

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

**FULL COMMITTEE HEARING TO EXAMINE
FEDERAL OFFSHORE ENERGY STRATEGY AND POLICIES**

**BEFORE THE
U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Chairman Manchin, Ranking Member Barrasso, and members of the Committee, thank you for the opportunity to testify before you today. The National Oceanic and Atmospheric Administration (NOAA) is responsible for the stewardship of the nation's living marine resources and their habitat. NOAA Fisheries provides vital services for the nation: sustainable and productive fisheries, safe sources of seafood, the recovery and conservation of protected species, and healthy ecosystems—all backed by sound science and an ecosystem-based approach to management. The resilience of our marine ecosystems and coastal communities depends on healthy marine species, including protected species such as whales, sea turtles, salmon, and corals.

NOAA Fisheries is committed to the President's offshore energy goals while conserving biodiversity and promoting ocean co-use. This commitment is shared by Secretary of Commerce Gina Raimondo and Under Secretary of Commerce for Oceans and Atmosphere/NOAA Administrator Dr. Rick Spinrad; these efforts build on and drive forward the momentum at NOAA to achieve additional efficiencies in its environmental review and further the development and interagency utility of its scientific expertise.

As you know, the Bureau of Ocean Energy Management (BOEM) is the lead federal agency responsible for making the Outer Continental Shelf available for offshore energy exploration and development in the United States; BOEM's sister agency, the Bureau of Safety and Environmental Enforcement (BSEE), also has a safety oversight, inspection and permitting role in offshore energy activities. NOAA is a consulting or authorizing federal agency, depending on the statute involved, in those processes. Towards that end, NOAA, in close partnership with BOEM and other federal agencies, as well as states, tribes, and stakeholders, is striving to support energy development that is sustainable, responsible, and reflects the use of the best available scientific information. It is important that we pursue offshore energy in compliance with our nation's environmental laws, including the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the National Environmental Policy Act (NEPA).

In addition to our regulatory responsibilities, NOAA provides subject matter expertise related to impacts to ocean resources, critical habitats, and fishing opportunities throughout the planning, siting, development, operations, and decommissioning stages for all forms of offshore energy development. Often, NOAA works with BOEM and other agencies to provide additional expertise, tools, and oceanic and atmospheric information for their work. For example, the NOAA National Ocean Service (NOS) has partnered with BOEM through its National Centers for Coastal Ocean

Science (NCCOS) to provide marine spatial planning data (including fisheries information), tools, and models in support of BOEM's offshore wind siting decision making. NOAA is also responsible for charting and mapping our Exclusive Economic Zone (EEZ), providing real time atmospheric and oceanic data, developing and sharing weather and climate predictions, supporting community engagement, and facilitating additional interagency and non-federal collaborations to collectively advance our understanding and responsible use of our oceans.

NOAA helps support responsible energy development using the best available science by:

- Providing baseline data and analysis on ocean conditions and affected marine resources;
- Consulting with BOEM and other federal agencies to meet the requirements of the ESA and MSA essential fish habitat (EFH) provisions;
- Providing guidance to energy project sponsors as they prepare applications for MMPA incidental take authorizations, and continuing to work with the applicant to ensure their proposed project meets the requirements of the MMPA;
- At times, serving as an adopting agency under NEPA for our MMPA authorizations; also serving as a cooperating agency under NEPA as regards our expertise related to our trust resources;
- Conducting research and monitoring to better understand the potential effects of offshore wind energy development on fisheries, protected resources, and their ecosystems.

NOAA Fisheries also provides BOEM, other federal agencies, states, tribes, and stakeholders with information on fisheries operations and the potential socioeconomic impacts of energy development on fishing communities.

As projects move through environmental review, NOAA Fisheries is responsible for implementing provisions under the MMPA, ESA, MSA, and NEPA. Since 2021, NOAA Fisheries has handled a rapid growth of MMPA applications for offshore energy projects, as well as additional consulting and cooperating agency responsibilities. Our regulatory team is prioritizing process and staffing improvements that aim to improve processes for all sectors, enhance customer service, enable cross-region knowledge exchange, and alleviate staffing pressures. Following is a brief description of some of these authorities and responsibilities.

- The MMPA prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas. The MMPA allows NOAA Fisheries to issue two types of incidental take authorizations where appropriate: an Incidental Harassment Authorization (effective up to one year) or a Letter of Authorization (effective for up to five years). When determining whether to authorize a project that may take marine mammals, NOAA Fisheries must find that the authorized take will have a "negligible impact" on small numbers of marine mammal species/stocks; measures (mitigation) are included to ensure the "least practicable adverse impact;" and take is of "small numbers."
- NOAA is required to evaluate the potential environmental impacts of our MMPA authorizations under NEPA through either the preparation of an Environmental Assessment, Environmental Impact Statement or determination that the authorization is covered by one of NOAA's categorical exclusions. Beyond those actions where NOAA has a direct NEPA

responsibility, NOAA typically serves as a cooperating agency under NEPA for actions for which it has special expertise, including energy projects occurring offshore. In that capacity, NOAA works collaboratively with the lead federal agency (e.g., BOEM) in the preparation of NEPA analyses for those activities.

- The ESA contains a number of distinct provisions for the conservation of endangered species and threatened species, and their critical habitats. NOAA Fisheries works closely with BOEM and BSEE to ensure offshore energy development-related activities that BOEM and BSEE oversees comply with ESA. For example, under the Section 7/Interagency Cooperation program of the ESA, BOEM and consults with NOAA Fisheries to ensure that offshore energy projects that either of the Bureaus is authorizing, funding, or carrying out are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.
- The MSA establishes a national program to foster domestic commercial and recreational fishing, and to promote the protection of habitats essential to federally managed fishery resources. Our nation boasts the best managed fisheries in the world. NOAA's most recent Fisheries Economics of the United States report from 2020 recognized that U.S. commercial and recreational saltwater fishing having generated \$253 billion in sales impacts, contributed \$117 billion to the gross domestic product, and provided 1.7 million jobs in the U.S. marine fishing sector and across the broader economy. Under MSA, Federal agencies must consult with NOAA Fisheries on any action or proposed action that may adversely affect EFH. NMFS provides EFH Conservation Recommendations to avoid, minimize, or offset an adverse effect to federal action agencies.

Conclusion

To reiterate, NOAA is committed to promoting the Administration's offshore energy goals while conserving biodiversity and ocean co-use. As an authoritative source of ocean and coastal environmental intelligence and with our stewardship responsibilities under multiple environmental laws, we play a critical role in serving the nation's coastal communities and industries and ensuring responsible stewardship of our ocean and coastal resources. NOAA works in close collaboration with BOEM and other federal and state agencies to improve coordination of regulatory processes and support our nation's energy security goals.

Thank you to the Members of the Committee and your staff for the opportunity to share some of NOAA's missions with this Committee.