

**WRITTEN TESTIMONY
OF
CAPT. ROBERT F. ZALES, II
PRESIDENT**

NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS

FOR OVERSIGHT HEARING ON

THE IMPLICATIONS OF PRESIDENT OBAMA'S NATIONAL OCEAN POLICY

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON WATER, POWER AND OCEANS**

MAY 17, 2016

Chairman Fleming, Ranking Member Huffman, and Members of the SubCommittee, my name is Robert F. Zales, II and I am appearing today on behalf of the National Association of Charterboat Operators (NACO). I wish to thank you for your kind invitation to present testimony on the "*The Implications of President Obama's National Ocean Policy*".

NACO is a non-profit 501 (c) (6) association representing charter boat owners and operators across the United States including the Great Lakes. I also serve on the Board of several other recreational fishing associations as well as the National Ocean Policy Coalition. I have been involved in fishing for over 50 years with over 25 years of that time involved with local, state, and federal fishery management providing expert testimony, serving on a host of advisory panels, and working to ensure that reason and common sense are applied to the management of our natural resources.

H.R. 21 (Oceans 21), the precursor to the National Oceans Policy, was introduced to the House in the mid 2000s. It never had broad public support and thanks to the wisdom of our Representatives and Senators was never approved by Congress. Due to rejection of the proposed

legislation and no action by Congress, on July 19, 2010 President Obama signed and executed Presidential Executive Order 13547 creating the National Ocean Policy and resulting National Ocean Council. I provided my one minute of testimony at one of the first public announcement meetings held in New Orleans, LA a few weeks after the EO was executed. Now, almost 6 years later, this one stroke of a pen that created an unfunded mandate has provided for the creation of the National Ocean Policy Implementation Plan and led to the creation of Regional Planning Bodies (RPB) in the Northeast, Mid Atlantic, Pacific, Caribbean, and most recently the West Coast. Thankfully, we have no RPB in the Gulf of Mexico Region and do not need one.

The National Ocean Policy Implementation Plan calls for the RPBs to adopt a comprehensive National ecosystem based management principal, implement comprehensive, integrated, ecosystem based coastal and marine spatial planning and management, and a host of other management objectives. All of these proposals are already being researched and in some cases proposed under the Magnuson Stevens Fishery and Conservation Management Act and other federal agencies management efforts. The last thing we need in the Gulf, and any Region, is the creation of a new Government body and a process that the Federal government itself has likened to Ocean Zoning - neither of which have been authorized by Congress – that is trying to solve a problem that does not exist. Apparently, Mr. Chairman, you and your colleagues are not necessary to the proper management and care of our natural marine and land based resources as Congress has been left totally out of the NOP process. We recently heard of the latest effort by 33 environmental NGOs forming the “*High Seas Alliance*” to push the United Nations to move forward with the development of an international legally binding instrument under the UN Convention of the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. As you can fully understand we are seriously

concerned about the continued and ever growing efforts by enviro NGOs to circumvent the normal operation and regulatory activity of Congress.

The current NOP process, has from day one, suggested that the Nation's stakeholders have been actively involved and able to provide input. Reality shows this is blatantly untrue. The fast tracking underground, lack of adequate public notice, and haphazard manner where vital stakeholders are left out by the administration is clear indication they want this policy to be fully implemented before anyone is aware of the real impacts of the proposed policy. One has to wonder, if a policy is so great then why has Congress been left out of the process and why do the citizens of this country know so little?

Under the Coastal and Marine Spatial Planning process there are nine (9) Regional Planning Bodies proposed that will include membership of Federal, State, and Tribal representatives, no fishing or other stakeholder representatives are to be included. We already have eight (8) Regional Fishery Management Councils and the agencies of NOAA/NMFS along with EPA, the United States Coast Guard, the Fish and Wildlife Service, the Bureau of Ocean Energy Management, three (3) Interstate Fishery Commissions, coastal State Resource Management Agencies, and a host of others providing management of our resources. Why do we need another bureaucratic entity costing taxpayers millions of dollars on top of all of these to provide more management? Few federal legislators know where the funding for the NOP comes from now, who will control the funding and oversight in the future?

In the Gulf. as well as all areas of the country, Recreational and Commercial Fishermen are currently over regulated and negatively impacted in every arena. No fishing seasons, overly restrictive bag limits and quotas, closed areas to boating and fishing, the Endangered Species

Act, the Clean Water Act, EPA Engine Emission regulations, Marine Protected Areas, Marine Mammal Interactions, gear restrictions, U. S. Coast Guard regulations that include a host of vessel safety requirements, specific manning requirements, life saving requirements, licensing, drug and alcohol testing, medical review process, navigation restrictions, FCC radio licensing and requirements, and more. Every agency and every requirement costs fishermen and our communities dollars.

The Fishing Industry (recreational and commercial) cannot absorb any more regulatory burden. Many fishermen have left fishing because they have simply been regulated out of business. The costs and regulatory burdens have driven private recreational fishermen to find other forms of recreation. They have forced the recreational for-hire owner out of business because the consumer is unwilling to continue to pay more for the government requirements as the costs of regulations cannot be passed on. Commercial fishermen are being forced out of business because the profit margins are not sustainable. All of this also impacts the support businesses such as tackle shops, boat builders, and seafood dealers.

The NOP process has the potential and is likely to create new and expanded regulatory requirements in addition to those we have, creating more regulatory burdens and expanding costs to our businesses. According to information provided at a past hearing, then Representative Steve Southerland, found in the *Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010* on page 30, it states “*The plans would be adaptive to allow for modification and addition of new actions based on new information or changing conditions. Their effective implementation would also require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component.*” While several lead agency heads have stated the NOP has no regulatory authority, it is clear that the NOP will be

adding new and expanded regulations, without any rulemaking authority, on already overly regulated industries and activities.

Fishing activity and boating are at an all time low. Government requirements and expense keep growing and allowing the NOP to continue without Congressional oversight will only continue to reduce this fishing and boating activity which will result in lost JOBS, lost WAGES, and lost TAXES which will harm families and our communities. The NOP does nothing but add new layers of unaccountable federal government employees while doing nothing to enhance our economy or our resources. Everything the NOP proposes is already being implemented, proposed, or thought of.

In addition the NOP will continue the strangulation of our Gulf offshore oil and gas industries by further restricting exploration, mining, and production of these resources. This further hampers fishermen due to the ever increasing fuel costs. In the Gulf of Mexico the expanded effort to remove non productive oil and gas platforms that have become essential fish habitat is a growing problem when the NOAA/NMFS requires sustainable fisheries. How do you sustain a resource without habitat?

The Gulf has a decades long history of successful coexistence and environmental concern of our natural resources by commercial and recreational fishermen. Our historical experience reflects that we don't need this unauthorized process to create problems where none exists. In addition to the negative impacts on our Gulf fishing industries and in other regions where RPBs have been established, in the Gulf we are concerned with federal members who were identified to serve on a Gulf RPB in 2012, although the five Gulf States did not agree to participate. Our concern is

amplified due to the fact that the NOP states that federal entities are to implement marine planning in regions even where states decide not to participate.

The foundational recommendations adopted by the NOP noted “these recommendations may create a level of uncertainty and anxiety among those who rely on these resources and may generate questions about how they align with existing processes, authorities, and budget challenges. Six years later that uncertainty and anxiety is higher than ever and those questions are more significant today. The unforced error created by a stroke of the pen continues to needlessly drain resources and energy away from what our industries should and need to be focused on which is generating economic activity and providing recreational and commercial opportunities and enjoyment of our natural resources, all under the oversight of responsible regulation as authorized by Congress. If the Federal Government wants to help fix a problem it should bring industry to the table as an equal partner to work together to address the regulatory maze that is strangling our ability to operate, not create unnecessary uncertainty and anxiety by creating government only entities and regulatory overlays by Executive Order.

Mr. Chairman, this concludes my testimony. Again, I truly appreciate the invitation and opportunity to provide you and the committee with this information. I will be pleased to respond to any questions.