

**DRAFT WRITTEN TESTIMONY OF  
CLAY PORCH  
DIRECTOR, SOUTHEAST FISHERIES SCIENCE CENTER  
NATIONAL MARINE FISHERIES SERVICE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
U.S. DEPARTMENT OF COMMERCE**

**LEGISLATIVE HEARING ON  
H.R. 6814, H.R. 7020, H.R. 5487, and H.R. 1395**

**BEFORE THE  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON WATER, WILDLIFE AND FISHERIES**

**MARCH 21, 2024**

***Introduction***

Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee, thank you for the opportunity to testify today regarding these two ocean related bills. My name is Clay Porch and I am the Director for the National Oceanic and Atmospheric Administration's National Marine Fisheries Service's (NOAA Fisheries) Southeast Fisheries Science Center.

NOAA acknowledges and appreciates the ongoing work with this Subcommittee to enhance successful ocean and coastal resilience, conservation, and restoration, and I look forward to discussing the bills under consideration with you today.

**H.R. 6814 - *Marine Fisheries Habitat Protection Act***

H.R. 6814, Marine Fisheries Habitat Protection Act, would establish a process, managed by Federal and State agencies, by which operators choose to donate decommissioned oil and gas platforms to coastal States to serve as artificial reefs under the National Artificial Reef Plan (Rigs-to Reefs). NOAA serves in a consultative role for activities such as providing comments to states and other federal agencies on the creation, siting, and permitting of artificial reefs as well as standards for the transfer, cleaning, and preparation of certain reef materials.

NOAA Fisheries approaches the existing Rigs-to-Reef program through the lens of multiple mandates regarding fisheries, habitat, endangered species, and marine mammals. The major permitting and consultative actions that NOAA Fisheries is responsible for in relation to the Rigs-to-Reefs program, include: Endangered Species Act Section 7 Consultation—50 CFR 402;

Magnuson Stevens Fishery Conservation and Management Act Essential Fish Habitat—50 CFR 600.805; and, Marine Mammal Protection Act—50 CFR 216.

We appreciate Congress's interest in these issues and we have several comments regarding implementation and timing.

As drafted, H.R. 6814 directs NOAA to conduct an assessment of each "idle structure," defined as an offshore oil and gas platform or pipeline which the Secretary of the Interior has determined no longer useful for operations, and determine if there is an "established reef ecosystem" on, under, or in the immediate vicinity of the idle structure. The proposed definition of "established reef ecosystem" is broad and as such may be of limited value in practice and may present challenges in terms of identifying true "established reef ecosystems." The word "established" implies some level of permanence or longevity. As drafted, current language would designate an area as an established reef ecosystem when an identified reef species is present, regardless of period of residency, even if it is transient. As such, any place in the Gulf where an identified reef species meeting criteria in the bill are present--such as the general water column, even if only passing through, and regardless of their association with decommissioned oil and gas infrastructure--becomes an established reef ecosystem.

These manmade structures are recognized as temporary additions to the environment by the Department of the Interior (DOI) under the Outer Continental Shelf Lands Act, as well as the Gulf of Mexico Fishery Management Council with respect to the biologic communities associated with them. DOI's Bureau of Safety and Environmental Enforcement regulations, primarily codified at 30 C.F.R. Part 250, subpart Q apply to the removal, reuse, or reefing of idle structures. NOAA has observed that the decision to donate/make the jacket structure available to State programs currently appears to be a business decision of the private entity. NOAA is supportive of the existing programs in place, managed by the states in conjunction with the Gulf States Marine Fisheries Commission, which currently allow for structures to be added to existing artificial reefing areas, reefed in place, or removed altogether. Leaving idle structures or reefing them in place must take into consideration competing uses of the seafloor including commercial fishing interests as well as considerations for navigational safety and the potential risks posed to the natural environment from structures being toppled or relocated during hurricane storm events. There is also concern regarding the affinity of invasive species, such as orange cup coral and lionfish, to these artificial structures.

NOAA would face challenges in fully complying with the Marine Fisheries Habitat Protection Act, as presently drafted, given existing resources, staff, vessels, underwater autonomous vehicles, and funds to contract with the private sector to support implementation. NOAA currently does not have the resources to implement this program and the FY 2025 President's Budget does not include funding for these activities. We acknowledge Congress's interest in

supporting the repurposing of idle structures to provide marine habitat and enhance marine life, and would be happy to work with Congress more on this issue.

### **H.R. 7020 - *Great Lakes Mapping Act***

H.R. 7020 addresses high-resolution mapping of Great Lakes water depths and lakebeds. NOAA appreciates the interest in our mapping efforts and continues to work to map our Nation's waters to the necessary modern standards with today's advanced technologies.

NOAA would appreciate the opportunity to have additional discussion with the Committee on this legislation and offer some minor modifications to more holistically support the necessary high-resolution mapping work NOAA and partners are doing and need to do in this region.

The National Ocean Mapping, Exploration, and Characterization Council (NOMECC) released a progress report on unmapped U.S. waters earlier this month. This report states that 87% of U.S. waters in the Great Lakes remain unmapped to modern standards.

NOAA strongly supports the need to map U.S. waters to modern standards, particularly in the Great Lakes. In 2022, NOAA Ship *Thomas Jefferson* conducted hydrographic surveys in the Great Lakes. Although NOAA has a significant presence in the Great Lakes, this is the first time a NOAA hydrographic ship has deployed there since the early 1990s. The survey efforts of NOAA Ship *Thomas Jefferson* covered 450 square nautical miles of lake bottom in Lake Erie and 274 square nautical miles in Lake Ontario with high resolution mapping data. These surveys identified 42 confirmed and new shipwrecks, and discovered 22 other lakebed features. In addition to NOAA ships, we have a contract mechanism to collect bathymetric data that will update the suite of NOAA navigation products and services, like the one done in 2023 in southwestern Lake Michigan. In 2024, NOAA's Navigation Response Teams and contractors have four projects planned for Lakes Superior, Erie and Ontario. NOAA aims to send one of its hydrographic survey ships to the lakes every 3-5 years to continue making progress on mapping the Great Lakes.

Since 2019, NOAA has also received funding totaling over \$11,000,000 through the Great Lakes Restoration Initiative (GLRI) to support updated and improved mapping in understanding coastal and nearshore benthic habitats. This work has involved the collection of new multibeam sonar data and airborne bathymetric lidar to aid in the classification and high-resolution mapping of the Great Lakes bottom environments. To date over 1,000 square kilometers (~386 square miles) of high-resolution data has been collected to help inform in-water habitat monitoring and restoration efforts. Additionally, GLRI has provided \$5,150,000 to NOAA over the last five years to update the Great Lakes Environmental Sensitivity Index (ESI) datasets which map and classify shorelines, biology, and socioeconomic features. These funds paid for updates to the ESIs for the following geographies: Straits of Mackinac, St. Clair Detroit River System, and

Lakes Ontario, Michigan, Superior, and Huron, while the U.S. Coast Guard paid for updates to Lake Erie, and the St. Marys and Lawrence Rivers. This work is in accordance with the Great Lakes Environmental Sensitivity Index Act of 2020, which directs that NOAA shall endeavor to update the ESI datasets at least once every seven years.

NOAA supports interagency coordination through NOMECS to achieve the highest return on investment for mapping and charting, and operates under the adage “map once, use many times”. To enable this, NOAA follows international standards for hydrographic surveys and rigorous quality assurance procedures to ensure mapping data can support the full range of applications, including updating NOAA’s official nautical charts to ensure safety of navigation. NOAA is also well-positioned to ensure free and open access to mapping data via its National Centers for Environmental Information and the seamless, authoritative National Bathymetric Source. NOAA currently does not have the resources to implement the program called for in H.R. 7020, and the FY 2025 President’s Budget does not include funding for these activities.

#### **H.R. 5487 - *Help our Kelp Act***

Kelp forests harbor a greater variety and higher diversity of plants and animals than almost any other ocean community. Additionally, kelp forests provide a variety of ecosystem services to humans and serve as habitat for a number of ecologically, culturally and commercially important fishery species such as kelp bass and black rockfish. Bull kelp in South Puget Sound (Washington) has declined by more than 80 percent in the last 145 years, according to recent analyses. Since 2014, northern California has lost over 95 percent of its kelp beds, causing significant impacts to the vital ecosystem that provides habitat to threatened and endangered salmonids, abalone, and commercial and recreational fisheries.

H.R. 5487 authorizes NOAA to carry out a grant program to conserve, restore, and manage kelp forest ecosystems. NOAA currently does not have the resources to implement this program and the FY 2025 President’s Budget does not include funding for these activities. NOAA collaborates with a diverse set of partners, including government agencies, environmental organizations, academic institutions, and community partners to restore, manage, conserve, and better understand these iconic, ecologically significant, and economically valuable habitats. NOAA and our partners are researching kelp ecosystem dynamics and socio-economic input to help identify state management priorities, restoring kelp and abalone through outplanting and reduction of urchin grazing pressure, engaging and educating stakeholders, providing technical assistance, and working to streamline permitting on subtidal restoration efforts.

#### ***Conclusion***

NOAA is proud to serve as steward of America’s ocean, coastal, and Great Lakes resources, and we appreciate the Subcommittee’s support for our mission. We look forward to working with

you to enhance our work with partners, conserving our coastal and marine ecosystems, and building community resilience.