

**Senator Maria Cantwell**

**Q&A at Commerce Committee, Science, & Transportation Hearing titled “Fishery Failures: Improving the Disaster Declaration and Relief Process”**

**Witness: Brigadier General (Retired) Joe Spraggins, Executive Director, Mississippi Department of Marine Resources;**  
**Ms. Rachel Baker, Deputy Commissioner, Alaska Department of Fish and Game;**  
**Mr. Chris Oliver, Assistant Administrator for the National Marine Fisheries Service, National Oceanographic and Atmospheric Administration;**  
**Mr. Robert Spottswood, Chairman, Florida Fish and Wildlife Conservation Commission;**  
**Mr. Ron Warren, Director of Fish Policy, Washington Department of Fish and Wildlife**

**September 25, 2019**

CANTWELL: Thank you, Mr. Chairman. And again, I apologize for having to go over to the Energy Committee for markup of legislation, but I thank the witnesses for their great testimony. And Mr. Warren, I wanted to ask you, do you have an estimate of NOAA’s exclusion of charter fishermen in their economic analysis might have impacted them during the fishing disaster?

MR. WARREN: Senator Cantwell, thank you for the question. My understanding – so if I look back at previous disasters in ’08, charter operations received about \$8 million for that disaster. This was a similar coast-wide disaster for us. Although our estimate wasn’t nearly as high this time for some reason, but I know as well as Puget Sound charters were not included as well.

The \$8 million was just for the coastal. If you add the charters from the coast and charters from Puget Sound, as well as the troll fishery and other fisheries that had been included, you’d be looking at about \$100 million to the state of Washington.

CANTWELL: So do you believe that we should be mandating coverage or being specific here, that charter fishermen should be covered?

MR. WARREN: Thank you again. Yes, I do. I believe that they are a commercial activity. They’re being paid for their services to go out and provide an opportunity for people like myself who don’t own a boat, who like to go fishing and remember fishing with my grandpa. And it’s a great service. And it’s a commercial activity.

CANTWELL: I just don’t know why we’re being prejudiced against these small business operators that gives so many Washingtonians and Americans this experience. They are just as impacted. When you can’t fish, they can’t go out. And so I think that we should make it clear that we expect them to be compensated along with everybody else impacted in a disaster.

Mr. Oliver, what can we do about the process – it’s been 19 months since the March 2018 disaster and yet some of the funds haven’t been delivered. What do we need to do to streamline the process? I think you’ve answered this a little bit in some of the other questions.

MR. OLIVER: Senator, I can’t remember the specifics of that disaster, when the request was submitted relative to when the end of the fishing year actually ended. Because I know sometimes there’s a

perception at least of a delay because we have to wait to the end of the year to get the economic information to make that assessment comparison to the previous five-year average. And sometimes there's a data lag before we get it. We have to make the assessment. There's often an information exchange with the states.

CANTWELL: But 19 months, that's a year and a half. So even if you had to wait one year, you're still now six months.

MR. OLIVER: I agree, that's excessive. And putting us through legislation, for example. As I mentioned earlier, we're working on our own regulatory package of changes, pending potential legislation, to put firmer guidelines on ourselves. I think that putting strict timelines and making it very clear to the applicant what information we need and when we get it, because I think some onus goes on the applicant as well. So I do think we should be able to do things faster than we are doing.

CANTWELL: Thank you. I'm very concerned that NOAA has chosen not to be a cooperating agency with the Army Corps of Engineers permitting process as it relates to Pebble Mine. Basically NOAA stated that it was "not warranted at this time." When commercial fishing in Bristol Bay is over 135 years old and supports 14,000 fishing jobs and 10,000 industry jobs and is about \$500 million in direct economic impact – valued at \$1.5 billion. How is NOAA not warranted at this time to participate in a discussion about how that economy could be destroyed by a mine?

MR. OLIVER: Senator, we elected not to be a cooperating agency, partly, primarily because our role, regardless of cooperating agency status or not, our role is still fairly defined and fairly limited. We're not a permitting agency. We will consult on essential fish habitat for per Magnuson Act. We will consult, as requested by the Army Corps, on the Endangered Species Act implications as well as the Marine Mammal Protection Act. So we have a relatively limited role.

CANTWELL: Well how is that not urgent right now? How is that mandate, as it relates to salmon, not urgent right now?

MR. OLIVER: We have to receive the requests and the actual proposed action from the permitting agency before we can conduct the full consultation in those three areas. We are waiting to do so.

CANTWELL: I think my colleague here this morning, and my other colleague from Alaska in the appropriations process is making it very clear. The Army Corps of Engineers should not move forward until the science says that it's there. And every agency that has an impact and stewardship over a resource that's going to be impacted should be participating in that process.

So the Pacific Northwest is not going to stand by while the administration builds a gold mine in the middle of the largest salmon habitat area. We're just not going to sit by. Science – all of us, bipartisan – for science and information. But a science agency has to participate in the process.

Thank you, Mr. Chairman.