankly, puzzled why the Majority did not invite someone from the Atlantic Council to testify today, given that it is that body and not NOAA that is responsible for striped bass management.

Nevertheless, one of the keys to rebuilding striped bass populations the first time around was the moratorium on harvest in the exclusive economic zone, or the EEZ. Stripers face intense fishing pressure close to shore, and that area beyond 3 miles is the only true refuge that they have. It has been an effective refuge, one that has the support of most stakeholders. This was evidenced by the fact that in 2006, when there was a proposal to open the EEZ to striped bass fishing, 97 percent of the commenters opposed that proposal.

This bill would not only open an area of the EEZ, but would also continue a disturbing trend of Congress ceding to states Federal waters which belong to all Americans. Not only is this unnecessary and inappropriate, it will also have unintended consequences which will make things worse for fishermen, not better.

An ill-conceived appropriations rider recently extended state jurisdiction for fisheries management from 3 to 9 miles off Louisiana, Mississippi, and Alabama. That move, we know, was intended to create more access to the red snapper fishery. But it will likely result in the complete closure of Federal waters in the Gulf of Mexico to snapper fishing, as the entire quota is going to be consumed in state waters.

In the example before us today, divvying up part of the EEZ between New York and Rhode Island would leave Connecticut commercial fishermen, including the state's lobstermen, out in the cold because those states prohibit them from setting pots in their waters. I think we will hear some more about that from my colleague, Joe Courtney.

Further, this bill, as written, would actually transfer a significant portion of the state waters around Block Island and a piece of that island itself from state to Federal management. Given those issues and the fact that anglers are already permitted to transport striped bass caught in state waters around Block Island through the EEZ, I am skeptical that this bill is ready for prime time.

But I do look forward to hearing from the witnesses today. I thank you, Mr. Chairman, and I yield back.

Dr. FLEMING. Let me say I, for one, am glad the Ranking Member is moving in a conservative direction, as incremental as it is.

[Laughter.]

Dr. FLEMING. With that, the Chair now recognizes Dr. Gosar.

STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Dr. GOSAR. Thank you, Mr. Chairman, for holding today's hearing.

Although my home state of Arizona contains blue ribbon trout fisheries due to the cold water produced by multi-purpose dams, it is not generally known as the fishery capital of the world. Wait for those sand sharks, that might be something. So, you might wonder why I should care about the two bills introduced by my colleagues from New York and Maine.

Here is why. Today's bills are solutions aimed at modernizing and eliminating outdated Federal regulations. Mr. Zeldin's bill, H.R. 3070, attempts to reduce regulatory confusion that may unintentionally make criminals out of law-abiding striped bass fishermen. A simple boundary change, as outlined in the bill, would help alleviate this problem.

Testimony submitted against this legislation unfortunately appears apocalyptic and fearful of any change. Federal laws and regulations are not sacrosanct, and must be updated when necessary.

I commend Mr. Zeldin for his leadership on this issue. It is my hope that we can resolve this matter, and this bill, as much as needed, is a first step in that direction.

The bill authored by Ms. Pingree and Mr. Poliquin is a bipartisan effort to right a bipartisan wrong. In regulations created by an outgoing George W. Bush administration and carried on by this Administration, the U.S. Fish and Wildlife Service has imposed unnecessary fees and duplicative and costly inspection requirements on what was once a growing industry that aims to export niche seafood to overseas markets. Even the National Marine Fisheries Service, a bastion of Federal regulatory growth, disagrees with its sister agency on this matter.

The stories of spoiled food shipments, loss of jobs, and bureaucratic indifferences embody the arrogance of an agency gone wild. This bill preserves and promotes jobs.

I thank the witnesses for being here today, and look forward to working with these legislative proposals. With that, I yield back. Thank you, Mr. Chairman.

Dr. FLEMING. The gentleman yields back.

Our first panel of the day will include some of our colleagues. First we will hear from Mr. Zeldin of New York on H.R. 3070. Then we will hear from Ms. Pingree and Mr. Poliquin, both from Maine, on H.R. 4245.

Each of you will be recognized for up to 5 minutes. And we will begin with Mr. Zeldin.

You are recognized, sir.

STATEMENT OF THE HON. LEE M. ZELDIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. ZELDIN. Thank you, Mr. Chairman. And I want to thank you for giving H.R. 3070, the "EEZ Clarification Act," a hearing in this subcommittee. I also want to thank Chairman Bishop, Subcommittee Ranking Member Huffman, and Congressman MacArthur for coming to my district in December for an oversight hearing addressing important issues facing Long Island fishermen.

That field hearing was an important opportunity for this body to hear firsthand the issues faced by my constituents, who rely upon fishing as a way of life. The EEZ Clarification Act addresses one of those major concerns, so thank you to the Chairman for putting this on this morning's agenda.

Long Island's anglers and boatmen are in urgent need of a clarification on the boundary of the Exclusive Economic Zone, or EEZ, between Montauk Point, New York, and Block Island, Rhode Island. Since 1990, striped bass fishing has been banned in the EEZ. But what works for fishery management at 30 or 300 miles off the coast is rarely what works in local waters. To put it simply, law-abiding, responsible fishermen should not be punished for doing their jobs.

The unique geography of our region means that making the 15-mile journey via boat from Montauk Point to Block Island requires passage through a small strip of waters considered part of the EEZ. For recreational anglers or charter boat captains, this shift in jurisdiction can mean the difference between a nice day on the water and committing a Federal offense.

A recreational angler or charter boat captain on the water off of Montauk Point, New York could easily go from fishing legally and responsibly in state waters to violating Federal law once they pass over this arbitrary boundary. Many of these individuals lack the expensive GPS technology to know if and when they have crossed the boundary, and there are no buoys to warn them. These are responsible men and women who have the greatest vested interest in preserving the striped bass fishery, but they also desperately need relief from arbitrary government regulations.

The EEZ Clarification Act in no way lifts the ban on fishing for stripers in the EEZ. What it does is clarify for fishery management purposes the boundary of the EEZ, and puts the area between Montauk and Block Island under the jurisdiction of the states and the Atlantic States Marine Fisheries Commission. Restoring local jurisdiction over striped bass fishing in this limited area means that sound science and current data will be utilized to make the appropriate fishery management decisions.

It is also imperative that in any reform affecting these waters we protect the access of all anglers who are already fishing there. I am committed to working with our Connecticut and Rhode Island neighbors to ensure this. This legislation is about increasing access and local control, not restricting it. I yield back.

Dr. FLEMING. I thank the gentleman.

The Chair now recognizes Ms. Pingree for 5 minutes.

STATEMENT OF THE HON. CHELLIE PINGREE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Ms. PINGREE. Thank you very much, Chairman Fleming, and thank you, Ranking Member Huffman. I appreciate very much your having this hearing today, and I am glad to be here with my colleagues. I appreciate that Ranking Member Huffman is familiar with the species we are talking about. I will say that Maine is kind of a provincial state. We don't usually say we want to be more like California. But I appreciate your familiarity, even if you don't enjoy consuming these.

Thank you to all the other distinguished members of the committee who are taking the time to be here today. I am very honored for this opportunity to discuss H.R. 4245, a bill that I recently introduced along with my colleague from Maine, who is here with me today. Representative Poliquin and I constitute the entire Maine House delegation. We are happy to be here.

Last fall I was contacted by the Maine Sea Urchin and Sea Cucumber Association, which includes eight processors and shippers of these species in the Gulf of Maine. As some of you here may not know, sea urchins are imported from Canada to processors in Maine, but they are also harvested in the Gulf of Maine and, once processed, are sent overseas to a large consumer market in Asia.

The industry has voiced their concerns to me and to Congressman Poliquin regarding the fact that their members are being required to give inspection agents 48 hours' notice of their shipment coming to the port, to obtain a Federal import/export license, and pay fees. Of great concern is that the inspectors are actually causing delays in the shipment of this highly perishable product, which has about a 10-day shelf life. The value is usually between $5,000–$15,000, so that is a critical issue. And that shelf life is from when they come out of the water to reaching someone's dinner table across the globe. We, in my office, have been working tirelessly on this issue over the past 14 months, and have reached out to the U.S. Fish and Wildlife Service.

And I do want to say, in spite of some of the concerns that have been raised, I want to be on record that we have had an open and honest line of communications with the U.S. Fish and Wildlife Service from Director Ashe and his staff at the headquarters in DC to the wonderful folks at their regional office in the Northeast. I have really appreciated their efforts on this issue.

But the reality is, despite a year of effort, I am still hearing about the requirements and the delays that the sea urchin processors are facing. That is why I urge the committee to bring up H.R. 4245 before the committee for a markup, and to the House Floor for a vote.

There is a shellfish exemption that dates back to the 1970s, and that allows shellfish to be imported and exported without Fish and Wildlife Service inspection. It is my understanding that there is no particular risk sea urchins are posing that makes sea urchins and sea cucumbers require inspection before the export.

The goal of my bill is simply to put echinoderms, which is the scientific term for sea urchins and sea cucumbers, on the same standing as other edible marine species who enjoy this exemption, such as lobsters, clams, mussels, and scallops.

Again, these are live and perishable shipments. Even though we have been told that the Fish and Wildlife Service gives those their first priority, with stretched budgets, staffing limitations, I know that it is still taking too long for the shipments to be inspected and released.

In particular, just this past weekend I heard about a problem that the processors in Maine were facing which is similar to many stories that I have heard. Even though it is my understanding that this particular shipment was not a perishable product, it was dried, this past Sunday a sea cucumber product was delayed an extra

5 days at the JFK airport. When processors are trying to get their product across the world for consumption, as you can imagine, every day counts.

There is also a 48-hour notice period that the processors are required to give the Fish and Wildlife Service before the product will be inspected. That adds 2 days automatically to the timeline for the product to leave the United States. And although that 48-hour requirement, I am told, is typical for inspection, for this species it is added on top of other unreasonable delays.

I also want to mention that it is an unpredictable fishery. We have a lot of bad weather days in Maine, so fishermen don't always know when they are going out to fish. The processors don't always know when the urchins will be coming in. So, it is not as if they can make a lot of plans about how this is going to happen, which makes this even more critical to the fishermen who are on the boats and the processors, as well.

H.R. 4245 is very clear to state that if urchins or cucumbers are ever threatened or endangered under the ESA, the exemption in the bill would not apply. But that is not the case now. These shipments are being inspected with good reason, and the process is putting this industry at risk.

Just to reinforce, the harvesters and processors of these sea urchins represent a critical part of Maine's fishing industry. We are, of course, known for our lobster and other delicious seafood, but also our very vibrant working waterfront communities. The regulations that have been recently imposed on the sea urchin and sea cucumber industry are impacting them and 600 Mainers who rely on this industry for their families and their livelihoods.

Again, I urge the committee to make sea urchins exempt from inspection, as shellfish currently are, by passing this legislation.

Thank you very much for this hearing today and for taking the time to hear our testimony.

Dr. FLEMING. I thank the gentlelady.

Mr. Poliquin, you are recognized for 5 minutes.

STATEMENT OF THE HON. BRUCE POLIQUIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. POLIQUIN. Thank you very much, Mr. Chairman and Ranking Member Huffman, for holding this hearing. I appreciate it very much. And I want to thank you very much for responding so quickly to my letter to put this hearing together.

All of us here in the House spend a lot of time talking about spending, national debt, national security, and keeping our families safe. However, this issue is an issue of fairness and compassion. Ms. Pingree and I, in this case, we represent about 650 very hard-working, honest Mainers up and down the coast. And I am very, very grateful for you taking this time to hear our plea.

When you catch lobsters, you catch them in a trap; when you harvest clams, you dig them out of the flats; and you drag for scallops. But when you harvest sea urchins and sea cucumbers, for the most part, you have to dive for them.

Mr. Leask is going to be testifying soon. He is one of our great urchin divers from down east Maine. Fellows like this get up very early in the morning, strap on tanks, and go in dark, cold water

at tremendous risk to their own personal safety, as the folks do out in California, I am sure, but the water out there, Mr. Huffman, is much warmer. We understand that. We are much more rugged in the state of Maine.

But in any event, in the state of Maine we have two zones. The first zone, which is in the southern part of the coast that Congresswoman Pingree represents, has only about a 15-day harvest period per year. The second zone that I represent, which is further down east, has about 38 days per year. So, it is a very short period of time that these folks, these 650 folks that harvest and also process, have to make this part of their living. And a lot of these folks are lobstermen who supplement their income in the off-season by diving for urchins.

Now, as Congresswoman Pingree just mentioned, this is a very perishable critter. You cannot have these cucumbers and urchins sitting in a warehouse or on a tarmac somewhere, while having a problem. So, think about someone that goes and dives down east Maine, has to get the product on the boat, has to get the boat to the dock, has to get it off the dock into a truck, down to Portland, processed there, back out of the facility, on a truck, down to JFK, and then fly the critters from JFK to Hong Kong and Asia, or wherever else they might be.

The good news is that we already have the state of Maine, the folks at the Department of Marine Resources, who already are inspecting these critters, and also making sure that they are safe. And I might also add, Mr. Chair, that every year there is a survey dive right in our district. So, we get folks from Maine going under water, rather, to make sure we are not overfishing this terrific part of our fishery in Maine.

Now, here are a couple of concerns I have. Back in November, we had a shipment going out of Portland that went down to JFK and was sitting on a pallet. Each of these shipments, as Ms. Pingree said, are in the neighborhood of $15,000–$20,000 per shipment, and represents a lot of hard work from fellows like this. Now it is sitting on a pallet waiting to go on a plane, where the space has been reserved, and the airfare has been purchased. And the folks from Fish and Wildlife come in and yank it off. They yank it off because they haven't inspected it yet. Then they take the next day off because they are hanging out at Veterans Day parades, or whatever they are doing. This is a perishable foodstuff that needs to get to market as quickly as we can.

Just last week, as Ms. Pingree mentioned, there was another example of a shipment sitting down at JFK that was pulled, and it was 5 days they were told before it could be inspected. Thank goodness the processor was able to sell it domestically. That is absolutely unacceptable, in my opinion. It is unfair to the people who are working really hard to provide for their families and to provide folks around the world this tremendous delicacy from Maine and California.

I believe this is all about compassion and fairness. We already have an inspection process in Maine, and it works. There is absolutely no reason why the Feds need to get involved in this. It is working just fine, as far as the health of the fishery, as far as getting this product to market quickly. It is all about these

650 individuals that, under great peril, produce this product, and then harvest this product, and then get it to market.

So, with that, I ask you please, please, for your consideration, to support this bill. It is a good bill, it protects jobs, and it is all about fairness and compassion to our people in Maine.

Thank you very much, Mr. Chair.

Dr. FLEMING. I thank the gentleman. And if there are any questions on the dais, speak up. Otherwise, I will be—oh, we do have a question. Yes, the Chairman has a question.

The CHAIRMAN. Yes, a couple of them, very quickly.

Mr. Zeldin, thank you for being here with your bill. It looks rational. And the most important part is you only took 2 minutes of your 5 minutes.

[Laughter.]

The CHAIRMAN. That is a good quality. We don't get that here very often.

Ms. Pingree, you said you had already contacted the Fish and Wildlife Service a year ago on this issue. Is that accurate?

Ms. PINGREE. Yes, it is, Mr. Chair.

The CHAIRMAN. And to date there has been no satisfactory result of that?

Ms. PINGREE. Yes.

The CHAIRMAN. All right. So, Mr. Poliquin, you also said the state of Maine is inspecting this.

Mr. POLIQUIN. Yes, Mr. Chairman.

The CHAIRMAN. The 48-hour delay that you talked about, that is standard in almost all inspections that are done on the Federal level?

Mr. POLIQUIN. I believe so, sir. It is a 48-hour notice, yes.

Ms. PINGREE. They have to give notice to the inspectors to guarantee that they will appear there, but it does not always work with our timing, as Representative Poliquin——

The CHAIRMAN. So, what you are saying is, especially with this species, that is really an ugly species——

Mr. POLIQUIN. That is a matter of opinion, Mr. Chairman.

[Laughter.]

The CHAIRMAN. No, Bruce, that is not a matter of opinion; that is ugly. But anyway——

Mr. POLIQUIN. We are all God's creatures.

The CHAIRMAN. One size fits all just does not always fit all.

Mr. POLIQUIN. That is correct.

The CHAIRMAN. I appreciate you bringing these bills to our attention. They are good bills; I hope we can move them as quickly as possible. Thank you for being here.

Mr. POLIQUIN. Thank you, sir. I appreciate it very much.

Dr. FLEMING. OK, the Chairman yields back. Anyone else? Yes?

Mr. COSTA. Thank you very much. I appreciate the bipartisan effort on the legislation from our colleagues from Maine.

The efforts that you have made in trying to move the U.S. Fish and Wildlife Service to understand the nature of this perishable commodity or these products, I suspect, based on your testimony, has been nothing less than frustrating.

Ms. PINGREE. Well, I would say we don't exactly see eye to eye on it. And, on the inspection side, I am certainly very sympathetic

to the fact that they have a lot of things that they have to inspect. And, frankly, the way I look at it, they——

Mr. COSTA. But under that understanding, wouldn't it be cause to prioritize, and this is a commercial product that is already being covered at the state level? Common sense would tell you that the U.S. Fish and Wildlife Service ought to be prioritizing their efforts.

Ms. PINGREE. I guess that is the way I look at it, that they have plenty of endangered species that they do need to watch out for. It is very unlikely someone is going to sneak an endangered species in a box of urchins that is valuable in and of itself, and they want it to get right to the customer. So, it seems to me this does not need to be their highest priority.

And also, since we exempt some——

Mr. COSTA. And custom agents also have the responsibility in this country, as products both coming in and going out, to deal with material that might be being used to avoid inspection, or to avoid our custom loss. Right?

Ms. PINGREE. They are subject to a Customs inspection, as well.

Mr. COSTA. Right. It is a classic over-reach. And this commonsense legislation that you are providing from the good citizens of Maine is an attempt to try to deal with this over-reach.

Ms. PINGREE. Particularly since other shellfish are exempt, so this is kind of uniquely set aside when lobsters and clams are not.

Mr. COSTA. So, it is consistent with that. Has the U.S. Fish and Wildlife Service opined on this legislation?

Ms. PINGREE. We have had some communication back and forth, and do not necessarily see eye to eye as to why this should be an equivalent species——

Mr. COSTA. Are they officially opposing it, or are they neutral on it?

Ms. PINGREE. I think they will; so far we have not been able to come to an agreement.

Mr. COSTA. You are probably going to save them some money, as well, I would suspect, if they are no longer required to provide the inspection.

Ms. PINGREE. That is true.

Mr. COSTA. Yes. Well, I support the legislation, Mr. Chairman. I think bipartisan efforts like this are important, and I think we ought to move the legislation forward.

Mr. Zeldin, I am somewhat familiar with Block Island and a bit of the zone because I have friends who have places there and I like to sail in that area, but I am reminded of your efforts here to try to deal with a host of species that we have throughout the continental United States, as we try to save species that are listed, including those that are either native or non-native.

We have a striped bass population in California, as was noted by my colleague, that is not native, was introduced into California waters in 1879 from the state of New Jersey, and it has had up-and-down cycles. It is not faring as well these days as some would like. But it also competes against native species, and trying to get it right, or us trying to be Mother Nature, I find frustrating and conflicting.

I had, anecdotally, some friends who took some of the members of the San Francisco Giants fishing a year ago for striped bass in

the delta. Within a 2-hour period, they had 110 strikes and were letting them go because they were trying to determine which was the largest size they could catch under the limits. Yet these non-native species that were introduced in 1879 are an attractive sports fish, clearly, and I think scientists have indicated—compete for native species in California.

With climate change, as we try to rework the way of the world, I think we need to sit back and determine what makes sense and what doesn't make sense, especially when we see that the native species are really having very, very difficult problems in the case of salmon in California.

So, I am sympathetic to your efforts in trying to figure out, Mr. Zeldin, how we get this right. And clearly, you haven't gotten it right in New York, and we haven't gotten it right in California or Connecticut. So good luck.

Dr. FLEMING. OK, the gentleman from California yields. Any other questions?

[No response.]

Dr. FLEMING. OK, the panel is excused. Thank you so much for your valuable testimony today. We will ask the second panel to go ahead and take their place.

As the next panel moves forward, I will begin to introduce them.

First is Mr. Joe Leask, Diver and Chairman of Maine's Department of Marine Resources, Sea Urchin Zone Council from Rockwood, Maine; next is Mr. William Woody, Chief of the Fish and Wildlife Service's Office of Law Enforcement, based in Washington, DC; Mr. Atchan Tamaki, Founder of ISF Trading in Portland, Maine; Mr. Daniel Morris, the Deputy Regional Administrator with the National Marine Fisheries Service for the Greater Atlantic Region, based in Gloucester, Massachusetts; Captain John McMurray, Owner of One More Cast Charters in Oceanside, New York; and, finally, if we can find room, Captain Joe McBride, Legislative Representative of the Montauk Boatmen & Captains Association from East Hampton, New York.

Let me remind the witnesses that, under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the record.

When you begin, the light will be green. After 4 minutes of testimony, it will turn yellow. That is a caution light, of course. When it turns red, if you have not already ended your statement, we ask that you quickly end it. Otherwise, I will have to gavel. And I would rather you end it on your terms, rather than mine. But having said that, no matter how long it is, it will be entered into the written statement. Then, afterwards, we will have questions.

I now recognize Mr. Joe Leask, Diver and Chairman of Maine's Department of Marine Resources, Sea Urchin Zone Council for his testimony.

You have 5 minutes.

STATEMENT OF JOSEPH LEASK, DIVER AND CHAIRMAN, MAINE DEPARTMENT OF MARINE RESOURCES, SEA URCHIN ZONE COUNCIL, ROCKWOOD, MAINE

Mr. LEASK. Thank you, Mr. Chairman. To my understanding, we are actually going to start with a CNN video that was done. It

would help people that haven't seen the sea urchin process actually see what goes on underwater.

[Video shown.]

Mr. LEASK. Are we holding other hearings, cancer and what not? That would probably be better.

Well, it seems I only have a minute left, and I am not known for being brief. I will do my best. As Chairman of the Maine Sea Urchin Zone Council, we work closely with the Department of Maine Resources to not only monitor, but to really work hard at increasing our biomass.

In Maine, our urchin populations are actually rebounding and growing. And I have personally pioneered stateside, as far as I know, ways of farming urchins. I have had great success bringing urchin populations back in areas that never, or that haven't had them for many years. I have much evidence on my own Web site to that end.

This inspection process right now is what we are here for. It is hard on our bottom line. In simplicity, it takes money out of a pocket which takes money out of my pocket. We regulate the urchins in Maine strictly. Log books are kept, log books are filed with the state; you cannot get a license unless you fill these log books out every year.

The process of tracking them is really good, in simplicity. I don't want to really elaborate on that, but it is. I can give you more information, but as I am known to go way beyond my talking time, I will cut it off here and be glad to field questions.

[The prepared statement of Mr. Leask follows:]

PREPARED STATEMENT OF JOSEPH LEASK, CHAIRMAN, MAINE DEPARTMENT OF MARINE RESOURCES, SEA URCHIN ZONE COUNCIL ON H.R. 4245

My name is Joseph Leask. I am the Chairman of the State of Maine Sea Urchin Zone Council. I have been a sea urchin diver for 25 years. I am also a cucumber diver. I have at times been the common pool representative to the New England Management Fisheries Council. I am the Captain and owner of the fishing vessel, November Gale, a trawler from Portland, Maine. I have trawled for 20 years. I also own Misty Morning Cottages, year round vacation rentals right on the shores of Moosehead Lake.

In my position as Chairman of the State of Maine Sea Urchin Zone Council, I chair the council which works closely with the State of Maine Department of Marine Resources to regulate our industry. We set seasons, promote safety, work to increase biomass, while preparing for the addition of new entrants to the fishery.

The sea urchin and sea cucumber industry has been stable and slowly growing. The sea urchin biomass is growing, an experimental sea cucumber harvest has been implemented, and our domestic market has grown greatly. In the near future there will be new jobs added in this industry. The State of Maine Sea Urchin Zone Council and DMR are currently preparing for these new entrants.

In recent years, we have implemented strict catch limits. Log books for both harvesters and buyers are mandatory. These catch reports must be filed with the state of Maine before urchin harvesting licenses are renewed. Strict monitoring is kept by the State of Maine Department of Marine Resources.

Recently an item of great concern has increasingly affected sea urchin and sea cucumber harvesting. Our American caught product competes globally. The Department of Inland Fish and Wildlife now inspects all shipments of sea urchins and cucumbers from this country. This process hinders shipments. The highly perishable seafood depend on immediate shipment for best quality. Any delay sending these fresh seafood products from New York to Japan is costly and potentially harmful to consumers. In addition these inspection costs are passed on to harvesters and buyers alike. This results in lower wages for state of Maine fisherman and lower profits for small businesses. In some cases it could jeopardize market position resulting in the loss of that market to foreign competition as well as the loss of jobs.

Dr. FLEMING. OK. Thank you, Mr. Leask, for your testimony.

Now I recognize Mr. William Woody, Chief of the U.S. Fish and Wildlife Service's Office of Law Enforcement.

STATEMENT OF WILLIAM WOODY, CHIEF, OFFICE OF LAW ENFORCEMENT, U.S. FISH AND WILDLIFE SERVICE, WASHINGTON, DC

Mr. WOODY. Good afternoon, Chairman Fleming, Ranking Member Huffman, and members of the subcommittee. I am William Woody, Chief of Law Enforcement for the U.S. Fish and Wildlife Service. I appreciate the opportunity to testify before you today on H.R. 4245, which would exempt the import and export of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act.

The Service is the primary Federal agency responsible for enforcing U.S. laws and treaties that address international trafficking and protect U.S. and foreign species from unsustainable trade. The Office of Law Enforcement has a workforce comprised of special agents and wildlife inspectors. This workforce is relatively small, compared to the volume of wildlife trade and crimes they are tasked to monitor and investigate.

The Service's 125 inspectors work at major ports across the Nation to check inbound and outbound shipments for wildlife and wildlife products. Wildlife inspectors facilitate legal trade and serve as the Nation's primary defenders against illegal international trade in wildlife and wildlife products. Although they are relatively small in number, they are responsible for a large volume of inspections. Each year our wildlife inspectors process over 180,000 declared shipments of wildlife and wildlife products worth about $5 billion.

The Endangered Species Act provides the Service broad authority to regulate import/export of fish and wildlife. This includes licensing of importers and exporters, inspection of shipments, and charging and retaining reasonable fees for processing applications and performing inspections. This comprehensive system is designed to protect foreign and domestic species from illegal trafficking, and to guard against the introduction of injurious species.

The ESA exempts the import of certain shellfish and fisheries products that are intended for consumption from the law's trade regulation requirements. The exemption, however, is narrow to discourage smuggling and illegal trade in protected species, invasive species, and other wildlife, and to protect the legal trade community.

There was one CITES Appendix III listed cucumber species. The Service's role in import/export permitting allows us to monitor international trade in order to prevent over-exploitation. Internationally, the data the Service collects through its import/export program is relied upon to inform CITES listing determinations.

In 2014, the Administration established the Presidential Task Force on Combating Illegal, Unreported, and Unregulated Fishing and Seafood Fraud. As part of this effort, NOAA will soon release a proposed rule that may include sea cucumbers and/or sea urchins in a list of at-risk species, thereby the need to regulate such species under 50 CFR Part 14 might be necessary. However, the

Department cannot support the bill until the proposed seafood import monitoring program is in effect. Our goal is not only to ensure compliance with the law, but to facilitate lawful trade.

We place a priority on inspections of live and perishable wildlife and wildlife products. The Service published guidance to the wildlife inspectors that specifically instructs inspectors to give priority to these shipments. We make every effort to have a wildlife inspector available to inspect and clear shipments. Because of that, we require a 48-hour notification that we can ensure that wildlife inspectors are available to clear shipments in a timely fashion. This allows us to review documents, resolve paperwork problems before inspection, and to expedite upon arrival or departure. Live and perishable shipments typically are cleared the same day they are declared to us.

The Service has worked closely with the trade community to ensure both an understanding of our requirements and to facilitate the lawful trade in fish and wildlife. We are happy to work and continue to work closely with the sea urchin and sea cucumber industry to address their concerns and ensure the timely clearance of shipments. I appreciate the opportunity to testify before you today, and I look forward to your questions. Thank you, sir.

[The prepared statement of Mr. Woody follows:]

PREPARED STATEMENT OF WILLIAM WOODY, CHIEF, OFFICE OF LAW ENFORCEMENT, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR ON H.R. 4245

INTRODUCTION

Good afternoon Chairman Fleming, Ranking Member Huffman, and members of the subcommittee. I am William Woody, Chief of the Office of Law Enforcement for the U.S. Fish and Wildlife Service (Service), in the Department of the Interior. I appreciate the opportunity to testify before you today on H.R. 4245, "to exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973."

The Service's Office of Law Enforcement focuses its resources and efforts on significant threats to wildlife resources—illegal trade, unlawful commercial exploitation, habitat destruction, and environmental hazards. The Office of Law Enforcement investigates wildlife crimes; regulates wildlife trade; helps Americans understand and comply with wildlife protection laws; and works in partnership with international, Federal, state, and tribal counterparts to conserve wildlife resources. The Service is the primary Federal agency responsible for enforcing U.S. laws and treaties that address international wildlife trafficking and protect U.S. and foreign species from unsustainable trade.

The Service's Office of Law Enforcement has a workforce comprised of special agents and wildlife inspectors. This workforce is relatively small compared to the volume of wildlife trade and crimes they are tasked to monitor and investigate. Our 195 special agents conduct investigations to detect and document international smuggling and crimes involving the unlawful exploitation of native and foreign species in interstate commerce. These agents are on the front line of combating the illegal slaughter of elephants in Africa and the lucrative trafficking of elephant ivory that provides significant funds for organized criminal organizations.

The Service's 125 wildlife inspectors work at major ports of entry across the Nation to check inbound and outbound shipments for wildlife and wildlife products. These uniformed wildlife inspectors facilitate legal wildlife trade and serve as the Nation's primary defenders against illegal international trade in wildlife and wildlife products. They ensure that wildlife trade complies with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and U.S. laws. Although they are relatively small in number, they are responsible for a large volume of inspections. During fiscal year 2014, Service inspectors processed over 183,000 declared shipments of wildlife and wildlife products worth more than $4.9 billion.

THE SERVICE'S ROLE IN IMPORT/EXPORT OF ECHINODERMS

The Endangered Species Act (ESA) provides the Service broad authority to regulate the import and export of fish and wildlife. This includes licensing of importers and exporters, inspection of shipments, and charging and retaining reasonable fees for processing applications and performing inspections. This comprehensive system is designed to protect foreign and domestic wildlife from illegal trafficking and guard against the introduction of injurious species. The Service also works closely with stakeholders in the U.S. business community to ensure compliance with applicable laws and facilitate the lawful trade in fish and wildlife.

The ESA exempts the import of certain shellfish and fishery products that are intended for human or animal consumption and that are not listed as endangered or threatened, protected under CITES, or listed as injurious under the Lacey Act, from the law's trade regulation requirements. This exemption is reflected in Service import/export regulations found in 50 CFR Part 14, which waive import/export license, declaration, and inspection requirements for these commodities. The exemption, however, is purposefully narrow to discourage smuggling and illegal trade in protected species, invasive species and other wildlife, and to protect the legal trade community.

Sea urchins and sea cucumbers do not meet the Service's definition of a shellfish or fishery product, and are therefore not exempt from the Service's import and export requirements related to wildlife. In 50 CFR Part 10.12, the Service defines "shellfish" as an aquatic invertebrate having a shell including but not limited to oysters, clams, other mollusks, lobsters or other crustaceans. Sea urchins and sea cucumbers, which are not mollusks, do not have a shell and do not qualify as shellfish. A "fishery product" is defined as a non-living fish of one of the following classes: Cyclostomata, Elasmobranchii and Pisces; and includes any part, product, egg or offspring whether or not included in a manufactured product or a processed product.

In addition, there is one CITES Appendix III listed sea cucumber species. The Service's role in import/export permitting allows us to monitor international trade in order to prevent overexploitation. Internationally, the data the Service collects through its import/export program is relied upon to inform CITES listing determinations.

We note that on June 17, 2014, the White House released a Presidential Memorandum entitled "Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud." Among other actions, the Memorandum established a Presidential Task Force on Combating Illegal, Unreported, and Unregulated (IUU) Fishing and Seafood Fraud (Task Force). The Task Force was directed to provide "recommendations for the implementation of a comprehensive framework of integrated programs to combat IUU fishing and seafood fraud that emphasizes areas of greatest need." Pursuant to those recommendations, the National Marine Fisheries Service will soon release a proposed rule to establish data reporting and related operational requirements at the point of entry into U.S. commerce for imported fish and fish products of species at particular risk of IUU fishing and seafood fraud. This list of at-risk species and the principles applied to determine this list were developed through a process of extensive public comment. Together, the requirements already in place for products of U.S. domestic fisheries and the requirements proposed in the rule for imported fish and fish products will provide a framework for the designated at-risk species to trace seafood, whether domestic or imported, back to the point of harvest to verify that seafood entering U.S. commerce is both legally caught and not fraudulently represented. The proposed rule may include sea cucumbers and/or sea urchins in the list of at-risk species thereby obviating the need to regulate such species under 50 CFR Part 14; however, the Department cannot support the bill until the proposed seafood import monitoring program is in effect.

ADDRESSING ILLEGAL WILDLIFE TRADE AND POPULATION DECLINES OF ECHINODERMS

International wildlife trafficking is a growing concern and unregulated sea cucumber shipments compound this problem. The Service, working with government partners in Mexico and other Central American nations, has identified a highly profitable black market for transshipment of sea cucumbers through the United States to Asian markets. Sea cucumbers worldwide are primarily harvested for human consumption in Asia. Growing demand in these markets has increased sea cucumber prices globally to up to $500.00 (U.S.)/ kilogram, or more, for dried product.

Initially, fishery productions increased to meet this demand, but now overfishing and unregulated fishing has taken hold. Globally, 66 species are overexploited because of poor regulations or lack of enforcement, causing a dramatic decrease in their populations. Many domestic sea cucumber populations face a steady decline

from unsustainable harvests. Because they are sedentary and live in shallow water, some of the most valuable species are easily overharvested. Overharvest of these valuable species has led to the use of some non-preferred species as a substitute to match supply for the overall increased demand for this product. Sustainable regulated harvest is essential to preserve the economic interests of those involved in the industry, and for the preservation of the delicate marine ecosystems in which the sea cucumber is an integral species.

FACILITATING LEGAL TRADE OF ECHINODERMS

The Service has worked closely with the trade community to ensure both an understanding of our requirements and to facilitate the lawful trade in fish and wildlife. While we understand the applicable laws and regulations may be new to some importers and exporters, the requirements have been in place since the mid-to-late 1970s.

The current standard requires that sea urchin and sea cucumber imports and exports travel through ports as listed in the Code of Federal Regulations. Shipments must be declared and the Service requires 48-hour notice prior to arrival and inspection primarily to ensure that inspection staff members are available to clear shipments in a timely fashion. The 48-hour notification requirement also allows wildlife inspectors to review documents and resolve paperwork problems before inspection, thus expediting shipments upon arrival or departure. Shipments typically go out on time and are cleared the same business day they are declared.

The Service charges modest fees for processing applications and performing inspections. For example, the inspection fee for a shipment of sea urchins would be $93. By comparison, our review of a sample of 20 shipments of sea urchins out of Maine shows that the average declared value was about $23,000 per shipment.

We consider the key to ensuring proper clearance and compliance is close communication between the importer/exporter or their broker, and the Service inspectors at the port where clearance is requested. Our goal is not only to ensure compliance with the laws but to facilitate lawful trade.

CONCLUSION

The Service's role in monitoring the import and export of wildlife, including echinoderms, is integral to the success of conservation. The Service is the only agency monitoring and physically inspecting the export of wildlife from U.S. ports. As with other domestically managed species, state fish and wildlife agencies rely upon the Service inspection process to deter interstate smuggling efforts. An exemption for echinoderms would provide greater opportunity for international smuggling of these valuable species and other wildlife, while limiting the Service's ability to work with states and international government partners to detect and deter unsustainable, illegal trade.

Thank you for the opportunity to testify today. I would be happy to answer any questions that you have and will continue to work with Congresswoman Pingree, Congressman Poliquin, and the subcommittee on this important issue.

Dr. FLEMING. Thank you, Mr. Woody.

The Chair now recognizes Mr. Atchan Tamaki, Founder of ISF Trading, for his testimony.

STATEMENT OF ATCHAN TAMAKI, FOUNDER, ISF TRADING, PORTLAND, MAINE

Mr. TAMAKI. Good afternoon. My name is Atchan Tamaki. I am a founder and the president of the ISF Trading, Inc., which is located on the pier on Portland, Maine's working waterfront, and is Maine's largest processor of sea urchins and sea cucumbers.

I am also the president of the Maine Sea Urchin and Sea Cucumber Association, and I am a member of the Maine Department of Marine Resources Sea Urchin Zone Council, which advises the Commissioner of Marine Resources on issues relating to sea urchin conservation.

I moved to the United States from Japan in 1978 to attend college. After earning a business degree from the University of Montana, I moved to Maine. I have had amazing opportunities in Maine. So, I raised my family there, and have been able to grow my business and provide jobs to Maine workers. I am proud to say that along the way I became a naturalized U.S. citizen.

After moving to Maine, I began working in the lobster business, which introduced me to sea urchins and sea cucumbers. I saw tremendous opportunity in that market. In 1989, I began buying, processing, and shipping sea urchins and sea cucumbers, and my business took off as the industry's pioneer in Maine.

I have built my business from scratch. It now employs approximately 60 people, many of them Asian immigrants with limited English language ability who otherwise would have difficulty finding jobs. Indirectly, my business employs many more people. Several hundred people who make a living by harvesting urchins in remote Washington County in Maine, and those who transport the product to processors like me in southern Maine rely on us for their income.

With this background, I am here today to testify about a grave threat that is facing our industry and putting hundreds of Maine jobs at risk. For approximately 30 years, lobsters and shellfish have been exempt from the U.S. Fish and Wildlife Service import/export fee and inspection regimen. This means that, for decades, shipments of lobsters, mussels, clams, scallops, and oysters, among others, have been imported to, and exported from, the United States without any interference from Fish and Wildlife.

In 2013, Maine's lobster exports totaled $245 million, and not a single shipment of it required the payment of fees to, or inspection by, Fish and Wildlife. By contrast, Maine's entire annual urchin harvest, for both domestic consumption and export, is worth about $5.4 million. But each shipment requires the payment of over $225 in fees to Fish and Wildlife, in addition to $60–$70 in fees to U.S. Customs, plus time-consuming and delay-inducing inspections. This includes the particularly onerous requirement that we notify Fish and Wildlife 48 hours in advance of every shipment, despite the fact that the urchin catch is brought to shore less than 24 hours before we process and ship it.

It is worth noting that the U.S. Custom Service also inspects our products. They run a seamless, 24/7 process. When the exemption for lobsters and shellfish was enacted in the 1980s, the sea urchin and the sea cucumber market were in their infancy. It is clear that the obscure nature of the industry at that time is the sole reason that sea urchins and sea cucumbers were not included within the exemption.

This anomaly made little difference until about 2 years ago, when for the first time Fish and Wildlife began requiring our industry to submit to the fees and the inspection program for exports. The result has been that my business and my competitors' businesses have had to pay tens of thousands of dollars and endure debilitating delays as we have had to deal with Fish and Wildlife, a new and particularly burdensome source of red tape.

Our highly perishable product routinely ends up wasting away in a warehouse at JFK Airport as we wait for Fish and Wildlife to

clear it for export. Lost paperwork, unexplained delays, and the lack of response by overworked Fish and Wildlife Service employees in New York has often led to spoiled product, unhappy customers overseas, and a dramatic hit to my company's bottom line.

In the approximately 2 years during which we have been subject to this process, it has only gotten worse, particularly when Fish and Wildlife, unlike U.S. Customs, shuts down entirely over the December holidays. That is our busiest season of the year.

By adopting H.R. 4245 and extending the longstanding exemption for lobsters and shellfish to sea urchins and sea cucumbers——

Dr. FLEMING. Mr. Tamaki, I am sorry, we are out of time. But your entire statement will be contained in the record.

Mr. TAMAKI. Thank you

[The prepared statement of Mr. Tamaki follows:]

PREPARED STATEMENT OF ATCHAN TAMAKI,PRESIDENT, I.S.F. TRADING, INC.; PRESIDENT, MAINE SEA URCHIN AND SEA CUCUMBER ASSOCIATION ON H.R. 4245

Good afternoon. My name is Atchan Tamaki, and I am the founder and president of I.S.F. Trading, which is located on a pier on Portland, Maine's working waterfront and is Maine's largest processor of sea urchins and sea cucumbers. I am also the president of the Maine Sea Urchin and Sea Cucumber Association and I sit on the Maine Department of Marine Resources Sea Urchin Zone Council, which advises the Commissioner of Marine Resources on issues relating to sea urchin conservation.

I moved to the United States from Japan in 1978 to attend college. After earning a business degree from the University of Montana (there is not much seafood processing in Montana!), I moved to Maine. I have had amazing opportunities in the United States, and particularly in Maine. I raised my family there and have been able to grow my business and provide jobs to Maine workers. I am proud to say that along the way I became a naturalized U.S. citizen.

After moving to Maine, I began working in the lobster business, which introduced me to sea urchins and sea cucumbers. I saw tremendous opportunity in that market. So, in 1989, I began buying, processing, and shipping sea urchins and sea cucumbers and my business took off—you could say that I was the industry's pioneer in Maine. Many Americans are not aware that sea urchins are a common food item. Sea urchin roe can be found on many sushi menus as "uni." It has long been a delicacy in Asia and demand in the domestic market has been steadily increasing. I also process sea cucumbers, which are very popular in Korean and Chinese markets. After a bout of overfishing in the early 1990s, Maine and other states aggressively and very successfully regulated the fishery, and it is now a sustainability success story.

I have built my business from scratch. It now employs approximately 60 people, many of them Asian immigrants with limited English-language ability, who otherwise would have difficulty finding work. Indirectly, my business employs many more people. My competitors—who also employ dozens of people—and I purchase every urchin that is landed at ports along Maine's coast. The several hundred people who make a living by harvesting urchins in remote Washington County and those who transport the product to processors like me in southern Maine rely on us for their income. It is important to note that in an era in which almost all seafood processing activity has left New England for Canada, Maine's sea urchin processors have bucked the trend. Canadian processors have been unsuccessful at conducting the labor-intensive and skilled work involved in processing sea urchins, and as a result, most urchins landed in eastern Canada are shipped to Maine for processing. This is a source of tremendous pride in my industry and for me personally.

With this background, I am here today to testify about a grave threat that is facing my industry and putting hundreds of Maine jobs at risk. For approximately 30 years, lobsters and shellfish have been exempted from the U.S. Fish and Wildlife Service import/export fee and inspection regimen. This means that for decades, shipments of lobsters, mussels, clams, scallops, and oysters—among others—have been imported to, and exported from, the United States without any interference from Fish and Wildlife. In 2013, Maine's lobster exports totaled $245 million—and not a single shipment of it required the payment of fees to, or inspections by, Fish and Wildlife. By contrast, Maine's entire annual urchin harvest, for both domestic

consumption and export, is worth about $5.4 million, but each shipment requires the payment of over $225 in fees to Fish and Wildlife (in addition to $60–$70 in fees to the Customs Service), plus time-consuming and delay-inducing inspections—including the particularly onerous requirement that we notify Fish and Wildlife 48 hours in advance of every shipment, despite the fact that the urchin catch is brought to shore less than 24 hours before we process and ship it. It is worth noting that the Customs Service also inspects our products and we have had no problems in that regard—they run a seamless, 24/7 process.

When the exemption for lobsters and shellfish was enacted in the 1980s, the sea urchin and sea cucumber markets were in their infancy. It is clear that the obscure nature of the industry at that time is the sole reason that sea urchins and sea cucumbers were not included within the exemption. This historical anomaly made little difference until about 2 years ago, when for the first time Fish and Wildlife began requiring my industry to submit to its fee and inspection program for exports. The result has been that my business and my competitors' businesses have had to pay tens of thousands of dollars and endure debilitating delays as we have had to deal with Fish and Wildlife, a new and particularly burdensome source of red tape. Our highly perishable product routinely ends up wasting away in warehouses at JFK Airport as we wait for Fish and Wildlife to clear it for export (a duplication of the existing Customs process).

Lost paperwork, unexplained delays, and lack of responsiveness by overworked Fish and Wildlife Service employees in New York has often led to spoiled product (or "dead loss"), unhappy customers overseas, and a dramatic hit to my company's bottom line. In the approximately 2 years during which we have been subjected to this process, it has only gotten worse—particularly when Fish and Wildlife, unlike Customs, shuts down entirely over the December holidays, our busiest season. All of this disruption is due to inspections that similar and far more prominent seafood products, such as lobster, avoid entirely—and this disparity has no basis with respect to science or sustainability.

The debilitating impact of the Fish and Wildlife fee-paying and inspection process has thrown what had been a steady and growing business into a state of uncertainty—with fees, delays, and spoiled shipments suddenly cutting into my bottom line, I have reduced my hiring, as have my competitors. This is having a direct impact on Maine's economy and surely also on the economies of other states where this industry is prominent, such as California, Oregon, and Washington. With this constant drag on hiring and profitability, I honestly cannot tell you what the future holds for my industry. This would not have been the case before Fish and Wildlife inserted itself into my business and those like it.

I will share with you just one recent example of the burdens imposed by this fee-payment and inspection process: In November, my company submitted an application to renew our Fish and Wildlife import/export permit well in advance of its December 31 expiration. This permit is absolutely vital to my business given its extensive import/export activity. Throughout November and December, we repeatedly followed up with Fish and Wildlife to inquire about the status of our application. We could not get an answer and were simply told, "it can take a long time." Come January, we still had not received our renewed permit and, as a result, Fish and Wildlife rejected two of our shipments to Asia, with a value of $30,000. Finally, during the second week of January, our permit arrived, but only after 2 weeks' worth of damage was done to our business.

By enacting H.R. 4245 and extending the longstanding exemption for lobsters and shellfish to sea urchins and sea cucumbers, Congress would be correcting an historical oversight and providing predictability and growth to an essential coastal industry—all without putting our environment or natural resources at risk. It would allow my business and those like it to go back to focusing on what we do best: Processing these highly perishable products and shipping them, packed in ice, to Asia within the short window before spoilage occurs. By treating our products like its peers—lobsters, mussels, clams, and the like—Congress would allow our business to return to a state of steady growth and hiring.

Thank you for considering this measure and for providing me with the opportunity to make these comments in support of H.R. 4245.

Dr. FLEMING. Thank you. Next we have Mr. Daniel Morris, the National Marine Fisheries Service's Deputy Regional Administrator for the Greater Atlantic Region.

You have 5 minutes, sir.

STATEMENT OF DANIEL MORRIS, DEPUTY REGIONAL ADMINISTRATOR, GREATER ATLANTIC REGIONAL FISHERIES OFFICE, NATIONAL MARINE FISHERIES SERVICE, GLOUCESTER, MASSACHUSETTS

Mr. MORRIS. Good morning. Thank you, Mr. Chairman and members of the committee. I am Daniel Morris, the Deputy Regional Administrator for the Greater Atlantic Regional Fisheries Office within the Commerce Department's National Oceanic and Atmospheric Administration. Thank you for the opportunity to come before you today to discuss H.R. 3070, the EEZ Clarification Act. My comments will focus only on H.R. 3070, as H.R. 4245 is not within NOAA's jurisdiction.

The Federal Government and the states have a long history of successful collaboration in managing sustainable fisheries. Two statutes guiding our collaborative management include the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act. The former focuses specifically on striped bass conservation and management by the states, while the latter provides a vehicle for Federal and state cooperation by establishing the Atlantic States Marine Fisheries Commission.

Atlantic striped bass are managed under state jurisdictions, as coordinated by the Commission. Historically, the striped bass fishery was one of the most important on the Atlantic coast. Overfishing and environmental degradation led to its decline in the 1980s. But through the state's effective management, the stock recovered and was declared rebuilt in 1995.

In 1990, NOAA Fisheries implemented a Federal ban on the commercial and recreational harvest and possession of striped bass in the U.S. EEZ to aid in its recovery. In 2006, we reviewed that ban and analyzed the potential effects of opening the EEZ to striped bass fishing. At that time, we invited public comment and received approximately 8,500 comments, of which 97 percent favored continuing the closure, which is what we did at the conclusion of the review.

The unique geography of Eastern Long Island Sound creates an area of Federal waters landward and to the west of the state waters around Block Island. To accommodate fishermen, NOAA Fisheries modified the EEZ restrictions to allow possession of striped bass in the area known as the Block Island Transit Zone, provided that no fishing takes place from the vessel while in the EEZ and that the vessel is in continuous transit.

In October 2008, Executive Order 13449 affirmed as policy of the United States the goal of conserving striped bass for recreational, economic, and environmental benefit of present and future generations. NOAA Fisheries determined that the EEZ striped bass fishing and possession prohibitions were consistent with that order.

Then, in 2009, the Commission reviewed the idea of opening the Block Island Transit Area to fishing, but decided not to request adjustment of the Federal EEZ prohibitions at that time.

In 2015, a new stock assessment of striped bass showed downward trends in the coastal stock. Accordingly, the Commission adopted management measures to reduce fishing mortality along the coast and in the Chesapeake Bay. The changes to the EEZ proposed under H.R. 3070 would have implications for the

management of the stock for both commercial and recreational fisheries. The Commission's continued effective and well-coordinated management of the fishery will be essential if we are to sustain the striped bass resource for the many commercial and recreational interests that depend upon it.

Aside from striped bass, other fisheries occur in the Block Island Transit Zone. Recreational and commercial fisheries for summer flounder, scup, black sea bass, winter flounder, and squid may occur in the area. All are under very effective management through the collaboration of NOAA Fisheries, the states, the Commission, and the Mid-Atlantic or the New England Fishery Management Councils.

Given the joint management structure, changing jurisdiction of the waters adjacent to Block Island from Federal to state would have some impact, but a small impact on the management of these fisheries, as regulations are typically consistent across the jurisdictions. However, bringing this area of EEZ under state jurisdiction may affect the fishing opportunity for vessels and for fishermen that currently work in Federal waters, but do not hold state permits from Rhode Island or New York.

NOAA understands the importance of the striped bass and other fisheries for fishermen and the states along the Atlantic Coast. If H.R. 3070 is enacted, we would have some work to do. Subsequent efforts will be required by NOAA Fisheries and our partners to ensure that the harvest in this area is equitably divided and fully accounted for. We will continue to work with our constituents, the states, and the Commission on this important issue to ensure the best possible management of the resource.

Thank you again, Mr. Chairman. I will do my best to respond to any questions that you and the Members may have.

[The prepared statement of Mr. Morris follows:]

PREPARED STATEMENT OF DANIEL MORRIS, DEPUTY REGIONAL ADMINISTRATOR, GREATER ATLANTIC REGIONAL FISHERIES OFFICE, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ON H.R. 3070

INTRODUCTION

Good afternoon, Mr. Chairman and members of the committee. I appreciate the opportunity to speak with you today about a number of the bills before the committee. My name is Daniel Morris and I am the Deputy Regional Administrator for the Greater Atlantic Regional Fisheries Office, within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). Thank you very much for the opportunity to come before you today to discuss H.R. 3070 and H.R. 4245. My comments will focus only on H.R. 3070, as H.R. 4245 is not within NOAA's jurisdiction.

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

ATLANTIC STRIPED BASS

Atlantic striped bass are managed directly by the state jurisdictions through the Atlantic States Marine Fisheries Commission (ASMFC). Historically, the fishery for striped bass was one of the most important on the Atlantic coast. Overfishing and poor environmental conditions led to the decline of the fishery in the 1980s. Through

effective management and cooperation by the states under ASMFC, The Atlantic Striped Bass Conservation Act, and the Atlantic Coastal Fisheries Cooperative Management Act, the stock was rebuilt in 1995.

In 1990, the National Marine Fisheries Service (NMFS) implemented a Federal ban on the harvest and possession of striped bass, both commercially and recreationally, in the U.S. EEZ to support the efforts of the Atlantic States Marine Fisheries Commission (Commission) to aid in the recovery of striped bass along the East Coast. In 2006, NMFS reanalyzed potential effects of opening the EEZ to Atlantic striped bass harvest, and invited public comment. NMFS received approximately 8,500 comments, of which 97 percent favored continuing the closure. To ensure that both commercial and recreational fishing pressure did not increase in the EEZ and ensure the long-term conservation of Atlantic striped bass, NMFS maintained the closure.

NMFS understands the unique fishing area adjacent to Long Island and Block Island, and modified the no-possession requirement of Atlantic striped bass to allow for possession of striped bass in the area known as the Block Island Sound transit zone, provided that no fishing takes place from the vessel while in the EEZ and the vessel is in continuous transit.

In October 2008, Executive Order 13449 affirmed as policy of the United States the goal of conserving striped bass and red drum for the recreational, economic, and environmental benefit of present and future generations. NMFS determined that the current prohibitions on fishing for striped bass and red drum in the EEZ are consistent with the Executive Order.

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

In 2015, based on a new stock assessment which showed downward trends in the striped bass coastal stock, the Commission adopted new management measures to reduce fishing mortality including a 25 percent reduction on the coast and a 20 percent reduction in Chesapeake Bay harvests. Changes to the EEZ, as proposed under H.R. 3070 would have implications for the management of the stock, both for commercial and recreational fisheries. Continued careful and coordinated management of this important fish stock through management programs implemented by the Commission is essential if we are to sustain the resource and the many commercial and recreational interests that depend on striped bass fishing.

FEDERALLY MANAGED STOCKS

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

CONCLUSION

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

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

Dr. FLEMING. Thank you, Mr. Morris.

I now recognize Captain John McMurray, owner of One More Cast Charters.

STATEMENT OF JOHN MCMURRAY, OWNER, ONE MORE CAST CHARTERS, OCEANSIDE, NEW YORK

Mr. MCMURRAY. Thank you, Mr. Chairman, members of the committee. I do appreciate being invited here today to give my perspective on the EEZ Clarification Act. That is all I will be commenting on. Frankly, I know nothing about Maine's sea urchins, but I do agree with the Congressman that, yes, they are indeed ugly.

Again, my name is John McMurray. I run a charter business in Long Island, and I have done so for 15 years. I sit on the Mid-Atlantic Fishery Management Council, which is one of the eight Federal Management Councils. I am also a member of the Atlantic States Marine Fisheries Commission's Striped Bass Advisory Panel, and I am the Director of Grant Programs at the Norcross Wildlife Foundation. I want to be clear that today I am speaking solely as a fisherman and a small business owner from New York.

As you are likely aware, the EEZ, the area off our coast from 3 nautical miles out to 200, has been closed since 1990. That moratorium was put in place to protect new year-classes entering the spawning population, and to help with the rebuilding of a resource that was recovering from nearly two decades of overfishing.

In 2006, NOAA Fisheries re-evaluated that Federal ban. They received approximately 8,500 comments, almost all supporting a continued closure. The agency decided to maintain the moratorium to ensure fishing pressure did not increase. Today, the EEZ effectively serves as a badly needed buffer for an adult striped bass population. Outside of 3 miles, stripers are temporarily protected from the sometimes immense pressure they face in state waters.

Our nautical charts, as well as GPS units, that show Eastern Long Island, Block Island and Rhode Island, the EEZ is clearly delineated, indicating a boundary that lies 3 miles off of all relevant points of land. Because Block Island is approximately 9 miles from Rhode Island and 14 miles from Montauk Point, there is a large swath of water between Montauk, Block Island, and Point Judith—approximately 155 square miles that is Federal water and closed to striped bass fishing.

Those familiar with the area understand that such water, usually from June to October, holds a lot of striped bass, which are generally large ones. The EEZ Clarification Act, if it were to become law, recreational fishing for striped bass will be allowed in such an area.

While it is easy to think that this is not a big deal, and we are just considering opening a small area between two points of land, the reality is that we are talking about 155 square miles of what is really prime striped bass habitat, particularly for those older, larger fecund females. And it is in very close proximity to some of the biggest recreational and commercial fishing ports on the East Coast. If such an opening were to occur, a lot more big, fecund females would presumably be harvested.

As far as I know, there has been no biological analysis conducted by NOAA Fisheries, ASMFC, or other managing agencies of what

sort of impact this might have. Such analysis should actually be a requirement before considering any such opening. Regardless, it seems very likely that opening this water to striped bass fishing would result in an increase—probably a significant one—in overall fishing mortality.

Currently, things are not exactly rosy with striped bass. The stock has been in steady decline since 2006. And while the latest assessment, completed in 2013, found that it wasn't quite yet overfished, such an assessment clearly warned that it very well could become overfished in 2015.

Just about everyone with any real time on the water will tell you that the striped bass resource has been trending downward, and it is certainly not at the level that it was, even just a few years ago.

Each year it seems to become harder and harder to find striped bass in their usual haunts. Certainly there is still good fishing to be had, but it is sporadic and hard to predict. Those who fish from shore, surf catchers, have suffered from the decline the most. The Montauk Blitz, those classic striped bass feeding frenzies right off the beach of Montauk, which really characterize that area from September to October each fall, seem to be a thing of the past.

It is my opinion that the last thing we should be considering at this point is a likely increase in fishing mortality. Any such regional opening would also interrupt a uniform and consistent EEZ closure along the striper coast. You could be fairly sure that if such a bill were to become law, Massachusetts, Virginia, North Carolina, et cetera, would be carving out their own preferred areas of the EEZ to open. And there would be justification, because if New York can do it, so can they.

Finally, the bill intends to open up areas landward from "a continuous line running from a point 3 miles south of the southernmost point of Montauk to a point 3 miles south of the southernmost point of Block Island, Rhode Island, and from a point 3 miles south of the southernmost point of Block Island, Rhode Island, to a point 3 miles south of the southernmost point of Point Judith."

Now, if you get out a chart and actually draw those lines, you will see that it cuts off the entire southeast corner of Block Island. Unless I am misunderstanding something, this means that, technically, if you are fishing from the beach on that southeast corner, you would be in violation of Federal law.

So, in short, the EEZ moratorium is and has been an important component of striped bass conservation efforts. It has kept fishing mortality down, particularly in those older, larger fish that compose a spawning stock and appear to frequent Federal waters. Such a closure over the years has, without question, helped to protect the striped bass resource from over-harvest.

The Montauk and Rhode Island party and charter fleet appears to be arguing that such a regional opening would provide economic benefits. Perhaps it might. But the larger question is whether such potential economic benefits——

Dr. FLEMING. Sorry, Mr. McMurray, we are going to have to conclude. But thank you. Your entire statement will be in the record.

Mr. MCMURRAY. Thank you.

[The prepared statement of Mr. McMurray follows:]

PREPARED STATEMENT OF CAPTAIN JOHN MCMURRAY, OWNER/OPERATOR, ONE MORE CAST CHARTERS ON H.R. 3070

Mr. Chairman and members of the committee, thank you for inviting me to share my perspective on H.R. 3070, the "EEZ Clarification Act."

I've run a relatively successful fishing charter business in Long Island, NY for 15 years, employing three boats and three captains when the striped bass resource was at its high point. I sit on the Mid Atlantic Fishery Management Council, one of eight regional fishery management councils in the United States. I'm also a member of the Atlantic States Marine Fisheries Commission's Striped Bass Advisory Panel. Last, I'm the Director of Grant Programs at the Norcross Wildlife Foundation, which has distributed over $20 million in equipment grants, much of that to organizations focused exclusively on fisheries and marine habitat protection.

I want to be clear that I'm here today speaking solely as a fisherman and small business owner from New York.

As you are likely aware, the Exclusive Economic Zone (EEZ)—the area off our coast from 3 nautical miles out to 200—has been closed to striped bass fishing since 1990.

Such moratorium was put in place to protect new year-classes entering the spawning population and to help with the rebuilding of a resource recovering from nearly two decades of overfishing.

In 2006, NOAA Fisheries re-evaluated the Federal ban. After receiving approximately 8,500 comments, almost all supporting a continued closure, the agency decided to maintain the moratorium to ensure fishing pressure did not increase.

Today, the EEZ effectively serves as a badly needed buffer for an adult striped bass population. Outside of 3 miles, stripers are temporarily protected from the sometimes immense pressure they face in state waters.

On nautical charts that show Eastern Island, Block Island and Rhode Island the EEZ is clearly delineated, indicating a boundary that lies 3 miles off of all relevant points of land.

Because Block Island is approximately 9 miles from Rhode Island, and 14 miles from Montauk Point, there is a large swath of water between Montauk, Block and Pt. Judith—approximately 155 square miles—that is Federal water, and thus closed to striped bass fishing. Those familiar with the area understand that such water, usually from June to October, holds A LOT of striped bass. Generally large ones too.

While it is legal to be in possession of striped bass in such "transit zones" while steaming between Block Island and Montauk or other nearby ports, anglers may not actively fish for stripers in such area.

If H.R. 3070, the "EEZ Clarification Act" were to become law, recreational fishing for striped bass would be allowed in the "transit zone."

While it's easy to think this is not a big deal, and that we're just considering opening a small area between two points of land, the reality is that we're talking about 155 square miles of what is really prime striped bass habitat, particularly for those older, larger, fecund females, in close proximity to some of the biggest recreational and commercial fishing ports on the East Coast. If such an opening were to occur, A LOT more big fecund females would presumably be harvested.

As far as I know, there has been no biological analysis conducted by NOAA Fisheries, ASMFC or other managing agency of what sort of impact this might have. Such an analysis should be a requirement before considering any such opening. It seems very likely that opening this water to striped bass fishing would result in an increase, probably a significant one, in overall fishing mortality.

Currently things are not exactly "rosy" with striped bass. The stock has been in steady decline since 2006. And while the last assessment (completed in 2013) found that it wasn't quite yet overfished, such assessment clearly warned that it very well could become overfished in 2015.

Just about everyone with any real time on the water acknowledges the decline in abundance of striped bass (unless they have a financial stake in harvesting more fish of course). Each year, it seems to become harder and harder to find striped bass in their usual haunts. Certainly there is still good fishing to be had, but it is sporadic and hard to predict. Those who fish from shore ("surfcasters") have suffered from the decline the most. The "Montauk Blitz" (striped bass feeding frenzies) that characterized the Montauk shoreline in September and October, and made Montauk a famous striped bass destination appear to be a thing of the past.

It is my opinion that the last thing we should be considering at this point is a likely increase in fishing mortality.

Any such regional opening would interrupt a uniform and consistent EEZ closure along the striper coast. You can be fairly sure that if such a bill were to become law, Massachusetts, Virginia, North Carolina, etc., would be carving out their own

preferred areas of the EEZ to open. And there would be justification, "If New York and Rhode Island can do it, then we should be able to also."

There is a fairness issue to consider as well. Given the EEZ was permanently closed to commercial striped bass fishing pursuant to an Executive Order issued by President George W. Bush, such an area would presumably be open to recreational fishing only. If that were the case, and it was determined that the increase in fishing mortality required a reduction, such an across-the-board reduction would affect commercial fishermen negatively even if they had little to do with the overage.

Finally, the bill intends to open up areas landward from "a continuous line running from a point 3 miles south of the southernmost point of Montauk to a point 3 miles south of the southernmost point of Block Island, Rhode Island, and from such point 3 miles south of the southernmost point of Block Island, Rhode Island, to a point 3 miles south of the southernmost point of Point Judith."

If you get a chart out and actually draw those lines, you'll see that it cuts off the entire southeast corner of Block Island. Unless I'm misunderstanding something, this means that technically, if you were to be fishing from the beach at Sand Bank, or Cat Rock, you'd be doing so illegally.

In short, the EEZ moratorium is and has been an important component of striped bass conservation efforts, keeping fishing mortality down, particularly on those older large fish that compose the spawning stock, and appear to frequent Federal waters. Such a closure has over the years, without question, helped to protect the striped bass resource.

The Montauk and Rhode Island party/charter fleet appears to be arguing that such a regional opening would provide economic benefits. Perhaps it might. But the larger question is whether such potential economic benefits, for what appears to be a narrow special interest, trump the long-term health of a public resource. And should those fish be available to such special interests at the expense of the great majority of anglers, particularly those surfcasters and near shore fishermen?

The answer seems pretty simple to me.

This concludes my testimony. Thank you for the opportunity to provide these comments.

Dr. FLEMING. Next the Chair recognizes Captain Joe McBride, Legislative Representative of the Montauk Boatmen and Captains Association, for 5 minutes.

Take your time, sir. We won't start the clock until you get set.

STATEMENT OF JOE MCBRIDE, LEGISLATIVE REPRESENTATIVE, MONTAUK BOATMEN & CAPTAINS ASSOCIATION, EAST HAMPTON, NEW YORK

Mr. MCBRIDE. Thank you, Mr. Chairman. I am Captain Joe McBride. I have spent 40 years as a charter boat captain in the Montauk area, and I am very familiar with the areas, geographically and historically, in regard to the fishing. It is not in my written statement, because I didn't think it was important, but I do have to lend some credibility to my opinions on the issue before us, Congressman Zeldin's bill.

In any case, I would like to thank Chairman John Fleming and Congressman Lee Zeldin for allowing us to present our issues to the Committee on Natural Resources. We appreciated Chairman Bishop and other Members taking time to come to Riverhead in December for a field meeting. You are to be commended, all of you, and to be thanked by the fishermen on Long Island, for taking the time to come out and hear our problems, whatever the resolve will be. Again, I would personally like to thank Congressman Zeldin for arranging these particular meetings.

We have a longstanding problem with the Transit Zone between Block Island, Rhode Island, and Montauk Point, New York, and between Block Island and Point Judith, Rhode Island. The

unintended consequence of this restriction is that New York State and Rhode Island have lost over 60 percent of the historical striped bass fishing areas in the Transit Zone.

When the zone was first set up in approximately 1990, no one enforced it for 10 years. No one even paid attention to it for 10 years. Somewhere after 9/11 we began to see a number of Coast Guard vessels from Boston, from New London, and from New York enforcing the 3-mile law. Most people didn't even know, including the captains, because it was not delineated on the regular charts. It was on special charts pertaining to the fishing and to the laws that were aforementioned.

It is a very onerous thing for us, because not only is the area an important historical part of our fishing grounds, they contain all of our striped bass, or a good portion, 60 percent of our striped bass rips, as they call them, the places we fish for striped bass. So we are putting up with it, trying to see what we could do to rectify it.

I had a meeting with the Coast Guard commandants from New London, New York, and Boston in New York, and they pointed out to me, "Joe, we are police officers of the sea. We are told to enforce the law. We have to enforce the law. It is nothing we want to penalize Montauk," which I was concerned was something going on that we didn't know about. "The law is the law. You have to change it." We have been trying to change the law in an equitable fashion. Not unequal, not to take something from anybody else.

But if you look at the coast of the United States, going from South Carolina, 3 miles is more than adequate for our fisheries. Bass fishing is a coastal fishery. Beyond the anomaly is the area between Montauk Point and Block Island, and Block Island and Point Judith.

Now, we would like to be able to fish for striped bass in that area by any means that does not do any harm to any other fishery or any other group of fishermen. And we would rely on both Congressman Zeldin to lead the charge and, hopefully, with the Congressman from Connecticut, they can work together to adjudicate this problem and come up with a bill that will present us with the opportunity to restore historical fishing.

I sort of summarized—I am running out of time here—I summarized pretty much what you have in the written report. I want to thank you again for your considerations of our requests.

[The prepared statement of Mr. McBride follows:]

PREPARED STATEMENT OF CAPTAIN JOE MCBRIDE, LEGISLATIVE REPRESENTATIVE, MONTAUK BOATMEN & CAPTAINS ASSOCIATION (MBCA) ON H.R. 3070

The MBCA would like to thank Chairman John Fleming and Congressman Lee Zeldin for allowing us to present our issues to the Committee on Natural Resources. We appreciated Chairman Bishop and other Members taking the time to come to Riverhead in December for a field hearing.

We have a longstanding problem with the Transit Zone between Block Island, RI and Montauk Point, NY, and between Block Island and Point Judith, RI. The unintended consequence of this restriction is that New York State and Rhode Island have lost over 60 percent of their historical striped bass fishing areas in the Transit Zone.

This anomaly exists only in this area because of the extended distance between Montauk Point, NY to Block Island, and is the same for Point Judith to Block Island. The distance from Block Island to either Montauk Point or Point Judith is approximately 15 miles. We having been trying for many years to correct this problem with no success.

The impact of sport fishing on Long Island is very important to our economy, especially in Montauk. According to the 2001 survey Sea Grant, a branch of Cornell University, the economic impact of sport fishing is as follows:

1. At least $2 billion to our economy
2. Over 1 million sport fishermen
3. 10,000 full or part time jobs on Long Island
4. The above are exclusive of the sale of boats and equipment for the industry

To correct this unintended problem we respectfully request:

1. Sport fishing for striped bass be allowed in the Transit Zone be allowed as soon as possible
2. You support H.R. 3070 to change the EEZ area to 3 miles south of Block Island and Montauk Point and the same for the area between Block Island and Port Judith, RI

Thank you for your consideration of our requests.

Dr. FLEMING. I thank you gentlemen for your valuable testimony. At this point, we will begin our questions for the witnesses. Members are limited to 5 minutes for their questions. And we can have more than one round, depending on the number of questions, of course.

Mr. Woody, I have a question for you. You have heard testimony—several, in fact, make note of the fact that oftentimes the sea urchins are brought in and the inspections are not timely, there is spoilage, loss of revenue. When that happens, I am not hearing that anybody gets fined. In private business, when you do things like that, you get fined, lose customers, or lose your crop, or whatever it is. But if the inspectors fail to do their job, what is done to them? And then how do you make it up to the industry for allowing their product to spoil?

Mr. WOODY. First, sir, I am not aware of any spoilage dealing with this. I have heard that testimony, but I am not aware of any spoilage. One thing that we do require is when we asked industry for the 48 hours, that is to move the paperwork through.

For example, the one that was spoke to over the weekend, there were another five shipments of live and perishable wildlife or product that came through. All of those shipments went through, no problem. There wasn't an issue with them at all.

This other particular shipment that we are talking about, my staff told me that they were told that we could get to it Monday. It was not a perishable shipment. We gave priority to those other ones, and we moved this other one through.

Dr. FLEMING. Do you have a system where you track your success at timely inspections?

Mr. WOODY. How do you mean?

Dr. FLEMING. Well, you say you are not aware of it, but that doesn't mean it doesn't happen. If you are not asking, you are not going to know.

Mr. WOODY. Correct. We worked very closely with Ms. Pingree's staff on looking at some of the issues that they had, and we make every effort, every effort to make sure that we have somebody——

Dr. FLEMING. An effort, sir, is not a system. I am wondering what system do you have. And I will open it to the other panelists who say that you have experienced spoilage issues with perish-

ables. Is there a network or a system in which you can file a complaint, a timely complaint, and get quick response? Anyone?

[No response.]

Dr. FLEMING. OK. So, if there isn't a way for them to know, or for you to know, and certainly intervene when your inspections have not taken priority, then, obviously, it sounds like to me, that that is a system failure.

Mr. WOODY. And again, sir, I am not aware of anything sitting on the tarmac or being spoiled.

Dr. FLEMING. Right. But again, if you are not aware, that doesn't mean it doesn't happen. That is the whole point here.

Mr. WOODY. I would think that if a $20,000 shipment spoiled on the tarmac, oh, I would hear about it.

Dr. FLEMING. OK. So you are saying—and again I will open it up to the panel. Gentlemen, do you complain when these things happen, or do you just say nothing? Anybody?

Mr. TAMAKI. Yes, we have several times. That is we ask for the inspections. For example, 2 years ago, when the main season is closed, shut down, we import from Chile for the fresh sea urchin. That is the first time that—it was products at the JFK Airport, and it was 90 degrees, and the Fish and Wildlife New York Office told me they need to inspect. "OK. Can you do as soon as possible?" They said they don't have enough staff.

Meanwhile, we have to just leave it there. That is perishable product in the 90 degree heat. Absolutely, it is no good.

Dr. FLEMING. Right. But let me interrupt you for just a second, because I will run out of time. My question is, when that happens, do you have a method, an immediate method, in which you can complain? Is there a 1-800 number, a hotline, somebody you can go to with the inspection agency that you can complain to? Or is there some way of adjudicating that?

Mr. TAMAKI. No, I didn't know an 800 number, but that is—I am sorry, I didn't know at the time——

Dr. FLEMING. So you called, you were told there wasn't enough staff.

And, Mr. Woody, you say you are not aware these things happen. But nobody here is telling me that there is a communication route in which complaints can be made.

Mr. WOODY. Yes, we have our resident agent in charge there, a number of inspectors. I mean they make themselves available for those calls. And again, sir, I have not heard of an issue where we have had——

Dr. FLEMING. Well, you heard one just a moment ago. Just now you heard one.

Mr. WOODY. And we are not aware of that issue, sir.

Dr. FLEMING. OK. Well, again, I would have to submit to you that this is what the American people are very upset about, is the bureaucracy in America that seems to be self-serving, and not listening to the American people.

With that, I yield to the Ranking Member.

Mr. HUFFMAN. Mr. Chairman, I will defer to my visiting colleagues from Maine and Connecticut to start us off, perhaps starting with Ms. Pingree, if she has some questions.

Ms. PINGREE. Thank you very much. Thank you for yielding to me, and thank you to everyone for their testimony. I know nothing about Long Island Sound, so I won't be asking you any questions, but I appreciate all of you.

Mr. Woody, I do want you to understand that we appreciate how much back-and-forth we have had with Fish and Wildlife, with the enforcement, around the science. I probably have more distinct concerns about the science, because I do think we could come together on this. But I also know that is really a congressional issue, it is not easy for your Department to do that.

And I just want to reinforce that, while I am in favor of the Endangered Species Act, and I appreciate the job that the Department does to make sure many species are safe, and what is imported and exported is appropriate, it does seem to me that if this was removed from one of the items that needed to be inspected—you guys basically are overworked and have plenty of things that have a real need for inspection. We don't have a lot of examples of concerns about what is being exported or imported into Maine, and it just seems to me it would be more useful for the Department to concentrate on things such as overfishing or a pattern of illegal harvesting.

Do you have concerns about the sort of priority of this?

Mr. WOODY. I do. If I may, I want to give you some facts. I mean you guys know Maine much better than I do, you guys are the experts. But let me tell you about what is going on in the United States, and what we are seeing as a whole with the Fish and Wildlife Service, even with sea urchins and sea cucumbers.

I pulled some stats for 2014 and 2015. Exported shipments of sea cucumbers and sea urchins going out of the United States were a little over 2,321. Import or transported through the United States there were over 8,021 shipments, for a total of 10,300 shipments. There is an estimated number of licensees holding that for both sea cucumbers and sea urchins. There are 314. The total amount of pounds that went out was about 26 million pounds. The declared value was $218 million going through.

Now, if you will, a lot of that comes up from South America and through into Mexico. We seize shipments all the time. There have been about 253 shipments coming up from that part of the world that we have seized out of this, and that is the small percentage that—we do not inspect all of them. If they don't declare—remember, these are declared shipments—many of those shipments get through. So there are quite a few others that come through, as well.

But globally, there are a lot of those shipments that come through, and we want to inspect those and make sure that those are legal shipments that come through, as well. Again, what we have in Maine you guys know very well, but the rest, and what is being put in those shipments, everything from totoaba to shark fin and other things. That is what we look for, as well.

So, it is very hard for us to separate out sea urchins in Maine to the sea urchins and what is going on down in Mexico and coming up through that part of the country, as well, in the Gulf.

Ms. PINGREE. I have never seen the reports of shipments that have had to be seized coming into the country, and I don't know

the mechanics of all this. But given that our biggest concern is about the exports leaving Maine, I don't think we have ever had an incident of something going out in a shipment from Maine that was an illegal shipment, an invasive species, an endangered species, and——

Mr. WOODY. Not that I am aware of.

Ms. PINGREE. So, we would be particularly interested in what happens with the exports.

I guess the other question is about this 48-hour rule. I do understand the mechanics of why you need a certain amount of time to make sure the inspectors are available. But given the comparison to Customs, which clearly has more resources and is open 24/7, and sometimes the inability to just make the shipments, why do we have to apply that to a perishable shipment, when there are others that aren't perishable?

Mr. WOODY. On the 48-hour rule?

Ms. PINGREE. Yes.

Mr. WOODY. We can inspect it. If, in fact, it is coming through like that, we want to make sure that we clear it. If there are any paperwork issues, any clerical issues, we want to make sure that moves through quickly, because as these gentlemen already spoke to, I mean, they already have the bills of laden, it is going on the plane. We want to look at it. We may choose to look at it, and then it goes through and out.

So, we need that notification. And again, we have put out policy and direction to our inspectors to make sure that those are a high priority on perishable items.

Ms. PINGREE. Thank you. I am out of time, but I appreciate your answer.

Dr. FLEMING. OK. The gentlelady yields. And next, Mr. Poliquin is recognized for 5 minutes.

Mr. POLIQUIN. Thank you, Mr. Chairman, very much.

Mr. Leask, you showed that terrific video. And it was very clear to me and everybody else in the room that you are intentionally not trying to over-harvest, which would, of course, be a detriment to your livelihood and others in the state of Maine. You are clearly showing that you are collecting those urchins in a bag—you weren't clearcutting—correct?

Mr. LEASK. Correct.

Mr. POLIQUIN. OK. You mentioned that one of the things that you want to make sure you support is sustainable trade. When you are looking in a crate at sea urchins, is there a way to determine by looking at it and inspecting it, if there has been overfishing in the state of Maine? Mr. Woody?

Mr. WOODY. Sir, I am sorry, I missed that. I thought you were speaking——

Mr. POLIQUIN. If you look in a crate to inspect it, can you tell if that has been overfished?

Mr. WOODY. No, sir.

Mr. POLIQUIN. OK. And I am also guessing that you probably have a hard time determining if the urchin is from Canada, from Nova Scotia, or from Maine, correct?

Mr. WOODY. I don't know if we have the paperwork going through on that.

Mr. POLIQUIN. OK. We are chewing up a little bit of time here.

Mr. WOODY. OK, sure.

Mr. POLIQUIN. OK, thanks. When we inspect the sea floor in our annual survey dives in the state of Maine, I am guessing you are comfortable that we are doing everything we can to assure there is sustainable fishery in Maine, is that correct?

Mr. WOODY. That is correct.

Mr. POLIQUIN. OK, good. Let's talk about the inspections. My heart goes out to you folks. You mentioned that you have about 180,000 inspections per year with 125 inspectors.

Mr. WOODY. You are breaking out really bad, sir.

Mr. POLIQUIN. Your numbers indicated that you do about 180,000 inspections per year, you have 125 inspectors. That is about, roughly, 1,500 inspections per person, per year, which comes down to roughly 300 per week, or 60 a day. But you don't work every day, so it is maybe—so in an hour, you are probably doing one inspection every 6 minutes.

Now, where I am going with this is the following point. How do you do this? You have already said that you can't. So my question, Mr. Chair and, Mr. Woody, to you, is why are you picking on sea urchins and sea cucumbers? I mean up until 2012 we treated them the same way as lobsters and clams.

Mr. WOODY. We treat sea urchins and sea cucumbers like we do all other wildlife.

Mr. POLIQUIN. No, you do not. That is not the case, sir. Up until 2012, sea cucumbers and sea urchins had an exemption—you were not going through the rigmarole that these folks now have to go through to get the product, very perishable, highly valuable, to market. Since 2012, you have been doing something different, right?

Mr. WOODY. No, that is not correct.

Mr. POLIQUIN. That is not correct?

Mr. WOODY. I am not familiar with what happened, what you are referring to in 2012.

Mr. POLIQUIN. So the process that you go through with inspections has been the same for the last 20 years?

Mr. WOODY. That is correct.

Mr. POLIQUIN. OK. That is not my understanding. My understanding is that we are trying to make sure the sea cucumbers and sea urchins continue to have an exemption, like they always have had for the past 20 years. Am I mistaken here?

Ms. PINGREE. Mr. Chair, my understanding is that it was not enforced until 2012. They did not have a specific exemption, the exemption has been the same since the 1980s. But our understanding is there was no application of this, so they were not inspected, there were no charges made prior to that. But the Department has gone for back-charges for that period of time.

Mr. POLIQUIN. Thank you very much. It sounds like to me, Mr. Woody, that this is a solution looking for a problem. It was working fine up until 2012 is my understanding.

Mr. WOODY. Sir, we passed out our import/export of shellfish and fisheries products, and what we talk about, on the inspections that we do. This goes back to 2008. We have always—I hear what you are saying, but nothing changed in 2012.

Mr. POLIQUIN. Clearly, given the workload that you folks have, and the perishable nature of the product that we are trying to harvest, process, and export from Maine—there will be incidents, I am guessing—otherwise, these folks would not have taken the time to come down here and tell us of having a real hard time getting their product quickly to market.

Do you folks, in your inspections process, do you factor in the potential loss of income and jobs when you go through your process? Is that part of your deliberation?

Mr. WOODY. No. I hear what you are saying. No, sir, we do not.

Mr. POLIQUIN. Why not?

Mr. WOODY. Well, I am not aware of jobs being lost because of our inspection process.

Mr. POLIQUIN. Mr. Leask, or Mr. Tamaki, would you like to weigh in here?

Mr. LEASK. Yes, Mr. Poliquin, thank you. In the last 2 years this inspection process has ramped up. To my knowledge, there were no inspections done prior to that, even if it was policy. There was nothing mentioned by buyers. I deal with five different buyers. I have talked to all of them about this, and this process has commenced in the last 2 years.

Mr. TAMAKI. Yes, that is true, since 2012 the Fish and Wildlife has got involved, for the fees and the inspections.

But I really didn't know what they are inspecting for because of the—if it is import/export, U.S. Customs, they inspect. And then FDA also inspects. So——

Mr. POLIQUIN. No, thank you, Mr. Tamaki. If I may, because my time is running out, Chairman, if I may ask one last question?

Mr. Woody, do you have other incidents, other examples of inspecting other wildlife around the country that are already inspected by the state?

Dr. FLEMING. Mr. Poliquin, we are just way over time. We will do another round.

Mr. POLIQUIN. Thank you, Mr. Chair.

Dr. FLEMING. OK. Next, Mr. Courtney is recognized.

Mr. COURTNEY. Thank you, Mr. Chairman. Again, I want to thank you for the courtesy of having me here today, along with the Ranking Member. And thank the witnesses for your testimony.

First of all, I have a written statement that I would ask to be admitted to the record. I also have a joint letter from the Connecticut House and Senate Delegations, along with letters of opposition from the Southern New England Fishermen and Lobstermen's Association and from Commissioner Robert Klee with the Connecticut Department of Energy and Environmental Protection. I would appreciate the courtesy of those being admitted to the record as well.

Dr. FLEMING. Yes, without objection, so ordered.

[The information provided by Mr. Courtney for the record follows:]

PREPARED STATEMENT OF JOE COURTNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT ON H.R. 3070

Chairman Fleming and Ranking Member Huffman, thank you for the opportunity to participate in today's hearing on the proposed remapping of the exclusive economic zone in eastern Long Island Sound. As you know, on January 29, 2016, I

joined the entire Connecticut Congressional Delegation requesting that you include stakeholders from Connecticut on your panel of witnesses for this legislative hearing. While that request was not granted, I appreciate that your subcommittee is offering me a chance to speak on behalf of Connecticut fishermen and state officials alike.

Environmental, economic, and recreational management of Long Island Sound has long been a collaborative partnership between Connecticut and New York. The Congressional Long Island Sound Caucus is a clear example that our Congressional offices have a rich history of working across both state and party lines to support our common interest in this rich natural resource. This is why I am so disappointed that zero Connecticut stakeholders were contacted about the *EEZ Clarification Act*, legislation that will directly affect their livelihoods.

The goal of this misguided legislation is simple—to move the current boundary of the EEZ east as a means to award Rhode Island and New York 150-square miles of waters that are currently managed federally. This change will require Connecticut's small fishing vessels to travel over 20 miles further to reach the newly proposed EEZ. While some ships may be able to harvest certain fish stocks with New York and Rhode Island permits, Connecticut lobstermen who rely on the EEZ will be barred from waters handed over to Rhode Island due to state law that does not allow non-residents to harvest lobster in Rhode Island state waters.

In addition to blocking Connecticut fishermen from these historically fished Federal waters, the *EEZ Clarification Act* will harm the striped bass population in Long Island Sound. While fishing of striped bass is allowed in state waters, a ban in Federal waters has allowed the declining stock to maintain a stable adult population. A conversion to state waters will once again open up the striped bass stock to the threat of overfishing.

Put simply, this legislation is bad for the Connecticut fishing industry and bad for the environment. This bill, marketed as a clarification of water boundaries, would only lead to greater confusion of waters managed by the New England Fisheries Management Council since 1976. The Commissioner of the Connecticut Department of Energy and Environmental Protection, Rob Klee, and members of the Southern New England Fishermen and Lobstermen's Association have written to me in strong opposition of this legislation. I submit their letters for the record. I strongly oppose H.R. 3070 and thank the subcommittee for the opportunity to speak today.

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC,
JANUARY 29, 2016.

Hon. JOHN FLEMING, *Chairman*,
House Subcommittee on Water, Power and Oceans,
1324 Longworth House Office Building,
Washington, DC 20515.

Hon. JARED HUFFMAN, *Ranking Member*,
House Subcommittee on Water, Power and Oceans,
1324 Longworth House Office Building,
Washington, DC 20515.

DEAR CHAIRMAN FLEMING AND RANKING MEMBER HUFFMAN:

It has come to our attention that the House Water, Power and Oceans Subcommittee plans to hold a legislative hearing on H.R. 3070, the *EEZ Clarification Act*. This legislation seeks to remap the exclusive economic zone (EEZ) in Long Island Sound to a new landward boundary between Montauk, New York and Point Judith, Rhode Island. However, for the Subcommittee to fully understand the scope of this legislation, we believe that it is prudent to invite stakeholders from all areas impacted by the EEZ change—including the state of Connecticut.

As you know, this legislation would transfer 150 square miles of the EEZ in and around Block Island Sound to the states of New York and Rhode Island for fisheries management. This transfer of fisheries control will deny Connecticut fishermen from harvesting in these waters which they have fished for decades. The New England Marine Fisheries Council has been managing fisheries in this EEZ since 1976 and this change would result in confusion and subsequent fines for Connecticut fishermen who have historically fished in these waters. While supporters of this legislation contend that it will empower local fishermen by restoring access to fish stocks

and allowing state management of waters, we believe it is imperative to underscore the major economic losses that the Connecticut fishing industry would face as a result of this misguided bill.

In addition to negatively impacting our fishing industry, this bill would serve a major blow to the rebuilding of the striped bass stock. In a letter from the Connecticut Department of Energy and Environmental Protection, Commissioner Robert Klee contends, "(t)he waters around Block Island seem to be holding an unusually large proportion of the adult striped bass population in recent years. Converting these federal waters to state jurisdiction will expose these reproductive age fish to significant mortality which our public hearings on striped bass management tell us would be opposed by the vast majority of anglers." Furthermore, this conversion to state fisheries management and subsequent increased striped bass harvest would contradict an approved 2014 addendum by the Atlantic States Marine Fisheries Commission (ASMFC) which directs states to reduce striped bass harvests by 25%.

It is our belief that this legislation was narrowly crafted to benefit selected states. With Connecticut state government officials and local fishermen alike vocally opposing H.R. 3070—including Connecticut members of the Southern New England Fishermen and Lobstermen's Association—we strongly urge you to include an opposing witness from Connecticut at the legislative hearing to better understand the full scope of this bill. Attached to this letter, you will find letters of opposition from Connecticut Department of Energy and Environmental Protection Commissioner Rob Klee and Southern New England Fishermen and Lobstermen's Association member Joe Gilbert. We will continue to monitor the progress of this legislation. If you have any questions, please contact Alexa Combelic in Congressman Courtney's office at 202–225–2076 or alexa.combelic@mail.house.gov.

Sincerely,

JOE COURTNEY
Member of Congress

JOHN B. LARSON
Member of Congress

ROSA L. DeLAURO
Member of Congress

ELIZABETH H. ESTY
Member of Congress

RICHARD BLUMENTHAL
United States Senator

CHRISTOPHER MURPHY
United States Senator

JAMES A. HIMES
Member of Congress

JANUARY 25, 2016

Hon. JOE COURTNEY, *Congressman*,
U.S. House of Representatives,
Washington, DC.

Subject: Legislative Hearing on H.R. 3070 (Rep. Lee Zeldin, R-NY), "EEZ Clarification Act"

DEAR CONGRESSMAN COURTNEY:

My name is Joseph Gilbert and I am an owner of a fleet of commercial fishing vessels based out of Stonington, Connecticut as well as an active member of the Southern New England Fishermen and Lobstermen's Association. I have engaged my colleagues and fellow fishermen regarding H.R. 3070 and we collectively oppose the passage of this bill. H.R. 3070, if passed, would result in approximately 150 square miles of the Exclusive Economic Zone in and around Block Island Sound being transferred to the states of New York and Rhode Island for the purposes of fisheries management. This transfer of authority over such a vast area of the Exclusive Economic Zone constitutes a land grab by New York and Rhode Island in addition to the improper reallocation of fishing rights amongst current users. For these and the following reasons, we oppose H.R. 3070:

- H.R. 3070 will have a direct negative economic impact on the Connecticut fishing industry. For example, the commercial lobster and trawling fleets of Stonington and New London, Connecticut have historically frequented and enjoyed access to this 150 square mile area of the EEZ. If New York and Rhode Island are transferred the authority for the management of fisheries in this area, then Connecticut fishermen will be disenfranchised from the use and enjoyment of the area unless they possess a license from the new state management regime.
- There is no need to clarify the boundary of the EEZ for the purposes of fisheries management in this area. The New England Marine Fisheries Council is charged with conserving and managing the fisheries resource in this area since 1976. If there is a need to change or amend the fishing regulations, then the appropriate channel is through the NEMFC process and not through the transference authority to New York and Rhode Island. If passed, H.R. 3070 would essentially reallocate 155 square miles of bottom to state jurisdiction without conforming to the National Standard 4 of the Magnuson-Stevens Act.
- H.R. 3070 would disrupt the uniform harvest prohibition of striped bass in the EEZ from Maine to North Carolina, thereby making a relatively small exemption for a small fraction of users. The Block Island Sound transit zone is not the only region within the striped bass management unit where stakeholders have expressed a desire to open portions of the EEZ for directed striped bass harvest. These efforts have been denied by federal agencies due to the potential impacts on the overall stock and the challenges associated with enforcing small exempted areas. H.R. 3070 would initiate a move toward a patchwork management of striped bass in federal waters and would set a dangerous precedent for other states to annex nearby federal waters in order to access what would otherwise be protected stocks of striped bass under federal management.
- There has been no analysis conducted to determine the biological, conservation or economic impacts that would occur if Block Island Sound were opened to the directed fishing of striped bass. H.R. 3070 allegedly seeks to eliminate regulatory confusion for anglers trying to abide by state and federal law by annexing a large portion of the EEZ to the states' control and thereby opening up the area to directed fishing for striped bass by state licensed fishermen. Given the migratory nature of striped bass populations, this change could also negatively impact the local Connecticut striped bass fishery. In addition, under current federal management, the boundary lines of the EEZ promote conservation by excluding the taking of striped bass from the certain areas around Block Island known as the Southwest Ledge. If this area, which is home to a robust population of striped bass, falls under state control through the passage of H.R. 3070, additional fishing pressure will be brought upon the striped bass population by opening up to harvest what is in effect a near shore sanctuary for striped bass.
- Regulatory confusion over striped bass possession in federal waters has already been addressed through the establishment of transit zones and thus there is no need to eliminate regulatory confusion through the clarification of the EEZ. Current federal regulations prohibit the possession of striped bass in federal waters and concerns have been raised in the past about striped bass regulations while in federal waters. For example, the prohibition prevents fishermen from Montauk from steaming to Block Island to legally fish for striped bass in Rhode Island state waters and then returning back to port with striped bass onboard their vessels. An exemption for this was already ratified in 2005 as contained in CFR Title 50 part 697.7(b)(3) which allows the transport of non-EEZ caught striped bass in the permitted area or transit zone.

In conclusion, H.R. 3070 represents an attempt to disenfranchise Connecticut fishermen from 150 square miles of ocean in Block Island Sound for the alleged purpose of eliminating regulatory confusion for a small subset of recreational striped bass fishermen. These striped bass fishermen already have ample grounds to fish on within state waters and have been exempted from possession prohibitions while in transit zones. There is no reason why the commercial fleets of Connecticut should

suffer in return by being denied access to an area historically used and enjoyed by them under current federal management.

Respectfully,

JOSEPH GILBERT,
Commercial Fishing Fleet Owner and Member of the Southern New England Fishermen and Lobstermen's Association.

CONNECTICUT DEPARTMENT OF
ENERGY & ENVIRONMENTAL PROTECTION,
HARTFORD, CT,

JANUARY 29, 2016.

Hon. JOE COURTNEY, *Congressman*,
U.S. House of Representatives,
Washington, DC 20515.

DEAR CONGRESSMAN COURTNEY:

Thank you for inquiring of the Connecticut Department of Energy and Environmental Protection (DEEP) about the effects to the state should H.R. 3070, the EEZ Clarification Act, be enacted into law. DEEP's concerns are such that I write to express strong opposition to the bill.

Connecticut's objections to this bill extend well beyond striped bass management which seems to be at the core of this bill. Connecticut commercial fishermen operate in what are now federal waters (EEZ) under federal fishery permits. If these federal waters become state waters divided between the states of New York (NY) and Rhode Island (RI), access to these waters will be lost to these Connecticut Commercial fishermen. This is already the case for lobstermen fishing in any waters that fall under RI jurisdiction as that state prohibits non-residents from fishing for lobsters in their waters. Connecticut commercial fishermen who do not hold non-resident fishing licenses in NY or RI for other fisheries will also be permanently excluded from fishing in this area. In addition, commercial fishing for state quota-managed species such as summer flounder, scup and black sea bass would be greatly complicated by the fact that each state sets different daily harvest limits to manage their state quotas. Presently, Connecticut vessels fish these federal waters only under Connecticut's harvest limits (there are no federal possession limits). If these federal waters become NY and RI state waters, our fishermen would be held to the most restrictive of the states' regulations, which is unfair and counterproductive to our agency-industry cooperative approach to the management of these quotas.

Striped bass conservation will also suffer since fishing for or harvesting striped bass in federal waters is prohibited. Likewise, Connecticut statutes prohibit commercial fishing for striped bass. The Atlantic States Marine Fisheries Commission just last year had to cut daily recreational harvest limits in half due to concerns over the declining striped bass stock size. The waters around Block Island seem to be holding an unusually large proportion of the adult striped bass population in recent years. Converting these federal waters to state jurisdiction will expose these reproductive-age fish to significant mortality rates. The vast majority of anglers have opposed these changes at our public hearings on striped bass management. That is, they would see this not as an opportunity, but as a threat to the long term health of the species.

Transfer of these federal waters to NY and RI authority would also complicate recreational fisheries management for some species. While our three states have uniform management practices for some species, we have not reached such agreements for other species due to the differing desires of anglers in each state. Connecticut DEEP Marine Fisheries holds public meetings and otherwise solicits public input when making required annual adjustments to recreational harvest limits, minimum size and open seasons for several species. Having productive, nearby federal waters fall under NY and RI jurisdiction simply complicates our efforts to provide the kind of opportunity anglers ask for, such as time of open seasons, possession limits, and the like management of these waters would reflect the interests of RI and NY, but not necessarily CT anglers.

For these reasons, I ask that you work with the other members of the Connecticut congressional delegation in opposition of this legislation.

Sincerely,

ROBERT J. KLEE,
Commissioner.

Mr. COURTNEY. Thank you, Mr. Chairman.

Long Island Sound is a tidal estuary, which borders on three states. It is probably one of the most densely populated parts of the country, in terms of that fragile ecosystem that people abut. And about $9 billion of economic activity takes place on Long Island Sound. We have the largest operating military operation, the Groton Submarine Base, that also operates there. So it is an incredible balancing act, in terms of trying to allow those livelihoods to continue to happen, along with balancing the very fragile environmental priorities of that region.

Mr. Zeldin and I are allies on the Plum Island preservation bill, and I salute his work on that. It is an important environmental treasure, and we want New York to be able to preserve that for future generations. We also are allies in terms of the Long Island Sound Restoration Act, because there is more work to do in terms of cleaning up the water there. And we have a Long Island Caucus, which is bipartisan and bicameral, actually.

Unfortunately, this bill was not vetted by those stakeholders. And, unfortunately, the state of Connecticut, which has 3.3 million people, is not represented today, even though it will have real impact in terms of our state.

Just to start with the most egregious impact—by redrawing that line and putting a lot of those waters out of the Federal Government's domain and into the state of Rhode Island's, my lobstermen, by law, cannot get a non-resident permit to fish for lobster in Rhode Island waters. So, in the name of rolling back Federal Government over-regulation, the Federal Government, in the form of the U.S. Congress, is basically bankrupting people who right now are working on their boats and are totally collateral damage in terms of the way this legislation was drafted.

Mr. Gilbert, from the Southern New England Fishermen and Lobstermen's Association, powerfully makes that argument. Again, there was no consultation with his association in terms of the drafting of this bill.

There is in place, as Mr. Huffman pointed out, the New England Fisheries Management Council, which has kind of been the referee in terms of dealing with these competing interests that exist in the Sound, and have dealt with a number of the issues in terms of striped bass.

Again, Mr. McMurray, I applaud your testimony, which I had a chance to read here. You took the long view, which is that the Long Island Sound is a precious asset, and we really have to be careful about balancing important commercial fishing interests. We have great shellfish out there now, and we have a lot of groundfish that people are out there selling every single day. But without that balance, basically everyone is going to be sort of put at risk. And,

unfortunately, this legislation, as you point out, really does not appear to have any biological analysis in terms of backing it up. Again, I applaud the fact that you stepped forward today to make those comments.

So, from NOAA's standpoint, I just want to maybe see if we could clarify the point that if this legislation were to pass, and that 155 square miles of sea bottom is basically ceded to the states of Rhode Island and New York, fishermen would basically be in the position where they have to get non-resident permits from the state of Connecticut if they want to continue to fish in those waters, that today they are allowed to do, subject to Federal rules, in the EEZ. Can you answer that question?

Mr. MORRIS. Thank you for the question, sir. Under H.R. 3070, if the jurisdiction shifts from Federal to state, then fishermen who are currently active and have ease of access to the EEZ to participate in Federal fisheries would, if they were to go into those grounds again, be subject to state jurisdictions and state regulations to include those that you have cited, sir.

Mr. COURTNEY. Thank you. And again, that means you have to basically participate in an auction as a non-resident in the state of New York. So, as a Rhode Island lobsterman, you are shut out in terms of being able to get a permit. This is damaging people's livelihood, and I think we need to be a lot more careful in terms of how we, as a Congress, treat Federal jurisdiction and people's rights in terms of reliance on their ability to make a livelihood. I yield back.

Dr. FLEMING. Thank you, Mr. Courtney. Next, Mr. Zeldin is recognized for 5 minutes.

Mr. ZELDIN. Thank you, Chairman. And to the witnesses here testifying on this legislation, Mr. Morris, Captain McMurray, Captain McBride, and also thank you to Mr. Courtney for being part of today's hearing.

It is clear that there are important points and issues that are on various sides of this particular topic being discussed in this hearing. I look forward to working with the Ranking Member and Mr. Courtney and the Connecticut Delegation because there are—my mind is spinning with the very easy fixes to help address your constituents. And I want to let you know, that is something that is going to remain a top priority of mine, because it is important.

And just like it is important for me to be able to fight for my fishermen and for my district, I respect your desire and your need to be able to fight for your constituents, your fishermen, and for your district. So I look forward to working with you, Mr. Courtney.

I think that, while it may be clear to everyone here, for individuals who might just be learning about the bill for the first time in the days or the weeks ahead, one thing that is greatly important to be noted is that this does not eliminate the management of these fisheries. There is a change of jurisdiction over the management of the fisheries, but it is not eliminating the management all together. One point worth noting is that the legislation does not just open up the EEZ and there is no management and now we are all going to go out and fishermen can harvest whatever they want.

But I wanted to ask Mr. Morris, just to touch on a point that Captain McBride brought toward the end of his testimony about

his concern, which I appreciate the captain sharing, about any other fishery and any other fishermen, and the desire for those who are advocating for a fix here with the EEZ, the sensitivity and the desire to be able to pursue the solution without adversely impacting any other fishermen and any other fishery. What are your thoughts on that, and what can we do to address those concerns of the people who are supporting the legislation?

Mr. MORRIS. Yes, sir. Thank you very much for the question.

There are, as I noted in my oral testimony, a number of fisheries that occur in the area that is currently EEZ, the Block Island Transit Zone. In addition to striped bass, there are lobsters, summer flounder, scup, black sea bass, winter flounder, and even squid. And they are all under effective management.

We can specify what the bodies are, but those that are under the Magnuson Act and the Atlantic Coastal Act, they are limited and they are managed in a very sustainable and cooperative way between the bodies, between NOAA Fisheries and fulfilling our role, as well as the Council on Coordination Committee. It is difficult at times, but it is successful.

If this area were ceded to state management, there would be fishing mortality that occurs in there that would then have to be accounted under the state's part of the management, and there would have to be adjustments to management at the state level made accordingly.

Mr. McMurray mentioned the possibility of having analysis beforehand that would indicate what the effects might be, and that could be done under a regulatory approach, rather than a legislative approach, in which case we would estimate that afterwards. Thank you, sir.

Mr. ZELDIN. Would either of the two captains like to say anything with regards to that point?

Mr. MCBRIDE. Thank you. Yes, two things, anecdotally. In a 10-year period from roughly 1990—probably closer to 2005—before they began to enforce the Transit Zone restrictions on the public, we had a growth of striped bass up and down the East Coast because we all took measures to preserve them and protect them. And no one was more at the front of conservation than the Montauk Boatmen and Captains Association. Our history speaks for itself in the area.

It is just the uniqueness of this one geographic area——

Mr. ZELDIN. Captain McBride, if you want to hold that thought, just for the sake of time, there is going to be another round of questioning.

We will get back to the two captains so we could finish this important point. I yield back.

Dr. FLEMING. The gentleman yields back. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair. Thank you for giving me a second chance here.

Just to be clear, going back to the mission of the Fish and Wildlife Service, I just want to reiterate that I appreciate the value of what you do. I appreciate the huge issues we have on invasive species and endangered species, and that is a very, very important part of this mission.

I think it is really hard, from the perspective of a Maine processor or a fishermen, understanding in some ways what seems like unfairness and redundancy here—they are subject to inspections by Customs, there is a FDA component to this, and this just seems like another layer, another charge that, as far as we know, has done nothing to enhance the Maine fisheries or protect some other species that we are concerned about. And I understand the one-size-fits-all issues, that there are problems in other places, but it is very hard to go back and explain to people why we have to defend this practice.

I know it comes up sometimes about the management of the fisheries, and I just wanted to ask Mr. Leask to talk about this a little. I appreciated the video you showed us, which reminds us both how difficult the work you do is, but also how charming it is, that there are so many amazing people who go down and risk their lives in difficult conditions or have a lot of challenges in making this line of work successful.

I served in the state legislature in the 1990s, I was there, and I also live in Penobscot Bay, I live on an offshore island of North Haven. So, I saw a lot of urchin fishermen come and go, and the boom and the bust in that fishery. It was a really challenging time, because there was money to be made for a while, and the fishermen wanted all the capacity they could possibly get. Then we realized that at one point the urchins were gone, and this great addition to the fisheries was not there.

So, I think the fishermen, working with the legislature and the Maine Department of Resources, have done a phenomenal job of regulating the fisheries appropriately. And I think you mentioned that in your testimony. But there has been a pretty healthy comeback, and now it is a stable fishery. I am sure everybody would like more days, and they would certainly like more days in my zone than they get in your zone, but we are happy that we are in this place.

If you could talk a little bit about the other kind of redundancy here, and that is that the Maine Department of Resources and the fishermen themselves are very engaged in the management of this fishery. I am just making this point to reiterate that there is not a management concern about people trying to sneak out more urchins than they should, because you cannot, frankly, get them beyond the DMR to violate the law.

Can you talk a little bit about what you have seen happen in the industry, and also a little bit about the regulation that the DMR enforces on you.

Mr. LEASK. Sure. I am actually just out your back door. I dive around North Haven almost exclusively.

Ms. PINGREE. What color is your boat?

Mr. LEASK. It is white, like most of them.

[Laughter.]

Ms. PINGREE. All right. What is the name of your boat?

Mr. LEASK. Amber Mist and November Gale.

Ms. PINGREE. Oh, yes.

Mr. LEASK. Just to be brief, our industry is heavily regulated. We have strict catch limits, strict days at sea. I am actually sacrificing

a day, which is a considerable amount of money, to come here today. So any donations will be gladly accepted.

[Laughter.]

Mr. LEASK. But in all seriousness, the industry is really tightly regulated. It is bouncing back really well, and we can probably help out California with their end of things in a few tricks that we have to get these urchins to do what they naturally do, and that is to eat and reproduce. That is all they do.

In a nutshell, I can read—management of the Maine sea urchin fishery is a joint responsibility of Maine state legislature and the Maine Department of Resource, with advice from our sea urchin council, which I chair. Our goal is to develop a sustainable fishery, which we have done. We are on the cusp of actually adding new jobs. We are discussing right now, at the council level, what we are going to do about new entrants. We have concerns about safety, we have concerns about how they harvest, because we don't want to repeat the mistakes of the past.

So, we are moving ahead with those things. And you can likely see a number of new entrants in the somewhat near future.

Ms. PINGREE. Thank you.

Mr. LEASK. Did I cover——

Ms. PINGREE. You did. And I just, again, want to appreciate that we are all very excited to see that this has become a viable industry again. And we know that the state and the fishermen have worked really hard to manage it. So, thank you.

I yield back.

Dr. FLEMING. The gentlelady yields back. I believe we have finished the first round. Therefore, I now recognize myself for 5 minutes for the second round.

This question is for Mr. Woody. I understand the U.S. squid industry is currently subject to these same inspection requirements by the Service, even though these products are also destined for human consumption.

Can you please explain to the subcommittee why a U.S. company that processes squid caught by U.S. fishermen off our own coast, and then exports that same cleaned, frozen product for human consumption, is subject to the same excessive fees and aggressive inspection requirements as products that are actually dangerous to the environment, or highly protected, such as those listed under the Lacey Act, CITES, and the Endangered Species Act?

Mr. WOODY. OK. Under our service regulations, under shellfish and fishery products, they do not fall under our regulations. What we have is the exemption does not apply to aquatic invertebrates and other animals that may be imported or exported for human or animal consumption. Essentially, the definition of shellfish or fisheries product such as squid, octopus, cuttlefish, land snails, sea urchins, sea cucumbers, they don't apply. They do not fall under that exemption, under our regulations.

Dr. FLEMING. But your regulations could be changed, right? You don't require an Act of Congress to do that?

Mr. WOODY. Our regulations could be changed, correct.

Dr. FLEMING. All right. Why not change them?

Mr. WOODY. Because we think they are sufficient right now.

Dr. FLEMING. But why? I know you think that, but why?

Mr. WOODY. Because we think what we have right now, under shellfish and fisheries product, under the exemptions that we give those particular things, we think that covers a broad base. Adding on these other exemptions can add on to other issues as well. In other words, anything possibly from wildlife trafficking to other invasive species coming in. We have not added anything on to that, under the exemptions.

Dr. FLEMING. So, you are concerned that it opens the floodgates to other types of critters that might be involved with the Endangered Species Act or——

Mr. WOODY. Potentially it opens up other smuggling avenues. Correct, sir.

Dr. FLEMING. OK. Why is domestic calamari from our own waters defined the same way as these other dangerous or protected products?

Mr. WOODY. It does not fall under the exemption, sir.

Dr. FLEMING. So it is the same answer, basically.

Mr. WOODY. That is correct.

Dr. FLEMING. OK. Mr. Morris, NOAA and the regional councils managed the domestic harvest of hundreds of metric tons of squid. To your knowledge, is U.S.-caught squid a dangerous threat to our environment, or is it protected under the ESA?

Mr. MORRIS. Thank you for the question, sir. Yes, the domestic-caught fish and squid are sustainably harvested. They are under proper management and catches are set and managed at appropriate levels. They are not listed under the Endangered Species Act.

Dr. FLEMING. And they are not a danger to the environment? They are not invasive species or anything of that sort?

Mr. MORRIS. No.

Dr. FLEMING. So, would it—and I will open this to the panel. Does anyone else have any comment about this? It does not get the same protections as shellfish, the same waiver. But yet in many ways, it is similar to the shellfish, in that it is not under the Lacey Act, it is not an endangered species, it is not an invasive species. Any thoughts from anyone else on the panel about that?

[No response.]

Dr. FLEMING. OK, all right. Well, that is all the questions I have. I yield to Mr. Huffman.

Mr. HUFFMAN. Thank you, Mr. Chairman.

Mr. Woody, I think the work you do, inspecting many of these products, especially those coming through the United States from Chile, Mexico, as you described, is very important. We know that there are shark finning industries in many of these countries, and there are all sorts of products that we don't want to see going through our ports and our markets. So I get it. I get why you do that.

But I don't understand why, in the case of this artisan fishery in Maine that is destined for export, a fishery that has never had a problem like that, that is already inspected by state officials and others, why anything more than an occasional random inspection would be necessary. It just seems like dramatic overkill. And I hope that the message you are taking away from this hearing and this legislation today is that maybe you ought to take a look at that

and find a better way to work with these folks with a little bit of common sense.

Toward that end, I wanted to ask you about NOAA's seafood traceability process. You touched on it very briefly. But what I am wondering is, if that is fully implemented, is it possible that that might obviate the need for even a bill like this?

Mr. WOODY. I don't know that NOAA wants me to talk about that right now.

[Laughter.]

Mr. HUFFMAN. Well, I do.

Mr. WOODY. Possibly. That is correct, sir.

Mr. HUFFMAN. Could you elaborate on that?

Mr. WOODY. If, in fact, there is going to be a system where you can keep track of those on a larger scale, that possibly could. But we would have to take a look and see how that is written out in the end.

Mr. HUFFMAN. OK. Thank you. I want to turn to Dr. Morris.

We heard a lot in support of H.R. 3070, we heard a lot about how the current Block Island Transit Zone creates confusion, leads to frequent finds for anglers, how a nice day on the water fishing can turn into a nightmare if someone innocently and inadvertently drops a line just over this invisible boundary that is hard to detect for normal fishermen.

I get that theory and that concept of why that might be a problem. But I also understand that, of the 54 cases of illegal fishing or possession of Atlantic striped bass in the EEZ since 2013, I am told that only one occurred in the Transit Zone. I want to ask you about whether this scenario of a day on the water ruined for innocent fishermen is more theory than reality.

Mr. MORRIS. Your information is mostly correct, sir. Of the Federal enforcement actions that I have information on, it is over the last 5 years there have been 54 notice of violations for striped bass, EEZ violations, only one of which has occurred in the striped bass transit area.

NOAA Fisheries collaborates very carefully with our state partners in enforcement, and there may be state citations that have been handled at the state level, and not transferred to the Federal officials for adjudication. They are just not on my radar.

Mr. HUFFMAN. All right. Thank you. Captain McMurray, I know that you ran a little short on time, if I recall, but I think your perspective on this is very important. I wonder if you have anything to add to this discussion about the wisdom or the necessity of making this change, and what the real implications would be for the striped bass fishery, from your perspective.

Mr. MCMURRAY. Thank you for that question. There are two real issues, as I see them, and I think if you went out to the public now and did a survey, you would find the same results that NOAA got in 2006, that 97 percent of anglers, people that care about this resource, don't want to see this happen.

The first issue is, of course, fishing mortality. I don't see how this will not increase fishing mortality. And nobody is talking about increasing fishing mortality now, we are talking about reducing it. Because, without a doubt, the striped bass resource has declined significantly.

The second issue, as I see it, is access. What we are essentially talking about—at least what I am thinking we are talking about—is that we are allowing access to a pretty small group of stakeholders here, possibly at the expense of everybody that fishes from the beach, everybody that fishes near shore, everybody that doesn't have a boat big enough to get out there. And a lot of us don't. I mean that area is pretty gnarly, and you are not going to get out there on a 20-foot boat if there is any wind.

So, there are those two things. And I think the general public doesn't want this. I think we all have to understand—and this is something that you guys don't often hear—there is a huge industry that thrives off of striped bass: the beach guys, the light tackle guys. The fly fishing industry didn't even exist 10 years ago, and now it is thriving. So, you really have to manage this resource with the entire public in mind, not just a small portion of it. Thank you.

Mr. HUFFMAN. Thank you.

Dr. FLEMING. OK. The gentleman yields back. Mr. Poliquin is now recognized.

Mr. POLIQUIN. I want to thank you again, Mr. Chairman and Mr. Ranking Member, for this hearing. This is a very, very valuable—I really appreciate it.

Mr. Woody, I would like to go back and ask you a few more questions, make sure I understand this. As we have learned from everyone's testimony today, sea urchins and sea cucumbers are not exempt like clams, lobsters, and scallops. However, over the past 40 years they have been treated as such. In other words, based on the testimony we have heard, there has been an increased activity in the inspections for these two types of wildlife where in the past it has not been so active. Is that correct?

Mr. WOODY. There have been—there are inspections going—I'm trying to think. Yes, there are more inspections going on in the Northeast.

Mr. POLIQUIN. OK.

Mr. WOODY. That is a fair statement.

Mr. POLIQUIN. OK. Lobster in Maine is a thriving fishery—about $450 million, if I am not mistaken, last year. And they are inspected and regulated by Mainers, same with clams. It is about a $19–$20 million industry that is healthy, and inspected and regulated by Mainers.

Don't you think that, with all of the work that your 125 inspectors have inspecting 180,000 crates last year, don't you think it makes sense to include those two little buggers, those cucumbers and those urchins, in the same exemption that you give for scallops, lobsters, and clams, such that our folks can go on with their lives, manage the process, and manage the fishery, which is healthy? Doesn't that make sense? Isn't that a good compromise?

Mr. WOODY. You are very convincing, sir. However, look at Mexico. Look what is coming up in Mexico. Separate those for me. We have a lot of shipments of sea urchins, sea cucumbers coming up in there. How do you separate those?

Mr. POLIQUIN. Well, you could figure that out, I am sure. I can't. But, as Congressman Pingree mentioned a minute ago, we are much more concerned in representing our district in the great state of Maine—and if you have not vacationed here, Mr. Woody, I know

you will—making sure that Mr. Leask and everybody else in Maine is well taken care of, such that the Feds don't do things they don't need to do.

Isn't there a way that you can inspect the product coming in from the south of the border, and leave us alone up in Maine?

Mr. WOODY. Sir, do you consider all of those shipments that come up from Mexico and South America that don't get licensed and everything else, don't you consider that hurts Maine's industry, when those people ship things up and bring them in, no regulations on it, anything else, and they just move them through? To me, sir, that competes against what these gentlemen are doing.

Mr. POLIQUIN. Mr. Leask, would you like to comment on that, sir?

Mr. LEASK. Well, I asked Mr. Woody about granting waivers, or possibly expediting the process. It is obvious we have a bottleneck here. And, frankly, I think it would be right to separate Mexico from Maine, because we do not have an issue right now, other than when it gets to JFK.

The Department of Human Resources has law enforcement that monitor size limits, catch limits, so those are not exceeded. They strictly monitor any shipments coming in, and Customs does, as well. As valuable as inland fisheries are, it would seem that the resources there could be directed toward what is coming in from Mexico. That seems like a great idea. At the same time, seeing as Maine is well taken care of, is there a way to—like you and I were kind of discussing—grant the waivers, expedite the process?

Mr. WOODY. I hear what you are saying, but it is very hard to do. I only use Mexico as an example, because I can go to the Caribbean, same issue there. I go to Africa, what comes in from fisheries products, or what is labeled as fisheries products from over there, a lot of smuggling is tied into that. That is very hard to separate out Maine—and you guys do a tremendous job and you represent your constituents very well, both of you. But at the same time, for me, please understand, it is very hard to separate that out.

Mr. POLIQUIN. Mr. Woody, I know it is hard, I bet it is hard, but I know you can do this. If Mr. Leask can dive down and harvest in the cold, dark waters of Maine, I am sure you folks can figure out a way to do this, so our 650 jobs in Maine are not penalized, sir. I am sure you can do it. Thank you.

Mr. WOODY. Thank you, sir.

Dr. FLEMING. That will have to be the last word. Next, Mr. Zeldin. I am sorry, excuse me. Ms. Pingree.

Ms. PINGREE. Thank you again, Mr. Chair, and thank you for indulging us in a second round and offering so much time to this topic. It is complicated and confusing, and I do understand the concerns about the Caribbean and Mexico.

I appreciated Ranking Member Huffman's suggestion—of all the possibilities, wouldn't it be possible to do this as a spot check, you know, once in a while look into this?

My understanding is that when these shipments get to JFK, a lot of what the inspection process is is looking at the paperwork. Very few of these boxes are actually opened and examined on the inside. So, to say that this is a vital inspection to figure out if

something sneaks through I am not sure is completely true. I may have a misconception here, but that is the way I have understood it, is that a lot of it is looking up the lading and the paperwork and making sure everything is in line. And that does not give any of us a guarantee that the things that you are concerned about happen.

I do think again—we are talking about the separation here—about whether this is an import into Maine for processing and an export from Maine. We do have some real differences that could be managed. My understanding is that the bulk of any import that comes into Maine is actually Canadian that comes down through when there is more available to be processed in Maine, and we know that they have a very good track record, too.

I guess I would go back to the issue again—aren't we just looking at the paperwork here? We are not really opening most of these boxes. So, it is somewhat of a spot-check now.

Mr. WOODY. That is correct. Some we do and some we don't. I think the issue, too—I mean if we are still having issues—and again, I was not aware of any until the one you spoke of earlier over the weekend on this non-perishable shipment that went through that was supposed to be checked on Monday. But again, I am not hearing anything on shipments being held.

And I go back to, Congresswoman Pingree, over the week there were five perishable shipments that went through just fine. I have heard nothing on that. So, I hear what you are saying, but at the same time what I am seeing is these shipments are going through and there is not an issue.

Ms. PINGREE. My other concern—and I will ask you, and then I will ask Mr. Tamaki about this—I talked to you about how to defend to our constituents this fundamental unfairness. And when someone in Maine hears that lobsters, clams, mussels, and scallops—combined, a much, much bigger industry, and we know the volume of lobsters that leave Maine, and we also know that there are more opportunities for some challenging things to go on in some of those fisheries—so I still get this stuck in my craw. What is the possible argument in the science here?

I have provided your Department with University of Maine scientists who have analyzed this to say, just because they are an echinoderm—and I get it, it is a slightly different kind of species—but at that point we are kind of splitting hairs. It is a fundamental unfairness, because there is another layer of paperwork and there are more fees involved. And how is a gigantic lobster fishery—and, believe me, I don't want them changed, but they are not subject to all of this.

And again, you are not the only point of inspection. We have Customs, we have the DMR, we have the FDA. It just seems so cumbersome for something that we haven't experienced problems with.

Mr. WOODY. Customs does not inspect exported shipments of wildlife going out of the United States.

Ms. PINGREE. Well, let me just stick with the science. What is it about the science that we cannot come to an agreement on that?

Mr. WOODY. We have it set up under our regulations under the definition, is what we have.

Ms. PINGREE. Mr. Tamaki, you were very eloquent before, and I know you have been a really important kind of pioneer in this industry, and you have others who are doing it. How much of an economic burden and challenge is this, not just to your business, but when you look collectively at this, what we hope is a growing industry and a good market for Maine, and important to the fishermen, important to the processors, how much of an economic challenge is this for you?

Mr. TAMAKI. To tell the truth, I cannot come up with how much economic challenge.

Ms. PINGREE. I am just saying—how much of an impediment is having to go through this to you and other businesses like yours?

Mr. TAMAKI. OK. The only thing that is—Fish and Wildlife is stopping us. U.S. Customs is always open, 24/7. But Fish and Wildlife is always closed. I mean they are open during regular business days, but holidays and after 3:00 p.m. Friday they leave. So, we cannot even book the shipment. That is really bothering me.

And when I think about how much it would cost, sometimes we lose entire shipments because of that. Sometimes it goes through, sometimes it does not. We always have to think about how we can do that.

Ms. PINGREE. Well, thank you. The Chair has been very kind to us. I yield back what time I don't have any more, anyway.

Dr. FLEMING. I thank the gentlelady. And then, finally, Mr. Zeldin.

Mr. ZELDIN. Thank you, Chairman. Captain McBride, when we ran out of time during the first round I had to cut you off, but would you like to finish your thought?

Mr. MCBRIDE. Yes. Let me finish with some of the things about conservation. It is, in our opinion, the people who live on the east end of Long Island, not a transit type of captain who comes out with a boat toward the fall and utilizes the runs of fish when they exist in the fall, that spreading out the fishery over our traditional grounds will reduce mortality because instead of 200 boats—I don't want to go into the geography, I will do it very quickly—on the point, at the elbow, where you are reaching one of the limits of the boundaries for striped bass within the 3-mile limit, you pile the boats up there, accidents happen, fights occur because one boat is on top of the other. If we spread them out, as we do historically on the other fishing grounds, the bag limit is the same. The mortality is the same. But we spread it out, and we have a more viable fishery.

Second, the charter boat industry is a mechanism for the public to utilize their resource, the fish. It does not belong to any of us, individually, whether it is a charter boat with six passengers, a single boat with five fishermen on it, that is another method, and a head boat with up to 100 passengers on it, it provides a means for the public to utilize the fish, particularly the striped bass, in a manner in which they can afford.

And these fish belong to all of us. It is not an elitist group. We work very hard, year after year, in the Montauk area to preserve our fish. What we are asking for in this Transit Zone—and there might be other mechanisms not to infringe upon the rights of some of our colleagues fishing different methods—is to do things like just

allow striped bass fishing in the Transit Zone because of the anomaly. No place else—and we have examined this up and down the coast—does the problem go beyond 3 miles. Our case, it is roughly 15, 16 miles to Block Island from Montauk, and roughly 14, 15 miles from Block Island to Point Judith.

But we do not want to do any other industry harm, and we hope that you gentlemen can work out a program that will provide New York State and Rhode Island with their historical fishing grounds, and be fair to all the user groups.

Mr. ZELDIN. I thank you for those comments, Captain McBride. You have this area of state and local waterways because of Block Island becoming part of EEZ and being managed by the Feds. This area that we are talking about, it is just important to reiterate that we are not advocating for there not to be management of fisheries in this area. We are advocating for the state and local waterways to be managed by the state and regional partners, and the decisions being made at a local level.

But the fisheries still need to be managed. I think something that is very important for people who may just be learning about this bill for the first time, either today or in the days and weeks after this hearing, that no one is here advocating for, that we are pointing to this area around Montauk Point and Block Island and we are saying, "OK, everyone can go out and catch whatever you want, keep whatever you want, bring as much of it as you want home." No one is advocating for that, and this bill does not do that.

As to Mr. Courtney's points, I am looking forward to working with him and the Connecticut Delegation because, as has been stated multiple times during this hearing, Chairman, no one should get hurt by this proposal. As a matter of fact, there is a way to do this where everyone is happy. And this should not have any negative impact on any other fishermen, on fisheries. There are different ways to fish.

As Captain McMurray is bringing up important points toward other types of fishermen, I look forward to working with Captain McMurray, as well, to find a solution to solve this problem you have: state and local waterways that should be managed by the state and regional partners, but should still be managed.

And thank you again, Chairman, for having this hearing.

Dr. FLEMING. OK, the gentleman yields. I want to thank the witnesses today for your valuable testimony. And I want to thank the subcommittee staff for all their hard work and research that they do in preparing for things.

Under Committee Rule 4(h), the hearing record will be held open for 10 business days for any responses that you may provide to additional questions that we may submit to you in writing.

If there is no further business, then without objection the subcommittee stands adjourned.

[Whereupon, at 12:17 p.m., the subcommittee was adjourned.]

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