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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

**Opening Statement of  
Chairman Doc Hastings  
Before the House Natural Resources Committee  
Oversight Hearing on**

***"The President's New National Ocean Policy - A Plan for Further Restrictions on Ocean,  
Coastal and Inland Activities - Part II"***

**On Wednesday, October 26, 2011, at 10:00 a.m.**

Earlier this month, this Committee held its first hearing on President Obama's National Ocean Policy. At that hearing, Ranking Member Mr. Markey noted that planning was not bad and described how Massachusetts Governor Patrick had signed legislation for the development of an ocean management plan. Another witness - also from Massachusetts - noted that their state had worked with stakeholders to develop the plan with those stakeholders at the table. I would like to thank both of them for pointing out how ocean planning can work - through a voluntary, state-run process that is based on statutory authority that has stakeholders actively participating and at the table.

Unfortunately, the President's Executive Order creates a new federal bureaucracy that requires regional plans to be created whether states want it or not and in a manner that excludes stakeholders.

I have asked the Administration for the specific statutory authority that allows the President, by Executive Order, to create Regional Planning Bodies and require them to create regional zoning plans. So far, I have been given only a hodge-podge list of all the statutes that apply to ocean and/or coastal activities. I have not been given a concise, direct answer to the question.

The list includes the Magnuson Act of 1950, Marine Plastic Pollution Research and Control Act, the Coastal and Geodetic Survey Act of 1947, the National Weather Service Organic Act, and the National Environmental Education Act. I fail to see how any of these statutes gives the President the authority to create regional zoning plans.

Instead of getting input and statutory authorization from Congress, the Obama Administration has decided that the President's signature alone is all that's needed to make major changes to policies governing ocean activities and to create a huge new bureaucracy that will change the way inland, ocean and coastal activities will be managed. This could cost jobs and have devastating long-term economic impacts throughout the country.

Let me be clear, the Administration can and should require executive agencies to work in a more coordinated manner where ocean jurisdictions overlap. It is also clear that executive agencies with ocean jurisdiction should share information and reduce duplication between Federal agency actions. This would save money and could be supported by all of us.

Yet, in addition to the lack of statutory authority, there are numerous other concerns and questions about the impacts of the Administration's initiative that have still not been answered.

First, the initiative will add layer upon layer of new, federal bureaucracy. The Executive Order creates dozens of new policies, councils, committees, planning bodies, priority objectives, action plans, national goals and guiding principles. This creates uncertainty for businesses and job-creators.

Second, the initiative creates a new policy of marine spatial planning, otherwise known as 'ocean zoning.' This is likely to place huge portions of the ocean off-limits to certain economic and recreational activities, including commercial and recreational fishing and energy production.

Third, the reach of this initiative is not limited to just the ocean and may stretch far inland, extending to potentially all rivers, tributaries and lands that drain into the ocean. Inland activities, such as farming, could be restricted if Regional Planning Bodies determine their activities might affect the ocean.

Fourth, it is unclear how much this initiative will cost the taxpayers. This is an entirely new initiative that will take money away from existing agency budgets at a time when budgets are already being cut.

Finally, this initiative will create a whole new avenue for litigation. Because each of these new layers of policy, guidelines, goals, and principles include vague new mandates for all Federal agencies to use, new litigation will certainly attempt to use these vague mandates to challenge any activities they do not like.

This new ocean initiative has raised numerous concerns and could significantly impact our economy and American jobs. I look forward to hearing from the Administration today and hopefully get some of these questions answered.