

REAUTHORIZATION OF ATLANTIC STRIPED BASS
CONSERVATION ACT

JUNE 26, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 4408]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4408) to reauthorize the Atlantic Striped Bass Conservation Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4408 is to reauthorize the Atlantic Striped Bass Conservation Act.

BACKGROUND AND NEED FOR LEGISLATION

Atlantic striped bass

Atlantic striped bass (*Morone saxatilis*) are an important commercial and recreational fish found along the U.S. East Coast from the St. Lawrence River in Canada to the St. John's River in Florida. Striped bass can live up to 30 years and are anadromous, meaning that they spend the majority of their adult lives in salt water but return to freshwater rivers to spawn. Mature females (age 4 and older) produce large quantities of eggs, which are fertilized by mature males (age 2 and older) as they are released. The fertilized eggs drift downstream while developing, eventually hatching into larvae. After arriving in nursery areas located in coastal sounds and estuaries, the larvae mature into juvenile fish. The juveniles remain in the estuary from two to four years, and then migrate into the Atlantic Ocean. In the ocean, many populations of adult striped bass migrate seasonally, wintering off the

coast of the Carolinas and ranging as far north as Maine in the summers. These fish usually remain in nearshore State waters (less than three miles offshore). With warming water temperature in the spring, striped bass return to the riverine spawning areas to continue their life cycle. Unlike Pacific salmon (*Oncorhynchus spp.*), Atlantic striped bass may spawn year after year. The Chesapeake Bay produces the vast majority of coastal migratory striped bass, but smaller spawning populations exist in the Delaware and Hudson Rivers.

Economic value of the fishery

Striped bass are an important economic resource to the States in the region. According to a 1999 report to Congress, the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service (FWS) estimate that despite a declining share of the harvest, the commercial striped bass fishery ranks 25th for landings and 17th for ex-vessel revenues among Atlantic finfish species. Among States allowing a commercial harvest in 1998, fishermen harvested 1.2 million fish, weighing 6.5 million pounds. These landings represent an increase of 165,000 fish and 567,000 pounds since 1997. Among States allowing a commercial fishery, those with the largest proportion of the harvest were Virginia and Maryland. New Jersey, Maine, New Hampshire, Connecticut and Delaware do not have a commercial fishery.

Recreational fishermen consider striped bass to be one of the premier saltwater game fish along the East Coast. These anglers support a coast-wide industry of charter boats, bait and tackle shops, and related businesses. The 1996 Survey of Fishing, Hunting and Wildlife-Associated Recreation, conducted by the FWS, estimated that 886,000 anglers spent 10.7 million days fishing for striped bass in saltwater during 1996. Average expenditures for all Atlantic Coast saltwater trips were about \$800 per angler in 1996, for a total estimated annual expenditure in this fishery of \$762 million. Recreational landings in 1998 total 1.4 million fish, weighing an estimated 12.9 million pounds. These landings represent a decrease of 155,000 fish and 3.1 million pounds since 1997.

Fluctuating populations

Striped bass populations, along with other important species such as bluefish (*Pomatomus saltatrix*), fluctuate from year to year. When Europeans first colonized America, striped bass were so common that it was said that one could walk across the Delaware River on the backs of the stripers. Since that time, the striped bass population has fluctuated radically between abundance and scarcity. In the early 1970s striped bass were abundant and supported a large commercial fishery. By the late 1970s, heavy fishing pressure combined with habitat degradation and other poorly understood factors caused the population to crash. Commercial landings plummeted from 14.7 million pounds in 1973 to 2.9 million pounds in 1984. During this time, the species disappeared as a game fish. Currently, the population of Atlantic striped bass has recovered to near all-time record abundances with a total harvest of 19 million pounds in 1998, but the causes of the huge population fluctuations over the last century remain poorly understood.

Scientists and fishery managers believe that populations of striped bass and other important East Coast species, including bluefish, are linked. Many of these other species are managed under the 1990 Atlantic Coastal Fishery Cooperative Management Act which was modeled after the Atlantic Striped Bass Conservation Act (ASBCA, 16 U.S.C. 1851 note). Because bluefish and striped bass compete for similar prey species, abundant striped bass populations may result in a decline in the number of bluefish. The reverse is expected to hold for abundant bluefish populations. Thus, fishery managers recognize the importance of multi-species management techniques for striped bass, bluefish and associated forage fish species.

The recovery of the striped bass fishery since the crash of the late 1970s is an example of successful State and federal cooperation and angler support over the last two decades, but maintaining healthy striped bass stocks will require continued coordination and careful management. In its 1999 report to Congress, the Atlantic States Marine Fishery Commission (ASMFC) stated that total landings of Atlantic striped bass have increased since the early 1990s, peaking at nearly 22 million pounds in 1997 before dropping to about 19 million pounds in 1998. The ASMFC report highlights concerns resulting from 1998 fishery-independent indices. While juvenile indices were about average for the time series, indices of adult abundance showed a stable or decreasing population, and preliminary 1999 estimates of spawning biomass were among the lowest this decade. The report also states that striped bass were fished above the target level in 1998 and 1999. Of particular concern was the finding that fishing mortality for older (age 8 and above) fish exceeded the definition of overfishing in 1998. These age 8 and older fish represent the most important age class for recreational fishermen, and provide a large percentage of the spawning biomass. Regulations for the 2000 season include harvest reductions to meet the target fishing mortality rate and to increase the number of large fish in the population. The Committee is concerned with the negative trends in juvenile production, particularly in the Chesapeake Bay, as well as removal of too many large fish from the population, and urges the ASMFC and the States to take the necessary steps to ensure that the population is protected.

Legal regime for management

Because of the migratory patterns of the fish, the management of striped bass is subject to the regulation of many States. The Atlantic States Marine Fishery Commission (ASMFC) is an interstate commission that was established by interstate compact in 1942 to coordinate the management efforts of the States on the Atlantic Coast for a variety of interjurisdictional fisheries, including striped bass. The Commission consists of representatives from Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida. In addition, the District of Columbia and the Potomac River Fisheries Commission (PRFC) have an interest in striped bass management. Atlantic striped bass management is based on the Atlantic Striped Bass Fishery Management Plan (FMP) of the ASMFC. The FMP was first adopted in 1981, and has undergone five amendments and

various addendums through 1999. The interstate plans developed by ASMFC establish guidelines for State regulations to reduce harvest pressure in coastal waters. Under the FMP, 14 coastal jurisdictions (12 States, D.C. and PRFC) have principal management responsibility for striped bass and these jurisdictions adopt regulations consistent with the FMP. Although they are not given seats on the Commission, the District of Columbia and the PRFC are required to comply with the FMP and the provisions of the Atlantic Striped Bass Conservation Act, and may participate on the ASMFC's striped bass Management Board and technical committees.

In 1979, Congress first authorized the Emergency Striped Bass Study as part of the Anadromous Fish Conservation Act (Public Law 96-118) to address the problem of declining striped bass stocks. The study was carried out jointly by FWS and National Marine Fisheries Service (NMFS), and investigated climate change, predation, competition among species and fishing mortality in the search for the cause of the decline. The primary conclusion of the study was that, regardless of the cause, major reductions in fishing mortality were required if the species were to recover. In response, the ASMFC prepared the first coast-wide management plan for Atlantic striped bass in 1981. To ensure that the States would comply with the plan, Congress passed the Atlantic Striped Bass Conservation Act of 1984 (ASBCA). This Act created a federal mechanism for enforcing the interstate fishery management plan. Under the ASBCA, the ASMFC is required to notify the Secretaries of the Interior and Commerce if a State is not complying with the FMP. After receiving notice that a State is not in compliance with the plan, the Secretaries can jointly declare a moratorium on fishing for Atlantic striped bass within the coastal waters of that State. This strict enforcement policy is unique to the ASMFC and has not been extended to the other interstate fishery commissions approved by Congress.

Amendments to the ASBCA in 1988 authorized the Secretary of Commerce, acting through NMFS, to regulate Atlantic striped bass within federal waters of the exclusive economic zone (EEZ) from 3 to 200 miles offshore. Using this authority, the Secretary is required to develop offshore regulations that are consistent with the national standards set forth in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) and are compatible with the ASMFC striped bass FMP. In 1990, NMFS declared a moratorium on fishing for striped bass in federal waters to ensure the effectiveness of strict catch limits in State waters. This moratorium remains in effect today. The 1988 amendments also included provisions authorizing NMFS and FWS to carry out annual studies and population assessments of striped bass populations. The ASBCA and associated striped bass studies have been reauthorized a number of times. Congress last reauthorized the ASBCA in 1997 with the Atlantic Striped Bass Conservation Act Amendments of 1997 (Public Law 105-146). This Act provided a substantial overhaul of the statute by revising, reorganizing and integrating various statutory provisions related to striped bass. The amendment combined the studies and research authorizations from the existing ASBCA and the Anadromous Fish Conservation Act, and provisions of the 1988 reauthorization governing the federal

management of striped bass in the EEZ. In addition, the 1997 amendments required biennial reports from ASMFC to Congress concerning the status of striped bass stocks, mandated public participation in the preparation of management plans, and provided funding for continuing research efforts related to striped bass and related species.

The 1997 amendments to the ASBCA authorized important ongoing research and studies on striped bass. Section 6 of the ASBCA directs the Secretaries to conduct continuing studies of striped bass, including annual stock assessments, investigations into population fluctuations of striped bass populations, investigations into the effects of water quality, land use and other environmental factors on recruitment, spawning, mortality and abundance of striped bass. Section 6 also directs the Secretaries to conduct investigations of the interactions of striped bass and other fish such as bluefish, and the effects of interspecies predation and competition on the recruitment, spawning, mortality and abundance of striped bass. The Committee feels that these striped bass predator/prey and interspecific competition studies have not received adequate attention to characterize the impacts of interspecific competition on striped bass. The Committee encourages the Secretaries to focus additional resources into these areas.

The Atlantic Coastal Fishery Cooperative Management Act of 1990 (Public Law 103-206) gave the Secretary of Commerce the authority to impose moratoria in State waters for other Atlantic fisheries managed under ASMFC-approved fishery management plans. In general, the ability of the federal government to impose a moratoria has been effective in encouraging State compliance with fishery management plans. Since 1984, the Secretaries have only imposed one brief moratorium for striped bass.

Authorization of appropriations for the ASBCA expired on September 30, 1999. H.R. 4408 is a simple reauthorization of the ASBCA. The legislation authorizes a total of \$3.75 million over three years to carry out the ASBCA, which includes an additional \$200,000 a year for fiscal years 2001 through 2003 for ongoing striped bass research. The Committee intends that the additional dollars be used for peer-reviewed research under Section 6 of the Act to study the interactions between striped bass, bluefish and their prey species. This research should be funded in addition to continued work on stock assessments, investigations into the cause of striped bass population fluctuations, and the effects of interspecies predation and competition on the recruitment, spawning potential, mortality, and abundance of Atlantic striped bass. The Committee would like to see the Administration and the ASMFC place greater emphasis on improving harvest reporting and statistics programs to ensure that current allocations and commercial and recreational fishery harvest levels do not endanger the long-term health of striped bass populations.

COMMITTEE ACTION

H.R. 4408 was introduced on May 9, 2000, by Congressman Jim Saxton (R-NJ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On April 28, 2000, the Subcommittee held a hearing in Toms River, New Jersey, on

striped bass. On May 18, 2000, the Subcommittee met to mark up the bill. The bill was ordered favorably reported without amendment to the Full Committee by voice vote. On June 7, 2000, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 21, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4408, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4408—A bill to reauthorize the Atlantic Striped Bass Conservation Act

Summary: H.R. 4408 would authorize the appropriation of \$1.25 million annually through 2003 for the management and conservation of striped bass. This program is carried out by the Departments of Commerce and the Interior, which would be authorized to receive \$1 million and \$0.25 million, respectively.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4408 would cost \$1 million in 2001 and \$3.75 million over the 2001–2003 period. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the states that are eligible for financial assistance under the Atlantic Striped Bass Conservation Act.

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 4408 is shown in the following table. For this estimate, CBO assumes that the amounts authorized by H.R. 4408 will be appropriated for each fiscal year and that outlays will follow historical spending patterns for the authorized programs. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	1	0	0	0	0	0
Estimated Outlays	1	0	0	0	0	0
Proposed Changes:						
Authorization Level	0	1	1	1	0	0
Estimated Outlays	0	1	1	1	0	0
Spending Under H.R. 4408:						
Authorization Level ¹	1	1	1	1	0	0
Estimated Outlays	1	1	1	1	0	0

¹The 2000 level is the amount appropriated for that year for the management and conservation of striped bass.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 4408 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the states that are eligible for financial assistance under the Atlantic Striped Bass Conservation Act.

Estimated impact on the private sector: The bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Deborah Reis. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Natalie Tawil.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 7 OF THE ATLANTIC STRIPED BASS CONSERVATION ACT

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.

[(a) AUTHORIZATION.—For each of fiscal years 1998, 1999, and 2000, there are authorized to be appropriated to carry out this Act—

- [(1) \$800,000 to the Secretary of Commerce; and
- [(2) \$250,000 to the Secretary of the Interior.]

(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

- (1) \$1,000,000 to the Secretary of Commerce; and
- (2) \$250,000,000 to the Secretary of the Interior.

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