

Testimony of Meghan Lapp, Fisheries Liaison, Seafreeze Ltd.  
On *"The Implications of President Obama's National Ocean Policy"*  
House Subcommittee on Water, Power and Oceans  
May 17, 2016

Mr. Chairman, Ranking Member, and Members of the Subcommittee, thank you for the opportunity to testify before you today. My name is Meghan Lapp, and I represent Seafreeze, Ltd., the largest producer and trader of sea frozen fish on the U.S. East Coast. We operate two freezer vessels out of Davisville, RI, that fish from the Canadian line to North Carolina.

I am here today to tell you that the implications of President Obama's National Ocean Policy (NOP) are already being felt and implemented through the Fishery Management Councils and NOAA/NMFS science and policy, even prior to any finalized regional Ocean Action Plan by a Regional Planning Body. Rather than detail every specific, I would like to relate my personal experiences thus far, and the increased concerns I have as the process moves forward.

NOAA science is the driving force of fisheries management, and has embraced the "fundamental shift" to ecosystem-based management. Therefore, fisheries regulatory bodies such as the Fishery Management Councils have also been forced to embrace this fundamental shift. As a result, the New England Fishery Management Council now has an "Ecosystem Based Fisheries Management Committee", which is conducting a eFEP (experimental Fishery Ecosystem Plan), much as is outlined in the National Ocean Policy Implementation Plan, i.e. to "implement pilot projects that use an ecosystem-based approach" (p.20; "Pilot projects will...enable decision makers and managers to understand how ecosystem-based management can be most effectively implemented at regional scales..."). The Mid Atlantic Fishery Management Council now has an Ecosystems and Ocean Planning Committee, of which I am an Advisory Panel member. To date as an AP member, I have been asked to give input on policy towards industrial ocean use, as well as habitat impacts/policy, and potential tradeoffs, much as is discussed in the Task Force Recommendations on Coastal and Marine Spatial Planning. While incorporating ecosystem considerations in fishery management is not a new concept, it has only been recently that directed management efforts have been concentrated on implementation. While the National Ocean Council and National Ocean Policy are touted as non-regulatory, they are clearly controlling the agenda of regulatory agencies and bodies. This will result in regulations to the end user.

One serious concern from a fishery stakeholder perspective is the policy's commitment to the "reduction of cumulative impacts from human uses on marine ecosystems"(Task Force, p. 33) and the "conservation of important ecological areas, such as areas of high productivity" (Task Force, p. 44). Currently, as part of data collection for the National Ocean Policy, confidential fisheries data has been compiled into public charts that detail where concentrated commercial fishing activity takes place, aka areas of high productivity. For the sake of NOP "conservation", does that mean we will lose access to our fishing grounds? (Will state or federal Fishery Management Plans be required to close these areas, due to the fact that NOAA, which must comply with these Task Force Recommendations, has the final say on FMPs? And that the States and Fishery Management Councils on the Regional Planning Bodies will

be bound by RPB Plans? The Northeast Regional Planning Body has a chart on its webpage that states : “Regulatory: Use of Ocean Plan Data in NEPA and regulatory processes”, and documents containing the Task force mandate as well as potential corresponding regulations for fishery management . ) According to the Task Force, the specific questions and concerns of those who rely on marine resources will be addressed “as implementation progresses” (Task Force, p. 9). I find this outrageous.

My experience at a Northeast Regional Planning Body (RPB) meeting does not serve to ease my concerns. It was very apparent from the discussion that the push was to get the RPB Plan done at all costs by 2016. After the public comment period during which I raised real fisheries issues with the process, data, and impacts to fisheries from both an equity and ecological perspective, one RPB member stated that the short timeline had reduced the RPB’s ability to be transparent and do stakeholder engagement, and that they were just going to create a plan because of a timeline without the credibility needed. To this, one of the Co-Chairs responded, “We’re going to produce a plan and it’s going to get adopted” (by the NOC), to which the NOC Director responded by nodding. As a stakeholder, this tells me that my interests don’t matter and that the only goal is implementation by 2016. Another comment that “at the end of 16 months you want to make this so hard to shut off” tells me that the Plan is designed to be railroaded through regardless of future objections.

The Administration’s top down approach cannot be made clearer than through the recent Marine Monument discussion. Last year, an unexpected email announcement went out over NOAA’s Greater Atlantic Regional Fisheries Office listserve. It gave stakeholders a two week notice that there was consideration by the Administration to designate several deep sea canyons as Marine National Monuments, one reason of which was protection of deep sea corals. This came soon after the Mid Atlantic Fishery Management Council had completed a Deep Sea Corals Amendment, which included extensive stakeholder input, including an interactive workshop to draw boundary lines. (Seafreeze was a participant in this workshop. ) It was also right about the time when the New England Fishery Management Council intended to resume work on its own Deep Sea Corals Amendment in that very area, during which stakeholders expect a similar interactive process. Many of the environmental NGOs who had taken credit for collaboration in the Mid Atlantic workshop were among those championing a National Monument designation and a bypassing of the New England Council process. The canyon areas under consideration as Marine Monuments are extremely productive and of great economic importance to Seafreeze. Holding just one public meeting to allow for stakeholder input, NOAA released a comment portal through which to submit further comment. (The original meeting notice stated that comments through the portal had to be submitted by the date of the meeting. The day after the meeting, a notice was released that asked for further comments to be sent “as soon as possible”.) In a frenzied attempt to protect Seafreeze’s interests, I submitted not only written comments but proprietary/confidential charts documenting our vessels’ fishing activity in the area as an argument that our fishing grounds needed to be kept open. When I asked, no one at NOAA could tell me how long the comment period would remain open. Neither could anyone at the agency inform me how or why this discussion was initiated (whether executive request, response to petitions, etc), if there was any specific process being followed, who would be reviewing our comments, who would be presenting them, and to whom. It was like a black hole; we had no idea what was going on. This is disturbing especially considering the type of confidential

information I felt necessary to submit. From a current stakeholder's perspective, this is the antithesis of how decisions should be made. We still live in the uncertainty of what may happen with this.

Since this Policy, we have had less input into our future, not more. Thank you and I would be happy to answer any questions.