

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

NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS

FOR OVERSIGHT HEARING ON

**EMPTY HOOKS: THE NATIONAL OCEAN POLICY IS THE LATEST THREAT TO
ACCESS FOR RECREATIONAL AND COMMERCIAL FISHERMEN**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS, AND INSULAR AFFAIRS**

MARCH 22, 2012

Chairman Fleming, Ranking Member Sablan, 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; my Representative Steve Southerland and the other Members of the Committee for your kind invitation to present testimony on the Threat to Access for Recreational and Commercial Fishermen by the National Ocean Policy (NOP).

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 and am involved with a national coalition of recreational for hire, private recreational, and commercial fishing associations as well as the National Ocean Policy Coalition. I have been involved in fishing for over 47 years with over 21 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.

On July 19, 2010 President Obama signed and executed Presidential Executive Order 13547 creating the National Ocean Policy and resulting National Ocean Council. Less than two years later, this one stroke of a pen has expanded to a proposed National Ocean Policy Implementation Plan that will create Regional Planning Bodies who will 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 management efforts. 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.

Charter, commercial, and saltwater recreational fishing is extremely important to the United States, both economically and socially. According to the NOAA publication *Fisheries Economics of the United States for 2009* Recreational Saltwater Fishing produced sales impacts from angling and durable expenditures totaling **\$50 BILLION and value added impacts of \$23 BILLION while providing over 327,000 JOBS** in 2009. In addition the Commercial Fishing industry provided over **1 MILLION JOBS, \$116 BILLION in sales and \$32 BILLION in income impacts**. Seafood Retailers added another **484,000 JOBS and contributed another \$10 BILLION** to the nations' economy. This impact is derived on less than 20% of the seafood provided locally as over 80% of our Nation's seafood is imported. Just in my small coastal community of Panama City, Florida, according to the local Tourist Development Council, **15% of Tourism Dollars** comes from saltwater recreational fishing. All of these industries depend on our healthy and resilient resources and must have flexibility in management in order to survive.

The current NOP process, has from day one, suggested that the Nation's stakeholders have been actively involved and able to provide input. The true nature of the activity 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 representatives are to be included. How does this process include Stakeholders such as Recreational and Commercial fishermen who may be affected the most? 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?

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 recent hearing by Representative 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 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 continues the strangulation of our 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?

In lieu of the NOP, a government agency coordinator could ensure all agencies work together so projects, permitting, regulatory actions, and continued enhancement of our marine and land resources are coordinated. This coordination of agencies should reduce the burdens placed on the fishing and other industries. In these difficult economic times, this would save tax payers countless dollars, would not increase regulatory burdens, and provide a real common sense approach to making government more efficient and less costly.

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.