

**THE PRESIDENT'S NEW NATIONAL  
OCEAN POLICY—A PLAN FOR FUR-  
THER RESTRICTIONS ON OCEAN,  
COASTAL AND INLAND ACTIVITIES**

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**OVERSIGHT HEARING**

BEFORE THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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Wednesday, October 26, 2011

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**Serial No. 112-76**

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Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.gpoaccess.gov/congress/index.html>

or

Committee address: <http://naturalresources.house.gov>

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U.S. GOVERNMENT PRINTING OFFICE

70-954 PDF

WASHINGTON : 2012

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**SECOND OVERSIGHT HEARING ON “THE  
PRESIDENT’S NEW NATIONAL OCEAN  
POLICY—A PLAN FOR FURTHER RESTRIC-  
TIONS ON OCEAN, COASTAL AND INLAND  
ACTIVITIES.”**

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**Wednesday, October 26, 2011  
U.S. House of Representatives  
Committee on Natural Resources  
Washington, D.C.**

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The Committee met, pursuant to call, at 10:03 a.m. in Room 1324, Longworth House Office Building, Hon. Doc Hastings [Chairman of the Committee] presiding.

Present: Representatives Hastings, Young, Lamborn, Wittman, Fleming, McClintock, Thompson, Tipton, Labrador, Noem, Southerland, Flores, Landry, Runyan, Johnson, Amodei, Markey, Holt, Costa, Sablan, Sarbanes, and Tsongas.

The CHAIRMAN. The Committee will come to order. The Chairman notes the presence of a quorum, which under Rule 3[e] is two Members, and we have far exceeded that today. The Committee on Natural Resources is meeting today to hear testimony on “The President’s New National Ocean Policy—A Plan for Further Restrictions on Ocean, Coastal, and Inland Activities.”

Under Rule 4[c], opening statements are limited to the Chairman and Ranking Member, but I ask unanimous consent that any Member that wishes to have a statement have it in before the close of business today. I would also like to note that part of our quorum-making today is the newest Member of the House Natural Resources Committee and one of the newest Members of the House. I want to welcome our new colleague from Nevada, Mr. Mark Amodei, who has a long background in Nevada government, and I am very pleased that he has now joined us on this Committee. So, Mark, welcome aboard, and we look forward to working with you on a number of issues.

I will now recognize myself for my opening statement.

**STATEMENT OF HON. DOC HASTINGS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF WASHINGTON**

The CHAIRMAN. Earlier this month the Committee held its first hearing on President Obama’s National Ocean Policy. At that hearing, Ranking Member 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 and that has stakeholder activity participating and at the table.

But 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 specific statutory authority that allows the President by Executive Order to create regional planning bodies and require them to create regional zoning plans.

I must say that so far I have been given only a hodgepodge list of all those statutes that apply to ocean and/or coastal activities. I have not been given a concise, direct answer to the question. The list that they have provided includes the Magnuson Act of 1950, the Marine Plastic Pollution Research and Control Act, the Coastal and Geodetic Survey Act of 1947, the National Weather Service Organic Act, and the National Environment Education Act.

I, frankly, fail to see how any of these statutes gives the President authority to create regional planning zones. Instead of getting input and statutory authority from Congress, the Obama Administration has decided that the President's signature alone is all that is needed to make major changes to policies governing ocean activities and to create a new, huge 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. But let me be very, very 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 I think would be supported by all of us.

But in addition to the lack of statutory authority, there are numerous other concerns and questions about the impacts of the Administration's initiative that still have 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 oceans 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 we all know 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, and principles include vague new mandates for all Federal agencies to use, new litigation will certainly be attempted to use these vague mandates to challenge any activities that one does not like.

So this new ocean initiative has raised numerous concerns and could significantly impact our economy and American jobs. So I look forward to hearing from the Administration today, and hopefully, if they can answer all of the questions I raise, I think we will have a wonderful time, and I hope that will be the case.

With that, I yield my time and recognize the gentleman from Massachusetts, Mr. Markey.

[The prepared statement of Mr. Hastings follows:]

**Statement of The Honorable Doc Hastings, Chairman,  
Committee on Natural Resources**

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.

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**STATEMENT OF HON. EDWARD MARKEY, A REPRESENTATIVE  
IN CONGRESS FROM THE COMMONWEALTH OF  
MASSACHUSETTS**

Mr. MARKEY. Thank you, Mr. Chairman. Earlier this month we held the first hearing on the National Ocean Policy. At it, the Republican Majority claimed there is a chicken-and-egg problem with ocean planning policy. The Majority says that the President is overreaching by issuing his Executive Order on the National Ocean Policy and that comprehensive ocean planning requires congressional authorization.

However, when presented with ocean planning legislation in the last two Congresses, the Republicans raised enormous opposition. So, for Republicans, it is not about which comes first on ocean planning, Congress or the White House. It is about never wanting the chicken to cross the road.

To keep our oceans and coasts viable for fisheries, military training, energy development, tourism, and conservation, we need ocean planning. I commend the President for using his authority under existing laws to ensure the health of our oceans, given the opposition of the Majority. We are not living in the 1600s when freedom of the seas was the guiding principle of the world's oceans. In fact, this is not even the 1980s when President Reagan used his Executive powers to zone our oceans by proclaiming a 12-nautical mile territorial sea and a 200-nautical mile Exclusive Economic Zone for the United States. Thank you, President Reagan.

This is now 2011, and the blue frontier has become an increasingly crowded space. Fishing grounds, shipping lanes, Navy training ranges, offshore energy production, fish and wildlife habitats and other uses are increasingly in competition. The National Ocean Policy recognizes these conflicts and provides tools to harmonize the existing regulations that govern our coasts and our oceans.

These tools will allow developments to move ahead more quickly while creating jobs and improving the health of the oceans. Scare tactics describing farfetched what-if scenarios are counter-productive. By trying to lower the boom on ocean planning, Republicans will instead run our coastal economies aground.

In New England alone, coastal communities support more than 360,000 jobs and earn more than \$8 billion in wages related to the



oceans. Massachusetts is a national leader in comprehensive ocean planning with completion of the Massachusetts Ocean Plan. Rhode Island has developed a special area management plan, and the Northeast Regional Ocean Council is starting the development of the nation's first regional ocean use plan.

But we are not alone. Increasingly, other regions, including the West Coast, also see the need to address uncoordinated development that threatens our ability to efficiently use our ocean's natural resources now and pass them on to future generations. The National Ocean Policy represents decades of bipartisan work from two oceans commissions and includes the input of multiple agencies, States, tribes, and thousands of stakeholders. It is an adaptive process to coordinate and capitalize on existing relationships, entities and programs that protect and utilize our ocean resources.

This Committee has heard from numerous ocean stakeholders over the years about the need for an open and inclusive process to establish objectives for maintaining the economic and environmental health of our oceans and coasts. The National Ocean Policy provides the means to perform this critical task, and I look forward to hearing from our two distinguished witnesses today about how our national ocean policy can help lift the anchor on our coastal communities and chart a course for healthy and vibrant oceans and coasts. And I yield back the balance of my time.

[The prepared statement of Mr. Markey follows:]

**Statement of The Honorable Edward J. Markey, Ranking Member,  
Committee on Natural Resources**

Earlier this month, we held the first hearing on the National Ocean Policy. At it, the Republican Majority claimed there is a "chicken and egg" problem with ocean planning policy.

The Majority says that the President is overreaching by issuing his executive order on the National Ocean Policy and that comprehensive ocean planning requires Congressional authorization.

However, when presented with ocean planning legislation in the last two Congresses, the Republicans raised enormous opposition.

So for Republicans it's not about which comes first on ocean planning—Congress or the White House. It's about never wanting the chicken to cross the road.

To keep our oceans and coasts viable for fisheries, military training, energy development, tourism and conservation, we need ocean planning.

I commend the President for using his authority under existing laws to ensure the health of our oceans given the opposition of Republicans to Congressional action.

We are not living in the 1600s, when "freedom of the seas" was the guiding principle for the world's oceans. In fact, this is not even the 1980s, when President Reagan used his executive powers to zone our oceans by proclaiming a 12 nautical mile territorial sea and a 200 nautical mile Exclusive Economic Zone for the United States.

This is 2011 and the blue frontier has become an increasingly crowded space. Fishing grounds, shipping lanes, Navy training ranges, offshore energy production, fish and wildlife habitats, and other uses are increasingly in competition.

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Scare tactics describing far-fetched "what if" scenarios are counterproductive. By trying to lower the boom on ocean planning, Republicans will instead run our coastal economies aground.

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But we are not alone. Increasingly other regions, including on the West Coast, also see the need to address uncoordinated development that threatens our ability to efficiently use our ocean natural resources now and pass them on to future generations'.

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I look forward to hearing from our distinguished witnesses today about how the National Ocean Policy can help lift the anchor on our coastal communities and chart a course for healthy and vibrant oceans and coasts.

The CHAIRMAN. I thank the gentleman for his statement, and I am about to call the first panel, but I see they are already seated. Thank you for that. We have with us The Honorable Nancy Sutley, who is the Chair of the Council on Environmental Quality and the Co-Chair of the National Ocean Council, and The Honorable Jane Lubchenco, the Under Secretary for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

You have both been here before, and you know the rules, but let me go over that again, the lights in front of you. And by the way, your full statement will appear in total in the record. And when the lights go on, the green light says you are doing absolutely well. When the yellow light goes on, it means you have one minute to go. And when the red light goes on, then we get very angry up here. I am just kidding of course, but finish your response.

But thank you very, very much for being here. And, Ms. Sutley, we will start with you, and you are recognized for five minutes.

**STATEMENT OF HON. NANCY SUTLEY, CHAIR, COUNCIL ON ENVIRONMENTAL QUALITY, AND CO-CHAIR, NATIONAL OCEAN COUNCIL**

Ms. SUTLEY. Thank you, Mr. Chairman. Thank you for having us today. Thank you, Ranking Member Markey and Members of the Committee for this opportunity to appear before you this morning to discuss the national policy for the stewardship of the oceans, our coasts, and the Great Lakes.

Today I will outline how the National Ocean Policy is a practical approach called for by a broad group of bipartisan stakeholders over a decade to better coordinate Federal, State, and local ocean planning and to reduce conflicts and delay that hinder economic growth.

America's ocean, coastal, and Great Lakes regions support tens of millions of jobs and contributes trillions of dollars a year to our national economy. We can't afford to sacrifice those jobs to the status quo of inefficiency and conflict. We have an obligation to identify and to respond to known problems, the earlier the better, and ensure that Federal agencies are not slowing economic growth through poor coordination.

The National Ocean Policy aims to resolve a longstanding, well-recognized and significant problem. The oceans, the coasts, and Great Lakes are a crucial resource for America, and they are in trouble. Historically coordination both within the Federal Government and among Federal, State, local, and tribal bodies has been, in effect, inefficient and ineffective. Bipartisan commissions have called for a comprehensive national ocean policy and a more coordinated, integrated approach to managing our oceans, coasts, and Great Lakes.

President Bush took some initial steps toward implementing the recommendations of the U.S. Commission on Ocean Policy, and President Obama built on these efforts by establishing the National Ocean Policy. The National Ocean Policy responds to widely recognized challenges with a measured and iterative approach to designing a better system for our oceans that is built within existing authorities.

The policy was created with extensive stakeholder and public input, and we have committed to continually engaging the stakeholders and the public at every step of its implementation. Historically Federal agencies have independently navigated and interpreted more than 140 laws affecting the oceans, coasts, and Great Lakes, often resulting in a confusing overlap.

The National Ocean Policy aims to improve coordination at all levels of government and for the first time to establish collaborative planning for the ocean. And there is a regional focus that means that Federal, State, local, and tribal partners will be at the table from the beginning and engage the public in the process.

The National Ocean Policy helps focus limited Federal resources on key areas and actions to ensure that we deliver demonstrable outcomes to meet the needs of Americans, and it prioritizes using the best available science to inform decisions affecting the oceans, the coasts, and the Great Lakes.

It is worth discussing one part of the policy, coastal and marine spatial planning, in a little more depth as it has become the source of a lot of concern and misperception. Under the status quo, decisions with significant economic and environmental consequences have typically been made on a sector-by-sector, permit-by-permit basis. Many times interested parties have been brought into the discussion too late or left out.

This system has resulted in uncertainty for industry, user conflict or confusion, costly litigation, and difficulty in considering cumulative impacts. The National Ocean Policy provides a framework for collaborative coastal marine spatial planning that would be jointly developed with States and tribes, incorporate public input, and allow for significant regional flexibility.

Coastal and marine spatial planning is not ocean zoning. It does not impose any restrictions on ocean, coastal, or Great Lakes activities, and it does not direct that any area be designated for a specific use or off-limit to specific activities. Coastal marine spatial planning is a science-based tool that provides transparent information about ocean uses and guarantees the public and the stakeholders have a voice early on in decisions affecting the ocean. We know from experience that early and inclusive public engagement

addresses potential conflicts upfront and avoids last minute surprises that can result in additional time and costs.

Massachusetts, Rhode Island, New Jersey, Florida, Oregon, and Washington are using marine spatial planning to better inform decisions, saving potential developers and resource managers significant time and financial burden. I believe that the National Ocean Policy is a thoughtful and measured approach to addressing long-standing threats facing our ocean, our coastal and Great Lakes resources and economies. Through smart collaboration and inclusive practical policy and management, we can reduce duplication and conflict and foster transparent science-based decisions that deliver healthy and productive oceans, coasts, and Great Lakes for Americans.

Thank you for the opportunity to testify this morning, and I look forward to your questions.

[The prepared statement of Ms. Sutley follows:]

**Statement of Nancy H. Sutley, Chair,  
White House Council on Environmental Quality**

Thank you, Chairman Hastings. And thank you, Ranking Member Markey and Members of the Committee, for the opportunity to appear before you this morning to discuss the National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes.

**Introduction**

The National Ocean Policy responds to more than a decade of bipartisan discussions and was formed to resolve a long-standing, well-recognized, and significant problem: the oceans, coasts, and Great Lakes are a crucial resource for America and they are in trouble. Previous levels of coordination both within the Federal Government and among Federal, State, local, and tribal bodies have been inefficient and ineffective, and have resulted in conflicts and delays that hinder economic growth, environmental health, and national security. In fact, bi-partisan commissions have called for a comprehensive policy and a more coordinated, integrated approach to managing our ocean, coasts, and Great Lakes.

Congress created the U.S. Commission on Ocean Policy in 2000, and President George W. Bush appointed its members. In its 2004 Report, the Commission said that “[o]ur failure to properly manage the human activities that affect the nation’s oceans, coasts, and Great Lakes is compromising their ecological integrity, diminishing our ability to fully realize their potential, costing us jobs and revenue, threatening human health, and putting our future at risk.” The Commission developed recommendations that called for the creation of an “effective national ocean policy that ensures sustainable use and protection of our oceans, coasts, and Great Lakes, improved ocean governance, and a comprehensive offshore management regime for the balanced coordination of all offshore uses.”

Similarly the Pew Oceans Commission, chaired by the Honorable Leon Panetta, identified in its 2003 report that “[t]he evidence that our oceans face a greater array of problems than ever before in our nation’s history surrounds us. Marine life and vital coastal habitats are straining under the increasing pressure of our use. We have reached a crossroads where the cumulative effect of what we take from, and put into, the ocean substantially reduces the ability of marine ecosystems to produce the economic and ecological goods and services that we desire and need. What we once considered inexhaustible and resilient is, in fact, finite and fragile.” The Pew Commission’s recommendations also called for “a principled, unified national ocean policy based on protecting ecosystem health and requiring sustainable use of ocean resources.”

The National Ocean Policy responds to these calls with a measured, iterative approach to designing a better decision system for our oceans. Built upon the findings of the two Commissions, and congressional, State, and regional efforts over the past decade, the new ocean policy lays out a process for Federal agencies, States, and stakeholders to collaboratively improve decision-making in a manner customized to the unique needs and desires of each region.

### **Development of the National Ocean Policy**

Demands on the ocean, our coasts, and the Great Lakes are intensifying, spurred by population growth in coastal areas, growing ocean uses such as conventional and renewable energy development, shipping, aquaculture, and emerging security requirements. Our resources, and the regional economies they support, are also under tremendous pressure from habitat loss, pollution, over-fishing, climate change, and ocean acidification. Federal agencies, which have jurisdiction over ocean and marine resources in Federal waters and share jurisdiction with State and local agencies in State waters, independently navigate and interpret over 100 laws affecting the ocean, coasts and Great Lakes. This confusing overlap creates unnecessary obstacles to ocean users and managers alike.

In response to the calls for an overarching ocean framework and to ensure that the Federal Government is effectively achieving its responsibilities and responding to the growing demands and uses of these resources, the President established the Federal Interagency Ocean Policy Task Force in June of 2009.

The Task Force was charged with developing recommendations that included a national policy for the stewardship of our oceans, our coasts and the Great Lakes, a framework for improved Federal policy coordination, and an implementation strategy. The Task Force released an Interim Report in September of 2009. This report was made available for public review and comment. The Task Force was also charged with developing a recommended framework for collaborative, regionally-based planning. An interim Framework for Effective Coastal and Marine Spatial Planning was released for public comment in December of 2009.

The Task Force undertook a robust public engagement process to seek input from a broad range of stakeholders and interested parties, including thirty-eight expert roundtable meetings and six regional public meetings around the country, and received and reviewed more than 3,400 public comments submitted online.

Using this public feedback, the Task Force revised and consolidated the interim documents into the Final Recommendations of the Interagency Ocean Policy Task Force. On July 19, 2010, Executive Order 13547 adopted these recommendations and established the National Ocean Policy—our Nation’s first comprehensive policy for the stewardship of the ocean, our coasts, and the Great Lakes.

The Executive Order also established a National Ocean Council, comprising Cabinet-level officials, to coordinate ocean, coastal, and Great Lakes issues across the Federal Government and implement the National Ocean Policy. Through the National Ocean Council, we are improving the way we do business. By better integrating the existing efforts of Federal agencies and offices, and bringing together experience and authorities in science, natural resource management, economic development, infrastructure planning, national and homeland security, public health, and social services, we have taken an unprecedented and long-overdue approach to the most pressing challenges facing the ocean, our coasts, and the Great Lakes.

### **The National Ocean Policy**

The National Ocean Policy lays out a comprehensive and science-based approach for Federal, State, tribal, and local partners to achieve sustainable, safe, secure, and productive access to and use of the ocean, our coasts, and the Great Lakes. It says:

“To achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the wellbeing, prosperity, and security of present and future generations, it is the policy of the United States to:

- (i) protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources;
- (ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies;
- (iii) bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems;
- (iv) use the best available science and knowledge to inform decisions affecting the ocean, our coasts, and the Great Lakes, and enhance humanity’s capacity to understand, respond, and adapt to a changing global environment;
- (v) support sustainable, safe, secure, and productive access to, and uses of the ocean, our coasts, and the Great Lakes;
- (vi) respect and preserve our Nation’s maritime heritage, including our social, cultural, recreational, and historical values;
- (vii) exercise rights and jurisdiction and perform duties in accordance with applicable international law, including respect for and preservation of navigational rights and freedoms, which are essential for the global economy and international peace and security;

- (viii) increase scientific understanding of ocean, coastal, and Great Lakes ecosystems as part of the global interconnected systems of air, land, ice, and water, including their relationships to humans and their activities;
- (ix) improve our understanding and awareness of changing environmental conditions, trends, and their causes, and of human activities taking place in ocean, coastal, and Great Lakes waters; and
- (x) foster a public understanding of the value of the ocean, our coasts, and the Great Lakes to build a foundation for improved stewardship.”

The Policy also includes guiding stewardship principles to guide management decisions and actions affecting the ocean, our coasts, and the Great Lakes. Based on the best available science, these underlying principles ensure the protection, maintenance, and restoration of the health of the ocean, coastal, and Great Lakes ecosystems, and ecosystem-based and adaptive management of these resources; enhanced sustainability of ocean and coastal economies; preservation of our maritime heritage; and effective coordination with our national and homeland security interests.

The Policy builds off of years of effort and public input, and is built entirely within existing authority. While there has been long-standing, broad support for a unifying national policy, as with any new initiative, there can be anxiety about whether it will be better than the status quo. The National Ocean Policy proactively addresses this potential for uncertainty through regular engagement with stakeholders and the public.

#### **Key Benefits of the National Ocean Policy**

America’s ocean, coastal, and Great Lakes regions support tens of millions of jobs and contribute trillions of dollars a year to our national economy, through tourism, fishing, international ports, trade, energy, and other business. The lack of coordinated management among Federal, State, and local agencies has resulted in ineffective planning, avoidable delays, and increasing conflicts among growing numbers of ocean users that threatens these jobs and economies.

The National Ocean Policy will improve coordination at all levels of government and establish proactive and collaborative regionally-based planning among Federal, State, tribal, and local authorities for the first time. The National Ocean Policy also brings a broad range of stakeholders to the table to foster communication and transparency and better plan for the future.

This will reduce duplication and help address the current system of siloed, ad hoc decision making that frequently ends in costly permitting delays, or litigation. The result will be less waste and reduced conflict, more efficiency and transparency, and savings for American taxpayers. It will also provide for increased predictability and certainty for traditional and new users who are seeking to invest in building industries and jobs in ocean and coastal areas.

The National Ocean Policy also provides direction and guidance across the Federal Government to ensure we prioritize our efforts and apply limited resources to address critical issues that will produce tangible benefits for businesses, stakeholders, and communities.

The National Ocean Policy does not establish any new regulations or restrict the multiple uses of the ocean, and does not expand the scope of Federal jurisdiction. Rather, the policy provides a unifying framework for a more coordinated way of doing business that will increase the information foundation, transparency, and effectiveness of ocean management decisions we are making every day, sometimes with unintended long-term consequences. State, tribal, and local governments are and will continue to be deeply engaged as partners and leaders in the implementation of the National Ocean Policy, and it does not supersede or alter any existing Federal, State, tribal, or local authority. The National Ocean Policy is designed to and rightfully plays out at the regional and State levels, inclusive of stakeholders and the public, where many of the decisions impacting the ocean resource are ultimately made. Decisions on ocean uses will continue to be made under existing statutory authorities, as the intent of the National Ocean Policy is to make better use of what we have on the books already through more informed and better coordinated decisions benefiting States, regions, and the nation.

The National Ocean Policy respects and preserves important navigational rights and freedoms which are essential for the global economy and maintenance of international peace and security. Finally, the National Ocean Policy will improve ocean ecosystem health and services by planning human uses in concert with the conservation of important ecological areas so that we may continue to enjoy valued ocean uses including industry, tourism, recreation and security in a manner that can sustain them and the functioning ecosystem over time.

### **Progress on Implementing the National Ocean Policy**

There has been significant progress since the Executive Order was issued in July 2010. This past June, the National Ocean Council brought together more than 500 Federal, State, tribal, and local government representatives, indigenous community leaders, and stakeholders and members of the public from across the country for a National Coastal and Marine Spatial Planning Workshop.

This workshop allowed the Federal Government to collaboratively identify key challenges, solutions, and strategies for regional coastal and marine spatial planning, and respond to stakeholder priorities. For example, participants highlighted: the importance of flexibility in the scope, scale and timing of the regional planning process; the critical value of scientific and human use data to inform coastal and marine spatial plans; and the need for early, sustained and meaningful stakeholder engagement. The National Ocean Council is working to clearly highlight and incorporate this feedback into the coastal and marine spatial planning process.

The National Ocean Council has also established a Governance Coordinating Committee, comprising officials from States, Federally-recognized tribes, and local governments. The Governance Coordinating Committee works with the National Ocean Council on ocean policy issues that cut across political, geographic, and other boundaries. The Governance Coordinating Committee provides a critical link to and strengthens the lines of communication with State, tribal, and local governments on ocean, coastal and Great Lakes issues. For example, it is assisting the National Ocean Council in crafting flexible and reasonable guidance on various aspects of coastal and marine spatial planning, including regional planning body composition and operations, which recognize the unique needs of regions, states, and tribal partners.

It is important to highlight some specific agency actions related to the National Ocean Policy.

- At the May 2011 Arctic Council Ministerial meeting, the United States successfully worked with other Arctic nations to establish a group of experts to review application of ecosystem-based management principles in the Arctic. The National Ocean Policy was one of the bases the United States included in its proposal for an ecosystem-based management initiative. In light of the National Ocean Policy and its clear National adoption of ecosystem-based management, the United States was able to take a leadership position on the newly proposed ecosystem-based management initiative at the Arctic Council meeting.
- In support of the Department of the Interior's (DOI) "Smart from the Start" initiative off the Atlantic Coast to streamline offshore wind energy site selection and project review processes in an environmentally responsible manner, the Bureau of Ocean Energy Management (BOEM) established Intergovernmental Renewable Energy Task Forces. BOEM is collaborating early and often with Federal, State, local, and tribal partners to identify areas that are appropriate for development, areas with high wind potential and fewest conflicts with competing uses.

As a result of the National Ocean Policy, BOEM incorporated the principles of the policy into their "Smart from the Start" Initiative and formalized involvement of relevant Federal agencies, and the applicable State, tribal, and local governments as well, early in the process via Intergovernmental Task Forces and an Interagency Working Group. In one example of this new way of doing business, the U.S. Coast Guard was able to ensure that an important shipping lane was considered early in the wind site selection process, avoiding possible delays and resulting costs.

- The National Ocean Council and the Gulf Coast Ecosystem Restoration Task Force share important responsibilities related to the future of the Gulf Coast. The Council and the Task Force are working together to better integrate and coordinate planning, decision-making, and regulatory enforcement and ensure the integration of best practices, information, discoveries, and advancements in science and management of coastal ecosystems. These efforts will promote and sustain a culture of shared stewardship, both across Federal agencies and between Federal, tribal, State and local jurisdictions in the region.
- In support of the Department of the Interior's (DOI) "Smart from the Start" initiative to establish Wind Energy Areas off the Atlantic Coast, the U.S. Coast Guard initiated a comprehensive Atlantic Coast Port Access Route Study (APCARS), which promotes the management principles of interagency coordination and coastal and marine spatial planning, while supporting the goals of safe, efficient maritime operations in conjunction with the development and production of renewable offshore energy. The APCARS will focus on the coastwise shipping routes from Maine to Florida, near coastal users

of the western Atlantic Ocean between U.S. coastal ports, and the approaches to U.S. coastal ports through the Exclusive Economic Zone. It will identify all current and new maritime users of the western Atlantic near coastal zone to determine what impact the siting, construction, and operation of proposed alternative energy facilities may have on existing near coastal users of the Western Atlantic Ocean.

- The National Ocean Policy reinvigorated a transformational partnership between National Institute of Environmental Health Sciences (NIEHS) and National Science Foundation (NSF). The NIEHS and the NSF signed a memorandum of understanding to support interdisciplinary research projects that focus on marine processes and systems that have potential to improve public health. This partnership brings together biomedical scientists and physical scientists, two very different disciplines who previously would not have typically worked together, to address the growing problems in our ocean that directly impact the public health.
- The National Oceanic and Atmospheric Administration (NOAA) and the Bureau of Ocean Energy Management (BOEM) signed a memorandum of understanding to ensure effective scientific and regulatory cooperation on Outer Continental Shelf (OCS) energy exploration and development, and to facilitate development of renewable energy resources in the OCS while fulfilling the stewardship and conservation of living marine resources and ecosystems responsibilities that fall under the agencies' respective authorities. This partnership was facilitated by the increased cooperation guided by the National Ocean Policy. As result, DOI and NOAA have increased their collaboration significantly on decisions related to OCS activities, including with respect to research and scientific priorities. They are meeting regularly to develop potential ways to appropriately align regulatory and decision-making processes, identify the best available science to support future regulatory decisions, and increase collaboration on oil spill exercises and response issues.
- In January 2011, NOAA and the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy signed a memorandum of understanding to work on improving the understanding of meteorological phenomena that affect wind resources and other terrestrial and offshore renewable energy technologies. Better information on meteorological processes and improved modeling of the variability of the wind, sun, water, and other resources will ultimately increase the country's ability to predictably and reliably integrate renewable energy into the electrical grid.
- National Ocean Council member agencies participate in the execution of the Great Lakes Restoration Initiative Action Plan (GLRI). GLRI has focused its 2012 and 2013 priorities for restoration on two areas that align with the priority objectives under the National Ocean Policy. For example, an area of focus is the three specific watersheds targeted for phosphorus concentrations that are impacting the major geographic areas of Green Bay, Saginaw Bay and Western Lake Erie. These areas are all experiencing the impacts of severe Harmful Algal Blooms.

The National Ocean Council is also increasing public access to the data and information Federal agencies use in their decision making processes. Using information technology tools, agencies are making their data available to the public, businesses and stakeholders through a single, user-friendly portal to support responsible planning for the future of the ocean, our coasts, and the Great Lakes. A prototype ocean information portal to provide improved access to Federal data for decision-makers, stakeholders and the public will be released to the public later this year.

#### *The National Ocean Policy Priority Objectives*

The National Ocean Policy is focused on making advances in nine priority areas with emphases on improving how the government operates by increasing efficiency and reducing confused and prolonged processes. These nine priority areas are:

- Ecosystem-Based Management
- Coastal and Marine Spatial Planning
- Inform Decisions and Improve Understanding
- Coordinate and Support
- Resiliency and Adaptation to Climate Change and Ocean Acidification
- Regional Ecosystem Protection and Restoration
- Water Quality and Sustainable Practices on Land
- Changing Conditions in the Arctic
- Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure



Through these priority objectives, the National Ocean Policy helps focus limited Federal resources on key areas and actions to ensure we deliver demonstrable outcomes to meet the essential needs of Americans.

In an open and transparent process with input and feedback from the public and stakeholders, the National Ocean Council is developing strategic action plans to address each of the priority objectives. Outlines for these plans were released for public comment in June of this year, during which time public listening sessions were held around the country to hear directly from interested individuals and groups. We expect the draft strategic action plans will be released for public comment later this year and final plans issued next year.

The plans will be completed and updated, also through an open and transparent process, based on changing situations or as new information becomes available. This flexibility allows us the continual opportunity to engage with each other and with our most important partners—State, tribal, and local governments, stakeholders, and the public—to ensure that this effort stays on the best and most informed course possible.

### **Coastal and Marine Spatial Planning**

What has become one of the most visible aspects of the nine priority objectives is coastal and marine spatial planning. Coastal and marine spatial planning is a tool to use science, include stakeholders and the public, and bring together Federal, State, tribal and local partners at the regional level to better inform and guide decisions regarding ocean uses. However, this concept has, nonetheless, become a source of misperceptions and even misinformation which has fed concerns from some sectors, and it is important to provide a more in depth discussion here to dispel many of the myths.

First, it is important to mention why the status quo is ineffective, and how coastal and marine spatial planning will address this problem. As mentioned earlier, the ocean, coasts, and Great Lakes are subject to a number of increasing demands. Existing uses such as shipping and oil and gas development are expanding. New uses, such as offshore renewable energy and aquaculture, are seeking a foothold and are also expanding. As economic activity increases, there is also a need to maintain and ensure continued access for recreation and enjoyment, cultural use, and other important values.

Federal, State, local, and tribal authorities presently operate under a confusing and sometimes conflicting system of planning and management. Specifically, significant decisions with long-standing economic and environmental consequences are typically made on a sector by sector, permit by permit, statute by statute, and project by project approach to decision making with regard to these increasing demands. There is oftentimes confusion among stakeholders and the public regarding regulatory roles and a need for more effective coordination across agencies at all levels of government. Additionally, many times interested parties are brought into the discussion too late, or left out altogether. This has resulted in uncertainty for industry, unseen “show stoppers” in the permitting process resulting in loss of significant up-front investments, user conflict or confusion, costly litigation, and difficulty in adequately considering cumulative environmental and socioeconomic impacts. This situation—never ideal—is rapidly becoming unsustainable in the face of rapidly expanding ocean uses.

The National Ocean Policy provides a framework for collaborative, regionally based coastal and marine spatial planning that would be developed jointly with States and tribes and substantial public input. As discussed in more detail below, coastal and marine spatial planning is not zoning. It is a science-based tool that provides transparent information about ocean use, guarantees the public and stakeholders a voice early on in decisions affecting the ocean, and creates an inclusive, bottom-up, regional planning approach that gives the Federal Government, States, tribes, and regions the ability to make more informed decisions about how best to use and protect the ocean, coasts, and Great Lakes.

Coastal and marine spatial planning is intended to ensure stakeholders and the public have a voice early on in decisions affecting our oceans, coasts, and Great Lakes. We know from experience that transparency and early and inclusive public engagement before a decision must be made on a particular activity, permit, or project promotes better understanding of all interests, improved information on which to make decisions, ability to proactively address potential conflicts, and avoids last minute surprises that can derail positive progress and result in additional time and costs. Under the current system of fragmented ocean planning and management, major and irreversible decisions about siting ocean uses continue to be made in a piecemeal fashion, often without careful or transparent consideration of other interests, users and impacts.

States such as Massachusetts, Rhode Island, New Jersey, Florida, Oregon, and Washington are using marine spatial planning to better inform decisions and improve planning and regulatory efficiencies, saving potential developers and regulatory authorities' significant time and financial burden. For example, under Rhode Island's Ocean Special Area Management Plan, by incorporating the results of this planning process into a programmatic analysis, much of the scoping and alternative analyses required for a particular project under environmental review laws may be completed ahead of time. Similarly, in Massachusetts, information in its Ocean Plan enabled a proposed fiber-optic cable crossing Buzzards Bay and Vineyard Sound to be proactively planned with a route that avoids areas identified in the plan for protection (i.e., areas of important benthic habitat). In New Jersey, the state undertook a two-year \$7 million effort covering 72 miles of its coastline out to the 100 foot water depth contour to study the biological and physical characteristics of the area. The study results were used to create an environmental sensitivity index to help inform siting decisions offshore New Jersey. In addition, in the state of Florida, the Florida Oceans and Coastal Council, which is charged with coordinating the State's research for more effective coastal management, recommended ocean management using marine spatial planning as a framework for decision making. The Council, representing broad stakeholders, believes this approach serves to protect and expand the State's ocean and coastal economy.

In addition to the examples above, an example of collaborative planning at the Federal level was in the Stellwagen Bank National Marine Sanctuary off the Massachusetts coast. In this area, data on whale migration patterns enabled the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, several other government agencies, and stakeholders to examine shipping needs, proposed deepwater liquefied natural gas port locations, and endangered whale distribution in a successful effort to reconfigure vessel traffic routes to and from Boston Harbor to reduce the risk of whale mortality due to collisions with ships. The new vessel route also decreased the overlap between ships, commercial fishing vessels, and whale watch vessels, thereby increasing maritime safety, and avoided conflict with the proposed siting of Liquid Natural Gas terminals in the area. Coastal and marine spatial planning takes this type of integrated, science-based, multi-objective, multi-sector, and multi-jurisdictional planning effort and applies it on a sustained regional scale.

The National Ocean Policy's coastal and marine spatial planning framework is intended to build on these efforts. It envisions nine regions around the country, each of which would engage in this collaborative, regionally based, bottom-up, planning effort through multi-jurisdictional regional planning bodies. Coastal and marine spatial planning uses a regional approach that accommodates the unique economic, environmental, and social characteristics of the nine regional planning areas.

The National Ocean Policy requires regional planning bodies to regularly engage the public, local government, Fishery Management Councils, indigenous communities, and other diverse stakeholders, along with scientists, technical experts, and those with traditional knowledge of or expertise in coastal and marine sciences and other relevant disciplines throughout the process.

The coastal and marine spatial planning framework provides significant flexibility for regions in which they can decide how best they would like to move forward. There is flexibility built into the timing, scale, and scope of the process, including when regional planning bodies get established or when a State chooses to participate, what part of the process regions want to start with, and the ability to break the region into sub-regions if that is what the region determines is the best path forward. For example, regions such as the Northeast and mid-Atlantic are well poised to move forward almost immediately toward more comprehensive planning and the National Ocean Council will focus on these efforts. Other regions may need to move more slowly and focus on discrete, near-term priorities, such as improved access to information, to meet a variety of management needs and inform decision-making. In that case, the region could use coastal and marine spatial planning to work with the relevant Federal agencies to further such objectives. The National Ocean Policy provides for this needed flexibility and we want to remain open to support all regions based on their preferences.

Coastal and marine spatial planning has been mischaracterized as "ocean zoning." It does not have a regulatory effect similar to terrestrial zoning that many are familiar with. The National Ocean Policy does not impose any restrictions on ocean, coastal, or Great Lakes activities. The National Ocean Policy does not direct that any area be designated for a specific use or be off limits to specific activities. The National Ocean Policy's goals and guiding principles for coastal and marine spatial planning expressly recognize public access and the need to ensure the sustainability of ocean and coastal economies, and provide support for a growing number of impor-

tant activities, including recreation, science, commerce, transportation, energy development, and national security.

Through a publically crafted framework to help navigate the myriad of existing Federal, State, tribal, and local authorities, coastal and marine spatial planning is intended to provide a better, healthier, more secure ocean for all Americans. Decisions will be made with the added benefit of having been informed and guided by regional plans developed from the ground up, with extensive stakeholder, public, and scientific input. State, tribal, and local governments will benefit by having a regional coastal and marine spatial planning blueprint to follow, and their participation is voluntary.

Comprehensive planning is not a new concept. All levels of government have been working with the public, industry, and others for decades to collaboratively plan on many of our public lands and in cities and towns across the country. Following the lead of a number of States, stakeholders and the public, the National Ocean Policy applies this concept of improved decisions through coordination and planning to our ocean in order to achieve many of the same benefits.

#### **Conclusion**

Successful implementation of the National Ocean Policy will help ensure healthy and productive ocean, coastal, and Great Lakes resources, including clean beaches and abundant seafood and wildlife. This will benefit coastal communities and our Nation by providing for a robust economy, sustainable job growth, and recreational opportunities. The National Ocean Policy will help avoid conflicts and ensure that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the wellbeing, prosperity, and security of present and future generations.

Thank you for the opportunity to testify this morning and I look forward to your questions.

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The CHAIRMAN. Thank you, Chair Sutley, very good. And that timing was absolutely incredible.

Ms. SUTLEY. I am impressed myself.

[Laughter.]

The CHAIRMAN. Secretary Lubchenco, you are recognized for five minutes.

#### **STATEMENT OF HON. JANE LUBCHENCO, UNDER SECRETARY FOR OCEANS AND ATMOSPHERE, AND ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Dr. LUBCHENCO. Thank you, Mr. Chairman. Chairman Hastings, Ranking Member Markey, and Members of the Committee, I appreciate the opportunity to be before you today to testify on the National Ocean Policy for the stewardship of the oceans, our coasts, and Great Lakes.

I really appreciate the Committee's interest in this topic. It is one that is important to the nation, but it is also vitally important to NOAA as well. I want to make four key points in my brief remarks this morning.

Number one, oceans, coasts, and the Great Lakes play a crucial role in the life of every American and in the economic well-being of our nation. Over half the Nation lives in coastal counties, and the other half often go there to play. Coastal counties generate almost 60 percent of U.S. GDP, and coastal habitats provide buffers against coastal storms, preventing more than \$20 billion of property losses every year, and many of them also provide nursery grounds for economically important fish and shellfish.

Number two, the importance of integrated approaches to ocean activities has been recognized across administrations. The Bush Administration's U.S. Commission on Ocean Policy emphasized the

need to eliminate barriers between Federal agencies with ocean and coastal mandates and streamlined processes to improve scientific understanding, shared data, and coordinated policy-setting and decision-making to maximize Federal resources.

The National Ocean Policy and the framework for coastal and marine spatial planning continue this integration. But equally importantly, they empower local communities to shape the future of their regional ocean uses.

Three, a major benefit of increased coordination and collaboration on ocean and coastal issues is streamlined decision-making, a boon to coastal States and to industry. Federal coordination among relevant agencies also allows us to organize information more effectively for regional, State, and local users. Providing easier access to data will promote more transparent decision-making based on sound science that is readily available to businesses, stakeholders and regulators alike.

Currently our pool of information is fragmented. Acquiring existing data is difficult, and often relevant data are not compatible. The National Ocean Policy calls for a robust national information system, a one-stop shop to encourage easy discovery and access to data and information needed to support marine planning efforts. This would include information from all agencies involved.

Number four, at NOAA, our immediate focus involves working with industry and with our Federal, State, tribal, and local counterparts to understand what information is needed for better decision-making, then to organize and integrate the relevant data and information. Greater data accessibility saves time and money across the public and private sectors by avoiding duplication of efforts and reducing the places a user needs to go to collect the data they need.

Improved stewardship of ocean, coast, and Great Lakes cannot be achieved by any single agency in isolation. The National Ocean Policy emphasizes the necessity of improving the coordination across Federal agencies. It charges Federal agencies to increase collaboration with one another and with regional, State, local, and tribal partners.

These partners have an interest and need to better plan and manage resources that contribute to healthy oceans and coastal ecosystems and economies. NOAA works closely with stakeholders at regional, State, and local levels and will continue to increase this effort as we undertake activities called for in the policy. For example, Regional Fishery Management Councils currently play a major role in NOAA's ocean and coastal stewardship responsibilities. NOAA recognizes the importance of participation of Regional Fishery Management Councils in the National Ocean Policy and will continue to push for their full involvement throughout the process.

NOAA understands that we will only be able to effectively implement the National Ocean Policy and coastal marine spatial planning when all stakeholders are recognized and represented at the table. I have seen the National Ocean Policy inspire cross-agency and regional efforts that contribute to a healthy economy, promote streamlining of decision-making, provide more accessible data and information, and inspire stronger partnerships.

Together we will continue to work more efficiently and effectively to deliver these benefits, saving the American people, the States, ocean users and businesses time and money.

I would like to thank the Committee for this opportunity to testify. I look forward to working with you on this very important issue as I believe that the implementation of the National Ocean Policy is critical not only for coastal economies but for the Nation that relies heavily on healthy and sustainable ocean and coastal resources. Thank you very much.

[The prepared statement of Dr. Lubchenco follows:]

**Statement of Jane Lubchenco, Ph.D., Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, U.S. Department of Commerce**

**INTRODUCTION**

Chairman Hastings, Ranking Member Markey, and Committee Members, my name is Jane Lubchenco and I am the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). Thank you for the opportunity to testify before you today on the *National Ocean Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes*.

I appreciate the Committee's interest in this topic, which is important to NOAA as the Nation's civilian ocean agency. Work to develop a coordinated and efficient national ocean policy began over a decade ago, with the passage of the Oceans Act of 2000. That legislation resulted in a 2004 report of the congressionally mandated U.S. Commission on Ocean Policy (Commission), which was chaired by Admiral James Watkins (U.S. Navy, Retired) and comprised of others appointed by the Bush Administration. The Commission emphasized the need for a stronger ocean policy and an improved ocean and coastal governance structure.

NOAA was a member of the Interagency Ocean Policy Task Force established by President Obama in 2009. The Task Force received briefings from members of the U.S. Commission on Ocean Policy and conducted six listening sessions across the country to hear what constituents thought would be helpful to them and specifically what they wanted from us in a new Ocean Policy. Whether in Hawaii, Rhode Island or the Gulf Coast, it was clear from these sessions that the Federal Government needed to get its house in order and address the management of our ocean, coasts and Great Lakes in a more comprehensive, coordinated and efficient manner. The Task Force also conducted thirty-eight expert roundtable discussions with representatives from various sectors, including industry, academia, states, tribes, nongovernmental organizations, and local governments. Further, there were two public comment periods on draft recommendations. Coordinating with other federal agencies, NOAA was a key participant in each of the stakeholder engagement sessions, and helped to ensure the National Ocean Policy reflected the input received from communities, organizations, and individuals from around the country.

The responsibility that comes from the "O" in NOAA has my agency squarely at the forefront of most policies affecting the ocean. But there are several additional federal agencies and Departments that also have equities in the ocean, coasts and Great Lakes as part of their mission or mandate. Historically, coordination among the federal agencies, although well intentioned, has been cursory, with sustained coordination across all relevant agencies a challenge. Today that coordination has been greatly enhanced through the National Ocean Council. NOAA sits at the table with departments and agencies that have not traditionally been in close coordination on ocean issues, such as the Departments of Homeland Security, Transportation, and Agriculture. NOAA is now able to collaborate more effectively with these and many other federal entities toward the shared goal of a healthy, productive, and secure ocean. Through the National Ocean Council, diverse agencies are becoming more harmonized across the Federal Government as we work to improve scientific understanding of ecosystems, share data, and coordinate policy setting and decision making. This collaborative approach is working.

NOAA is a strong proponent of receiving advice from external organizations regarding the effective implementation of the Policy. To assist the federal agencies with ocean policy issues and to foster interagency collaboration, the National Ocean Council created a Governance Coordinating Committee in February 2011. NOAA greatly appreciates the perspectives provided by this eighteen-member committee,

which consists of representatives from states, federally recognized tribes, and local governments and serves as a key coordinating body on ocean policy issues which cross jurisdictional boundaries. The National Ocean Policy also identifies the Ocean Research Advisory Panel, a key science advisory body created in the 1998 Defense Authorization Act (PL 105-85), to provide independent advice and guidance to the National Ocean Council through its membership. NOAA greatly values the advice of this panel, which consists of representatives from industry, academia, marine science and policy, and the National Academies.

The Governance Coordinating Committee provides a valuable mechanism for federal agencies to collaborate with local, state and tribal governments. Each has complementary responsibilities, but mechanisms to coordinate planning are few. One widely appreciated benefit of that collaboration lies in the opportunity to plan jointly for future activities in the ocean and coastal areas. Our coastal and offshore environments are becoming increasingly crowded, with a growing number of sometimes competing uses and activities, including recreational and commercial fishing, traditional and renewable energy, shipping, dredging, habitat conservation, cultural and resource protection, and defense uses. The current sector-by-sector, issue by issue, agency-by-agency approach often leads to lack of predictability, constant conflicts, wasted resources, frustration, and degraded oceans.

The National Ocean Policy includes an alternate approach, based on the considerable input the Task Force received. To facilitate a thoughtful, inclusive approach to harmonizing uses and minimizing adverse environmental impact, a planning process called Coastal and Marine Spatial Planning would replace the stove-piped, reactive, and suboptimal approach now in place. This planning process does not override or replace any existing regulations. But, it will compile relevant uses, data and information needed for smart planning. A number of states have already used similar planning processes, for example to further energy production in their coastal waters while minimizing conflicts with other users. Importantly, the planning process is designed to empower coastal communities to shape the future of their regional oceans and its uses. Each region will define its goals and make its planning decisions.

Through NOAA's regional offices, we are excited to partner with federal, state, tribal, regional fishery entities, industry, and other regional interests to help design comprehensive marine plans that are regionally based and reflect the unique characteristics and needs of each area. With approximately 70% of its employees based outside the Beltway, NOAA stands ready to partner with the various interests who will sit together at the table.

At NOAA we appreciate that when it comes to making decisions about ocean issues, one approach does not fit all places. For that reason, our immediate focus is working with industry and our federal, state, tribal and local counterparts to understand what information is needed for better decision making, and then to organize and integrate the relevant data and information. For example, NOAA supported the regional Governor partnerships, the Northeast Regional Ocean Council and the Mid-Atlantic Regional Council on the Ocean, in their creation of regional data portals as a mechanism to integrate and provide access to information needed for decision making in these regions.

At NOAA, we have seen the National Ocean Policy inspire the federal government to work together more efficiently and effectively, and provide a powerful way for local government and communities to participate in charting their future. This approach will also provide greater certainty for investments.

My testimony focuses on four ways in which NOAA sees benefits to Americans through the National Ocean Policy: (1) contributing to a healthy economy; (2) promoting efficiency and certainty for decision-making; (3) providing data and information; and (4) inspiring partnerships.

#### **CONTRIBUTING TO A HEALTHY ECONOMY**

I want to underscore the importance of healthy oceans for a healthy economy. Americans across the country and from many different perspectives share common desires when it comes to the ocean and coasts. We want good, sustainable jobs, clean beaches, and safe healthy seafood. We want sustainable fisheries, abundant marine wildlife, and vibrant coastal communities. Americans also want clean energy, a secure Nation, and protection from natural disasters. Most of these depend on a healthy ocean. To continue to reap the benefits of oceans, we must keep them healthy or restore them to health.

The ocean, coasts, and Great Lakes play a crucial role in every American's life. Coastal counties are currently home to over half of America's total population, and they generate almost sixty percent of our Gross Domestic Product. Coastal regions also provide enormous environmental benefits. Shallow coastal wetlands provide a buffer against coastal storms, protecting almost 5,000 miles of coastline from the ef-

fects of hurricanes and preventing more than \$20 billion of property loss every year. The importance of this protection was clearly demonstrated in 2005 when Hurricane Katrina caused over \$100 billion of damage in the Gulf of Mexico region. Much of that damage occurred in Louisiana, which has lost a quarter of its wetlands from 1932–2010 and continues to lose them at the rate of about a football field every hour from 1985–2010.<sup>1</sup>

Wetlands, mangroves, salt marshes, kelp forests, and coral reefs serve as nursery grounds for many species of marine animals including commercially and recreationally important fish and shellfish species. Estuaries and bays filter nutrients flowing from the land to the sea. For example here in the Chesapeake Bay, 16% of Northumberland County in Virginia is wetland. Healthy wetlands near developed and agricultural areas trap pollutants and excess nutrients in surface runoff, keeping water bodies cleaner. This natural filtering helps prevent water use restrictions and beach and shellfish closures, and reduces the need for costly treatment systems. The ocean, coasts, and Great Lakes also hold great cultural and economic value, as demonstrated by the magnitude of people who visit them each year for vacation and recreation. In 2008, ocean-related businesses provided 30.9% of the total jobs in Worcester County, located on Maryland's coast.<sup>2</sup> This represents a 2% increase in ocean jobs since 2001. Nationwide, ocean and Great Lakes jobs represent double the number of jobs supported by agriculture.<sup>3</sup>

Restoring coastal habitat is a priority identified in the National Ocean Policy, one that brings significant benefit to local communities and economies. On September 27th, Acting Secretary of Commerce Rebecca Blank announced \$102 million for three Louisiana projects in the Barataria and Terrebonne basins to restore deteriorated wetlands and barrier island habitats along the state's coast.<sup>4</sup> These awards are funded by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) program. Great Lakes Dredge & Dock and Weeks Marine have been contracted to restore beach, dune and marsh on Pelican Island in Plaquemines Parish, and West Belle Pass barrier headland in Lafourche Parish, respectively. This year, the State of Louisiana received the third award to rebuild marsh and construct an 11,000-foot long protective ridge in the Bayou Dupont area in Jefferson Parish. The three projects employ local citizens and generate further economic benefits for local businesses and coastal communities. In addition to supporting the economy, CWPPRA is a model of interagency cooperation. Five federal agencies sponsor projects under the program, and federal agencies and the State work together to review and prioritize projects. NOAA has played a leadership role in the program since its inception, sponsoring 28 projects for \$240 million and restoring 8,400 acres. Because of the National Ocean Policy, partnerships such as this are easier and more productive.

The National Ocean Policy also calls for enhancing water quality in the ocean, along the coasts, and in the Great Lakes, another priority that brings multiple economic benefits to coastal communities. Clean and trash-free beaches and waters are more appealing to coastal visitors who support local economies, are the foundation of vibrant working waterfronts, and support the livelihoods of fishermen. Marine debris, including derelict fishing gear, hurts the bottom line of the 2.5 million working Americans whose jobs depend on healthy oceans.<sup>5</sup> In the Pacific Northwest, derelict crab pots are an economic liability. In Washington State's Puget Sound, an estimated 5,000 derelict pots capture and kill \$1.2 million worth of Dungeness crab annually. The economic value conserved by removing these pots has been shown to exceed the cost of removal by more than 25%. The fishing industry has demonstrated strong leadership in addressing this problem in many areas around the country. For example, this past August I joined fishermen to inaugurate a new partnership to remove derelict crab pots and other marine debris in Oregon's coastal waters. The ceremony marked the successful culmination of the Oregon Fishing Industry Partnership to Restore Marine Habitat, initially funded with a \$699,000 grant from the American Recovery and Reinvestment Act. The success of the Recovery Act project inspired a new industry-led partnership to continue the derelict crab pot removal effort. In addition to removing nearly 160 tons of debris including more than 3,000 derelict pots from the marine environment, the project has created jobs and other economic benefits along the coast. To date, this project has supported approximately 10,000 hours of work for commercial fishermen, State employees, and other project

<sup>1</sup> [http://pubs.usgs.gov/sim/3164/downloads/SIM3164\\_Pamphlet.pdf](http://pubs.usgs.gov/sim/3164/downloads/SIM3164_Pamphlet.pdf).

<sup>2</sup> <http://www.csc.noaa.gov/snapshots/>.

<sup>3</sup> <http://www.csc.noaa.gov/snapshots/>.

<sup>4</sup> <http://www.commerce.gov/blog/2011/09/27/102-million-wetlands-and-barrier-island-restoration-awards-louisiana>.

<sup>5</sup> <http://www.csc.noaa.gov/digitalcoast/data/enow/index.html>.

partners in Oregon coastal communities, putting people to work during the crab fishery's off-season. This was a successful project not only because it cleaned up debris from the ocean floor, but because 96% of the crab pots recovered were returned to their owners to be reused and the rest recycled for metal. In addition, the lines and nets recovered were recycled for energy.

#### **PROMOTING EFFICIENCY AND CERTAINTY FOR DECISION MAKING**

The second benefit to increasing our coordination and collaboration on ocean issues is that it promotes efficiency and certainty for decision making that is valued by many coastal states. Trillions of dollars in economic value and millions of jobs directly depend on the ocean, coasts, and Great Lakes.<sup>6</sup> Through an open and transparent, science-based participatory process, industry and government and citizens can work together to evaluate broad categories of current and emerging ocean uses (such as renewable energy and aquaculture), and to consider how those uses might be most appropriately pursued.

For example, maintaining the Nation's energy security depends on an improved understanding of how energy operations fit in with other ocean uses so that we can continue to grow and expand the energy sector, while having the information to understand how each use individually and collectively affects the value of ecosystem services (such as food resources and protection from coastal storms). Renewable energy development creates jobs. Rhode Island recognized that its energy future could include an offshore wind renewable energy component, but that offshore wind power could not come at the expense of existing ocean users and their cultural heritage. The State of Rhode Island had previously received a substantial development proposal from a private energy company to site an offshore energy project incorporating both wind and wave technologies off the coast. The location proposed by the developer had not been vetted through any stakeholder or other strategic planning process. Although the proposal never was formalized in a permit application, it cost private developers, the public, interest groups, and regulators a significant amount of time and resources after it was later discovered that the location of the proposed facility had been sited in the center of the prime navigation channels for submarine activities associated with the Navy base in Groton, Connecticut.

To prevent further situations such as this, Rhode Island's solution was to develop what is called a Special Area Management Plan aimed at protecting existing uses such as fishing, transportation, and recreation, while helping to further a new use—offshore wind. The State worked closely with stakeholders across many sectors to ensure that all interests were considered when making decisions on where to site wind energy projects. Through this process Rhode Island has been able to maintain the economic prosperity of existing uses while providing a plan to promote certainty for new development that will ultimately save time and money and help create jobs. Earlier this year, NOAA approved the State's Ocean Special Area Management Plan under the federal Coastal Zone Management Act. This approval means that the policies in Rhode Island's plan to protect existing activities such as fishing, important habitats, and archaeological resources, as well as the areas identified for suitable for energy projects, may be applied to federal actions in federal waters.

The Commonwealth of Massachusetts also realized the benefits to undertaking an ocean management planning process. In May 2008, Governor Deval Patrick signed the Oceans Act, requiring the Secretary of Energy and Environmental Affairs to develop a comprehensive ocean management plan. Through extensive stakeholder engagement, Massachusetts was able to determine the best approach to balance new and existing uses of the ocean. The Massachusetts plan has been completed and approved by NOAA for inclusion into the Commonwealth's coastal zone management plan. Other states around the country are looking to Rhode Island and Massachusetts as models in promoting efficiency and certainty for decision making, which are two important goals of the National Ocean Policy.

#### **PROVIDING DATA AND INFORMATION**

The third benefit of this new approach is its focus on providing data, information, and tools to the American people for sustainably managing oceans, coasts, and Great Lakes. Currently, we have had a disjointed information base with challenges in discovering and acquiring existing data; data sets not being consistent, comparable or continuous; and critical data sets not being readily available. The Policy emphasizes the need to integrate physical, biological, ecological, and socioeconomic information that will support effective and timely management of growing uses of ocean, coastal, and Great Lakes resources while balancing conservation objectives, and to make it readily available to the users. Providing access to data for trans-

<sup>6</sup><http://coastalsocioeconomics.noaa.gov/>.



parent, science-based decision making will translate to businesses and stakeholders knowing what information regulators have, and being able to use it without having to spend time and money searching for it.

As a result, the Policy called for a “one stop shop” to encourage easy discovery and access to the data and information needed to support marine planning efforts—a robust Ocean.Data.gov. Today, when an industry proposes a coastal or ocean activity, the information needed to obtain permits or to determine the most suitable placement is often hard to find or fragmented. Ocean.Data.gov is designed to provide streamlined access to the full suite of data needed for transparent and science-based decision making, including data and decision support tools with integrated data sets, and connect to a network of national and regional portals for key data and decision-support tools. Both the Northeast Regional Ocean Council and the Mid-Atlantic Regional Council on the Ocean have created regional data portals as a mechanism to integrate and provide easy access and transparency for data and information needed for decision making in these regions. Ocean.Data.gov will connect to these existing and future regional data efforts. Accessibility to this information translates to businesses and stakeholders knowing what information regulators have when they are making decisions and being able to use it so they don’t have to make investments in collecting data that is already available.

We are already seeing that compiling data to populate Ocean.Data.gov is bringing federal agencies together. In fact, it is anticipated that a prototype of Ocean.Data.gov will be available in the coming weeks and will contain over 200 data sets from 10 federal agencies that include information on elevation, bathymetry, shoreline, living marine resources, jurisdictional boundaries, human uses, ocean observations, and socioeconomic data.

Another example of sharing data and tools I’d like to highlight is the Environmental Response Management Application or ERMA. ERMA is a powerful web-based GIS tool designed to assist both emergency responders and environmental resource managers who deal with incidents that may adversely impact the environment. ERMA can display all types of data on a GIS platform—data from vessels, oil spill trajectories and observations, weather observations and forecasts, as well as shoreline, sediment, and water sample locations. ERMA also includes human use and human dimension data components to assist in response decision making. The Deepwater Horizon BP oil spill prompted ERMA’s capacity to display oil spill and environmental data to be migrated from a response tool to a public resource. This tool was an essential resource for both responders and the public during the spill. ERMA helped facilitate information sharing among agencies to improve response decisions and also provided a venue for the public—including impacted communities throughout the Gulf—to see the data. Building off of the work in the Gulf of Mexico, NOAA is working with federal, state, tribal and local partners to develop an ERMA for the Arctic. Through the development of an Arctic ERMA, NOAA can help support the spill response capacity of Coast Guard and industry first responders and other Arctic stakeholders, including coastal communities, Alaska Native villages, and the State of Alaska. It is NOAA’s hope to bring this technology online sometime next year.

The Arctic is one of several regions that will need improved integration of ocean and coastal mapping efforts. The National Ocean Policy calls for strengthening and integrating federal and non-federal ocean observing systems, sensors, data collection platforms, data management, and mapping capabilities into a national system. Since there are areas of the oceans and coasts that are not mapped to current standards, decision-makers do not always have the baseline data necessary for defining critical habitat areas, understanding existing and emerging ocean uses, assessing vulnerability to coastal change, managing marine resources, and identifying and mitigating threats to marine transportation. An essential part of the National Ocean Policy is the identification of priority gaps in mapping data and coordinating the acquisition and processing of these data. Facilitating use and re-use of our mapping data, and enabling the integration of these data and products will help enable science- and ecosystem-based management, provide high-quality data for modeling coastal hazards and sea level rise, and support safe marine transportation. NOAA will work with partners to develop a comprehensive, integrated inventory of ocean and coastal mapping data. The ocean and coastal mapping inventory is intended to link with the National Information Management System that I mentioned earlier, in order to provide NIMS users mapping products, such as digital elevation models, and an inventory of existing and planned framework geospatial data, such as bathymetry and elevation.

## INSPIRING PARTNERSHIPS

The fourth and final benefit I highlight today is the Policy's emphasis on partnerships. Improved stewardship of the ocean, coasts, and Great Lakes cannot be achieved by NOAA or any other federal agency in isolation. The National Ocean Policy emphasizes the necessity of improving the coordination across federal agencies, and it also charges federal agencies to increase collaboration with our regional, state, local, and tribal partners. These partners similarly have an interest and need to better plan and manage resources that contribute to healthy ocean and coastal ecosystems and economies.

NOAA works closely with stakeholders at a regional, state and local level, and these partnerships will continue and expand as we undertake activities called for under the Policy. For example, regional fishery management councils currently play a major role in NOAA's ocean and coastal stewardship responsibilities. Together with NOAA, the regional fishery management councils develop Fishery Management Plans that are required under the Magnuson-Stevens Fishery Management Act. The management plans reflect many of the same priorities identified in the Policy, such as science based decision making and ecosystem-based approaches to management. NOAA is working closely with the National Ocean Council to ensure the important role of our partners, such as the regional fishery management councils, is recognized and represented in the implementation of the National Ocean Policy and coastal and marine spatial planning.

Shifting the Stellwagen Bank Traffic Separation Lanes provides a concrete example of the benefits of how working together in a marine planning effort can achieve protection of marine resources while reducing conflict among uses. The Stellwagen Bank National Marine Sanctuary off the coast of Massachusetts is a critical seasonal feeding area for right, humpback, fin, and minke whales. It is also the area in which large commercial ships converge to enter the Port of Boston. Over 200 large commercial ships ply the waters of the Stellwagen Bank National Marine Sanctuary every month. Comprehensive planning enabled NOAA, the Coast Guard, and several other government agencies and stakeholders to partner and examine shipping needs, proposed deepwater liquefied natural gas port locations, and endangered whale distribution. This led to a successful reconfiguration of the Boston Traffic Separation Scheme (TSS) to reduce the risk of whale mortality from collisions with ships in the Stellwagen Bank National Marine Sanctuary. The TSS transit times increased by only 9–22 minutes (depending on vessel speed). Additionally, conflict with deepwater ports was eliminated and the new route decreased the overlap between ships using the TSS, commercial fishing vessels, and whale watch vessels, thereby increasing maritime safety. Current and future regional planning efforts around the country can similarly benefit by applying this integrated, multi-objective, multi-sector approach on a broader and sustained scale. The National Ocean Policy is designed to facilitate such efforts.

Researching and responding to changes in sea ice is another example where collaboration among National Ocean Council agencies and other partners is critical. NOAA joined the U.S. Army Corps of Engineers Cold Regions Research and Engineering Laboratory and other partners in issuing Arctic Reports Cards for 2010 and 2011, which showed summer sea ice extent well below 1990s levels with sea ice thinning, older sea ice disappearing, and ocean temperatures warming. In addition, NOAA's National Environmental, Satellite, Data, and Information Service partners with the Navy and Coast Guard to maintain the National Ice Center in Suitland, Maryland. The National Ice Center provides operational analyses and forecasts of sea ice conditions and hazards in the Arctic and collaborates with NOAA's National Weather Service sea ice desk to provide Alaska products five days a week. NOAA also supports the National Snow and Ice Data Center, along with the National Aeronautics and Space Administration and the National Science Foundation, within the Cooperative Institute for Research in Environmental Sciences at the University of Colorado, where a vast array of Arctic data are stewarded and made available to both academic and public users. NOAA also conducts cooperative studies with the Department of the Interior's Bureau of Ocean Energy Management on bowhead whales. NOAA recognizes that a strategic approach leveraging our strengths and those of our sister agencies with Arctic-relevant missions is essential if the United States is to take advantage of emerging economic opportunities there without causing irreparable harm to the region and its inhabitants.

Another example of NOAA working with industry, federal, state and nongovernmental organizations is the Jockey's Ridge Living Shoreline and Oyster Reef Restoration Project in North Carolina. Facilitated through the National Fish Habitat Action Plan, NOAA helped to construct a low-profile breakwater sill that will develop into oyster reefs and planted native grasses to reduce shoreline erosion and enhance the habitat for seabirds, fish, crustaceans, oysters and other mollusks. Such

local seafood is a draw for tourists visiting North Carolina's coast. The National Fish Habitat Action Plan initiative supports the National Ocean Policy's call for implementing an integrated ecosystem protection and restoration strategy because it is not only science-based, but also because it is efficient in that it aligns conservation and restoration goals at the federal, state, tribal, local and regional levels.

#### CONCLUSION

I am both excited and honored that NOAA is an active participant in the President's National Ocean Policy, as we have a valuable range of scientific capabilities as well as policy and management expertise to contribute to this initiative of great national importance. But I am just as excited by the partnership this Policy enables across the federal government and with states, tribes, industries, and most importantly citizens and coastal communities.

As my examples demonstrated, our cross-agency and regional efforts are contributing to a healthy economy, promoting efficiency and certainty for decision-making, providing data and information, and inspiring partnerships. Together, we will continue to work to deliver these benefits more efficiently and effectively, saving the American people, the states, ocean users, and businesses time and money. There is a great deal of work to be done, and NOAA, in collaboration with our partners, is committed to strengthening science and stewardship, and providing the information, products, and services needed by our stakeholders.

I'd like to thank the Committee for this opportunity to testify and look forward to working with you on this important issue, as I believe implementation of the National Ocean Policy is critical for the country and the coastal economies that rely on healthy and sustainable ocean and coastal resources.

The CHAIRMAN. Thank you very much, Secretary Lubchenco, and I thank both of you very, very much for your testimony. We will now start the question process, and I just have a couple of questions, Chair Sutley, for you first. One of the issues that I alluded to in my opening statement and was certainly alluded to in the previous Committee meeting we had was the transparency aspect of all of this.

To start our discussion here, can you explain the importance of the Federal Advisory Committee Act or FACA?

Ms. SUTLEY. Mr. Chairman, the Federal Advisory Committee Act ensures that the Federal Government can receive advice and lays out a process by which the Federal Government can receive advice on a regular basis from the public in an open and transparent way.

The CHAIRMAN. So I take by what you are saying it is important for the transparency as that Act applies to activities of the Executive Branch. Is that a fair way to say that?

Ms. SUTLEY. I think that is right.

The CHAIRMAN. OK. Well, if that is the case then, why are the regional planning bodies and the Governance Coordinating Committee apparently FACA-exempt?

Ms. SUTLEY. Well, Mr. Chairman, let me try to make a couple of points. First of all, you know, we are committed to openness and transparency as we work on this policy and as the agencies work on this policy, and we engaged in a fairly extensive, open process as we were putting the recommendations together throughout the year or so that we worked on it and since have engaged in a lot of interchange with the public and opportunities for the public to interact with the agencies.

The committees that you are talking about are intended to exchange information and to work together to integrate science and information, and they will do so in an open and transparent way. We are not asking agencies to change. They are doing this within existing authorities, and they will be able to interchange with each

other but also to interchange with the public in an open and transparent way.

The CHAIRMAN. Well, understand why I am asking it. I appreciate your answer, but the concern was transparency in an Executive Order that doesn't get input. So here is a statute that governs something, an Executive Order, and by the actions of two created bodies within that board, there was no transparency. Now I don't think it takes a rocket scientist to figure out this could be a reason why we have some problems with this Executive Order. I think you can understand that, and that is probably the basis of the concern I have.

Now let me ask both of you, and I alluded to this in my opening statement where I have asked both of you to give me the statutory authority, and I have gotten answers back. I think, frankly, they are pretty vague. They name a number of statutes. I am very serious about this, and I think most American people will be very serious, whether it is what we are talking about here, the subject of this Committee, or other committees, just where does the statutory authority come from.

So I am going to ask both of you. You don't have to answer right now if you are not prepared, but I would like within a week—I don't think it should take that long—to give me a written response to be absolutely concise on the statutory authority that you have said in broad terms. Where does that come from and how does that flow to meet this?

Could you commit to give me a concise answer on that within a week? The Secretary, Secretary Lubchenco.

Dr. LUBCHENCO. Yes, sir.

The CHAIRMAN. OK. Thank you. And, Chair Sutley?

Ms. SUTLEY. Yes.

The CHAIRMAN. OK. Thanks. I want that. We will want to open the dialogue on this, and if we feel it is inadequate, we will follow up. But I think it is very, very important because of the nature of our government and the division of powers that we understand precisely where that authority comes from because of the potential that this has, as I mentioned in my opening statement, the unknowns. We need to know that precisely.

So, with that, I will yield my time. I will yield back my time and recognize the Ranking Member.

Mr. MARKEY. Thank you, Mr. Chairman. Chair Sutley, Joan Bondareff, the former Chief Counsel and Acting Deputy Administrator for the Marine Administration, recently wrote in an article that, "It was President Reagan who declared that the United States has exclusive rights to the resources of the Exclusive Economic Zone. Unless the United States develops comprehensive marine spatial plans, we will be unable to take full advantage of his proclamation and vision but will continue to battle each permit and each new use of the ocean on a case-by-case basis."

Is the purpose of coastal and marine spatial planning to stop development?

Ms. SUTLEY. No, Mr. Chairman. It is really to have information available with using the best science, open to all the decision-makers and to the public, to understand how decisions are being made.

Mr. MARKEY. Will there be environmental benefits from spatial planning?

Ms. SUTLEY. We believe so.

Mr. MARKEY. Will there be benefits to business and industry, and if so, what are some of those benefits?

Ms. SUTLEY. We believe that bringing in parties early into any process is helpful to reach a resolution more quickly, that this will allow agencies to integrate information and science in a public way, and we believe it will speed the decision-making process.

Mr. MARKEY. So the National Ocean Policy clearly relies heavily on regional input and engagement. Why is it important to include the Federal backstop?

Ms. SUTLEY. Well, Mr. Chairman, clearly the Nation as a whole has an interest in the health and the uses of our ocean. They are very important to our economy. They are not only important to our coastal economies but certainly important to the economy as a whole. So we believe this will be a beneficial policy for the Nation as a whole. We will be able to bring in the best science and the best data, integrate it and have everyone at the table.

Mr. MARKEY. OK. Thank you. Dr. Lubchenco, earlier this week ABC News returned to the Gulf of Mexico to interview shrimpers affected by the BP oil spill. When asked about experiencing the worst season in 40 years, this year, one shrimper said the quality of the shrimp isn't there. The abundance isn't there. And when he was asked about what happens to all the boats if there are no shrimp, another shrimper responded there is going to be a lot of boats for sale.

Dr. Lubchenco, will the National Ocean Policy provide a process for balancing the interests of the offshore oil and gas industry and the fishing industry to ensure that fishing boats are not needlessly tied up at the docks or necessarily sold?

Dr. LUBCHENCO. Congressman Markey, one of the distinct lessons that we have taken away from Deepwater Horizon was how dependent the coastal economies and the health of coastal peoples are to the health of the adjacent, in this case, Gulf. And the National Ocean Policy is focused squarely on ensuring balanced uses and healthy oceans and coasts so that they can support a diversity of interests.

The National Ocean Policy provides a mechanism for regions, in this case the Gulf, to consider how they want to use the areas of the ocean and coasts and to be supported by information provided by the Federal Government to enable much more streamlined, more effective decision-making, but focus squarely on balancing uses, avoiding conflicts and enabling healthy oceans and coasts.

Mr. MARKEY. OK. Doctor, last week an independent team of scientists at Berkeley released their analysis of land surface temperature records going back to 1800. They found, as their counterparts at NOAA and NASA had previously shown, that temperatures over the last decade were increasing. Once again, scientists have confirmed that global warming is real.

You recently said, well, what happens in the Arctic doesn't stay in the Arctic. It has huge implications for the global system. We have never experienced the kinds of changes that we are seeing

now in the Arctic and elsewhere, and we don't fully understand what the consequences of that are going to be.

The National Ocean Policy calls for providing data, information and tools to manage the ocean sustainability. Why is that particularly important given the changes we are seeing in the Arctic?

Dr. LUBCHENCO. Congressman Markey, we welcome the Berkeley independent analysis like any other independent analysis. That study is one of many to confirm both the reliability of the land-based temperature records as well as the analysis of temperature trends that have been carried out by many, many different groups, including NOAA. We look forward to these papers going through the peer review process and contributing to the larger scientific literature on the topic.

They serve to illustrate the importance of paying attention to climate change as it continues to play out, affecting oceans and ocean uses. We certainly see that in the Arctic because that is where we are seeing evidence of climate change happen most rapidly. But the National Ocean Policy enables a more comprehensive look at the many uses that we want from oceans in light of changes that are underway, such as climate change.

Mr. MARKEY. Thank you, Doctor.

The CHAIRMAN. Thank you very much. I know that all of you are wondering where that beautiful picture is up there that we are showing. I can just tell by everybody's looking at it. I just want to tell everybody that is Lake Chelan in central Washington in my district. It is a 43-mile lake. You are seeing probably 10 miles from the bottom half of it. And the top half of that, there is a little community called Stehekin. We had some legislation regarding that. And the only way to access Stehekin is by boat up this river or by float plane. That is the only way you can get there. So I just thought I would point that out because you are all probably wondering about that, and we will have a test later on.

I would like to recognize now Dr. Fleming for five minutes.

Dr. FLEMING. OK. Thank you, Mr. Chairman. I want to revisit this question of constitutionality that the Chairman brought up. So far, during this Administration, the President couldn't get cap and trade passed, so he had the EPA come up with a finding of endangerment on CO2; couldn't get the DREAM Act passed, so he decided not to enforce immigration laws; decided unilaterally that the Defense of Marriage Act is not constitutional even though the Supreme Court made no decision; and then more recently, when stimulus 2.0 couldn't even be passed in a Democrat-controlled Senate, he decided to come up with a housing bailout and a student loan bailout.

My constituents are becoming increasingly angry that the President is making all the laws and all the legislation and creating all the rules. Now what does that have to do with our topic today? Well, if you go to the White House website on this very issue of spatial planning and you ask for what is the legal authority, we can find none. It is just extremely vague. And so like the Chairman, I am waiting for a very concise, specific answer and result on what is the legal authority to have this spatial planning.

So I will leave that question floating because I know it has been asked and you are going to be getting back to us on that. So I will

go to another question. Chair Sutley, you made the comment, and I want to get clarification to be sure, that nothing in this would restrict activity in the oceans. Am I correct about that?

Ms. SUTLEY. Yes, sir.

Dr. FLEMING. Well, at our previous hearing, we had a gentleman named Mark Gorelnik of the Coastside Fishing Club who shared how devastating marine spatial planning can be for recreational anglers who have fished off the shores of the California coastline for generations. What I believe is most alarming is the lack of science used in the zoning process, and so it seems to me that there is quite a bit of concern.

And again, it begs the question. If it would not restrict activity, why even go through this process? Why do the zoning if it doesn't have an ultimate purpose?

Ms. SUTLEY. Thank you, Congressman. Let me make a couple of comments. First of all, we recognize that recreational fishing is an important activity that takes place in the ocean and other places and that often recreational fishermen are some of the best stewards of the ocean resources, and so we were grateful to have them participate in the formulation of this policy in our public meetings and look forward to their continued participation in this process.

I think the purpose of the coastal marine spatial planning, it is not zoning in the sense that it restricts uses or specifies uses or restricts uses, but it is a way to share information early on, upfront, to ensure that science is being used to understand what are the uses of the oceans.

Dr. FLEMING. Well, because my time is limited, I want to kind of break through to the bottom line here. So you are saying absolutely, bottom line, that there will be no restriction of use whatsoever under this spatial planning process.

Ms. SUTLEY. We do not think that is the result of that. The existing authorities that—

Dr. FLEMING. Is that a yes or a no?

Ms. SUTLEY. I am sorry. I am trying to remember the way you asked the question. We don't believe, no, it will not restrict uses.

Dr. FLEMING. So the answer is no, it will not. OK. Dr. Lubchenco, you made the statement that this would ensure balanced uses. Can you explain what that means?

Dr. LUBCHENCO. Certainly, Congressman Fleming. The National Ocean Policy does not create any new regulations. It is not zoning. It empowers States and regional bodies to consider the uses, to define how they want to have oceans off their shores used. So it empowers a bottom-up process for defining uses. No States are required to participate in this process.

Dr. FLEMING. Well, again, I am running out of time. I apologize for interrupting you. So, if it empowers someone to make a decision to divide uses, then wouldn't that by definition restrict activity?

Dr. LUBCHENCO. It is a planning process. It is not zoning. Just like on land we have planning commissions separate from zoning commissions. It says this is how we would like to avoid conflicts, to ensure that people who want to participate in different activities have certainty. They can plan. They have predictability. And it really is a bottom-up effort that focuses on balancing the often conflicting interests and jurisdictions.

Dr. FLEMING. And I appreciate your response. I am running out of time. To me, that is the same thing as restricting activity. I don't see how you can do one without the other. Thank you, and I yield back.

The CHAIRMAN. Thank you very much. And the Chair recognizes the gentleman from New Jersey, Mr. Holt.

Mr. HOLT. Thank you, Mr. Chairman. I thank the witnesses. If the role of government is balancing competing, legitimate interests, I would like to talk about how this policy for stewardship will help to balance the interests of trade and defense and security and energy, whether it is petroleum or wind or hydrodynamic, food, recreation, culture, tourism, all of those things.

The other side has been harping on legalistic arguments. I don't doubt that you will be able to satisfy them on those points. I would like to talk about really the substantive need for this. When we look at the chaotic, uncoordinated, individual interests, sometimes selfish interests, that have left a mess of things, I would be inclined to believe that planning would help.

Dr. Lubchenco, you mentioned a couple of things that I would like you to address. One is, you know, opponents of coastal and marine spatial planning have claimed that there is a threat to their business interests. In a letter submitted for the record during the October 4 hearing on this topic, Captain John McMurray, a long-time fisherman and member of the Mid-Atlantic Fishery Management Council wrote, "The only interests coastal and marine spatial planning could hurt are those who willingly refuse to engage in the process. Those who are shut out of day-to-day ocean government decisions have the golden opportunity to make their concerns heard."

I would like you to talk about whether fishermen, recreational or commercial, should consider this an opportunity to protect their interests or consider it a threat. I would also like you to give an example or two of the advantages that would come in what you refer to as compatible data. If you could point to instances, whether in the Gulf oil spill or with regard to acidification or climate change, where the lack of data or lack of compatible data has created problems and that this might address.

Dr. LUBCHENCO. Congressman Holt, thank you for your questions. I think simply put the National Ocean Policy creates order out of chaos. What we have now are over 140 different rules and regulations. It is very difficult for any interest to figure out how to navigate all of that. This is an opportunity through the regional ocean planning bodies for all stakeholders to participate and to identify what information they need to be making smart decisions.

I was just in Florida last week for example. I went to Fort Lauderdale and met with a group of businessmen who are interested in hydrokinetic energy. And they, with their consultants and partners from different universities, have been working closely together to identify all the different information needs that they have to do a localized version of spatial planning to understand better how potential new renewable energy from the ocean needs to be conducted in a way that is compatible with other uses and to avoid conflicts.

That is a mini-version of coastal and marine spatial planning, and it highlights the challenges that everyone has right now in



finding sea floor maps, habitat maps, existing uses. And the same is happening in lots of different parts around the country. Off the coast of Massachusetts or Rhode Island or Oregon, we are seeing States embrace the opportunity to do spatial planning in a more forward-looking way that provides certainty and predictability for industry.

We heard over and over and over from so many industry folks that participated in many of our listening sessions how frustrated they are, how loathe they are to make investments in some new job-creating opportunities because there was such a chaotic situation now. And so the certainty, the predictability, the access to information are all elements of good, smart planning that this process we believe will enable. And it seems to be working in a number of places.

Mr. HOLT. I thank you. I thank the Chair.

The CHAIRMAN. I thank the gentleman, and I will now recognize the newest Member of the Committee, whom we introduced earlier, Mr. Amodei from Nevada. Mr. Amodei, you are recognized.

Mr. AMODEI. Thank you, Mr. Chairman. Madame Secretary, you had indicated that this initiative would ensure balanced uses but then indicated that it is not zoning. It empowers from the bottom-up and participation is not forced. Can you kind of connect those two things for me in terms of the operational side, where we are going to ensure balanced uses, but, unless I misunderstood, it is not mandatory to participate, it is not zoning, and it will empower from the bottom up? How does that work to achieve that insurance for balanced uses approach in your mind?

Dr. LUBCHENCO. Congressman, thanks for the opportunity to clarify that. This process requires the Federal agencies to work together. It invites the States and tribes and local governments to work together to define uses of oceans off their coasts. But it does not create any new regulations. It does not impose any restrictions on States or local governments. They are free to participate or not. We think that it will be sufficiently beneficial that they will choose to voluntarily participate, but only the Federal Government will be required to abide by the local planning processes.

So there are no new regulations that are created. And this is an opportunity for local, State, and tribal governments to work together to define ways in which they can minimize conflicts, ways in which they can provide certainty and predictability for a variety of users.

Mr. AMODEI. If I may follow up, so if I need a Federal permit for one of these proposed uses, and for instance, the California Coastal Commission gives me a go, am I going to get my Federal permit based on the California Commission approval theoretically, or am I going to be refused that permit because it doesn't meet the plan that this is going to be created, which is not mandatory?

Dr. LUBCHENCO. Congressman, one of the challenges with the status quo is that you might need to get a permit from three, four, five different Federal agencies, and figuring out what permit to get where, what information you need is a pretty daunting process. The requirement for Federal agencies to be working together to streamline that process will facilitate your knowing what to do and being able to have a more streamlined, efficient way of working.

What you are doing should be compatible with what the regional planning bodies are defining. That will help.

Mr. AMODEL. If I may, Madame Secretary, so is this new plan existence compliance going to be used by agencies as a reason to deny a permit? I am not trying to make it—I understand the coordination process and the possibility that there is multiple permits, but what I would like to know is, if the plan is created for a specific area and I have approval from whoever the planning and zoning folks are, which I guess this isn't, but yet I go to the appropriate Federal agency and say I want Z permit, is it going to be one of those things where it is like, I am sorry, you are not in compliance with the Federal plan, so until you are—I mean, that is just the ground level thing.

And if you haven't thought about it, that is fair too, you know, because when I hear we are going to ensure balanced uses, but you really don't have to do it, it is like there are some inconsistencies there. So maybe I am not making myself—

Dr. LUBCHENCO. No. I think it is hard to talk about examples like that in a vacuum. You know, a concrete one is probably easier to focus on.

Mr. AMODEL. OK.

Dr. LUBCHENCO. And I am happy to follow up with you on that.

Mr. AMODEL. Thank you. I appreciate that. Madame Chair, real briefly, you know, I am new to this town, but I understand that there is rumors here from time to time and stuff like that. Are you aware of anything going on in your role talking about folding the Office of Surface Mining into BLM jurisdiction? Is that anything that you have been involved with, or is it a rumor to you too?

Ms. SUTLEY. Thank you, Congressman. We have not been involved in any of those discussions, and only what we read in the papers is all.

Mr. AMODEL. OK. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman. Next I will recognize Ms. Tsongas from Massachusetts, recognized for five minutes.

Ms. TSONGAS. Thank you, Mr. Chairman. It is great to have you here before us and to acknowledge, as our Ranking Member Markey did, how Massachusetts has embraced its regional planning effort, working with the other New England States, because we see the great benefits to it. We use our waters in many ways, sometimes very traditional, but also in very forward-looking ways, and we have discovered the challenges from the multiple uses and the benefit of this kind of planning effort.

But I want to ask you, Chairwoman Sutley, a different question. Both the U.S. Navy and the U.S. Coast Guard, both entities important to our national security, have spoken in favor of the National Ocean Policy and the National Ocean Council. In fact, Coast Guard Commandant Papp said, "The Coast Guard is fully engaged at all levels of the National Ocean Council. We have a lot to offer as a military service, a Federal law enforcement agency, and our nation's lead maritime first responder. The National Ocean Council is essential to all Americans as our nation's waters directly or indirectly touch our lives in some form every day."

Chairwoman Sutley, do you agree with Commandant Papp that a National Ocean Policy is critical to our national security interests?

Ms. SUTLEY. Thank you, Congresswoman. I do agree. We had very enthusiastic participation in this from the beginning from not only the Coast Guard but from the Department of Defense, and the policy and the reports clearly recognize the importance of national security, the importance of navigation and commerce as uses of the ocean and that this is a way for all of these agencies to work together to ensure that we are meeting all of those needs and uses of the ocean.

Ms. TSONGAS. And in a related question, Dr. Lubchenco, in your testimony, your written testimony, you noted a situation in Rhode Island where the State had received a substantial development proposal to site an offshore energy project. And although it never was fully formalized, it was later discovered that the proposed facility had been sited in the center of the prime navigation channels for submarine activities associated with a Navy base in Groton, Connecticut.

So again, related to the first, how will the National Ocean Policy help avoid these types of situations, protecting our national security while helping to streamline the permitting and siting to speed up the offshore energy development process that is so critical to our future?

Dr. LUBCHENCO. Congresswoman, that example really does serve to highlight how challenging the status quo is now. And unfortunately that particular effort came to naught because of the conflicts that you articulated. The National Ocean Policy provides a path that would involve all stakeholders from the outset with the same type of data and information so that all the different relevant kinds of information can be at the table, with the idea explicitly of avoiding serious roadblocks like they encountered and of streamlining the process, of having it be much more predictable for business and industry and having, as I said before, order out of chaos.

Less waste, more efficient use of taxpayer dollars, this really should be thought of as government at its best. It really is moving in the directions that will be helpful. And States like Massachusetts have clearly seen the wisdom of that more comprehensive planning. And so we are following. The Federal Government is taking good lessons from what many of the States have pioneered.

Ms. TSONGAS. And I think that is why you see why the Coast Guard, the Navy, the Department of Defense would be supportive of this kind of effort, because it protects our national security interests, knowing that there are many other interests involved as well. So thank you for your testimony, and I yield back.

The CHAIRMAN. Can the gentlelady yield for a moment, the gentlelady yield before she yields back?

Ms. TSONGAS. Yes.

The CHAIRMAN. I just want to make an observation. My understanding of the Executive Order is that Homeland Security and the military are exempt from this. Is that correct, Chair Sutley?

Ms. SUTLEY. Mr. Chairman, they are not exempt. Clearly we recognize that there are national security interests that need to be considered somewhat differently. But as I said, they have been very

enthusiastic, participating in this process because they believe it will avoid situations like the one that Dr. Lubchenco described.

The CHAIRMAN. Well, Section 9, the way I read Section 9, it says they are exempt.

Ms. SUTLEY. Well, they have been participating in this process, and we expect that they will continue to.

The CHAIRMAN. Well, if I may, once again this seems to be the conflict that we have as to what the authority is. Section 9 as I read it says they are exempt. And yet we are hearing people are participating. And what is the rule of law if you will to guide this. That is the confusion that I have.

I now recognize the gentleman from Texas, Mr. Flores, for five minutes.

Mr. FLORES. Thank you, Mr. Chairman, and thank you to the witnesses for appearing today. I have four principle concerns about this initiative. The first is statutory authority. It is clear that congressional intent is not there to have a comprehensive planning and zoning process at this point because attempts to pass legislation have not passed. Also, there have been attempts to zero out the funding for this effort. So it seems to me like it is clearly trying to wire around the intent of Congress.

The second thing that bothers me is how far inland does this go. If we have rainfall falling on a building at Baylor University in Waco, Texas, that is ultimately to the extent not evaporated or absorbed in the soil going to wind up in the ocean. So does that give this body the authority to ultimately produce a regulation to control what happens with that rainfall?

The second thing is you have said repeatedly that this is a bottoms-up approach, yet there are no nongovernmental members on these regional planning bodies. That doesn't sound like bottoms-up to me. That just sounds like more big government trying to get in the way of human activity.

And then the last thing we are hearing is that this is just a planning process, that this is not going to ultimately result in zoning. This looks to me like an attempt to do something besides create a nice, slick plan to set on a shelf and not doing anything with. So I would ask you to tell me how this doesn't go beyond the pale, that creating this plan is not going to result in any other activity. Please explain that for me.

Ms. SUTLEY. Thank you for your questions. I will try to answer a couple of them, and perhaps Dr. Lubchenco would like to also. One of the issues that you raised was sort of how far inland does this go. There is nothing that mandates that these plans go inland, but I think as many existing statutes recognize, where there is a connection between impacts on the land and impacts on the ocean, that those could be considered and that the regional bodies will consider how far——

Mr. FLORES. So ultimately a snowflake falling on the top of Pikes Peak could be regulated.

Ms. SUTLEY. I don't believe so.

Mr. FLORES. OK.

Ms. SUTLEY. I don't believe so. As I said already——

Mr. FLORES. That is what I thought you just said, but I wanted to clarify that.

Ms. SUTLEY. Well, yes. Existing statutes recognize some connections, and where there is a connection, it is certainly something that the regional bodies can look at, where there is a direct effect and we know, for example—

Mr. FLORES. So they can regulate—

Ms. SUTLEY. Well, things like beach closures are, you know, a big concern in coastal communities that have big impacts on the economy, and there are connections between activities in the coastal areas and beach closures, and those are already addressed under existing law.

And on the question of a bottom-up approach, this is an attempt to bring agencies together to have them share information and share data with each other and with the public so that we can look at issues—

Mr. FLORES. But I am more concerned about the public sharing what it wants and having a vote in the process. That is what I am concerned about. It sounds to me like the public is excluded.

Ms. SUTLEY. Well, this planning process doesn't change the existing—it doesn't change existing authorities or existing decision-making, the current decision-making process. This brings information into the decision-making process earlier and should bring the public in earlier into the decision-making process so hopefully it will result in better decisions being made.

Mr. FLORES. OK. Secretary Lubchenco, any comments?

Dr. LUBCHENCO. Yes. Thank you, Congressman. I think I would just emphasize that the regional planning bodies would have membership from local, State, and tribal governments. Those are elected representatives that have been elected by the people. The process also specifies continuous public participation pretty much at every step of the way. So there is an explicit mechanism for the public to in fact participate directly in these activities.

Mr. FLORES. But on the other hand, in hearings we held on this earlier, some of the complaints that we heard loudly and clearly were that the concerns of some of the people, some of the organizations that have been asked to testify have not been addressed. I mean, are we just paying lip service to these concerns and not paying attention?

Dr. LUBCHENCO. No, sir. I think it would be highly unlikely to have any public process where every single interested party would be happy with every single outcome. That is not what happens in democracy. I think the point here is that there is opportunity for everyone to be at the table, to participate, to be consulted, and for the regional planning bodies to consider how to minimize the inevitable conflicts that arise.

You know, this does not create any new authorities. There are no new regulations. It draws on the very ample existing authorities to consider what are now a whole set of separate sector-by-sector or issue-by-issue considerations in a more integrated fashion, with the goal of having it be more efficient, more effective, streamlined, and to—

Mr. FLORES. In other words, still controlled though. Well, Mr. Chairman, I thank you. I don't feel like my concerns have been addressed. I yield back.

The CHAIRMAN. The time of the gentleman had expired, as he knows. The gentleman from Maryland, Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman. Thank you all for being here. I think this is a terrific tool that is being put together, the national oceans policy. I wish we had had it in place for a long time before this because I think we would have made a lot better decisions in many different arenas.

You know, I am from Maryland, and of course the Chesapeake Bay is a treasure to Marylanders and I believe a national treasure. I think the Chesapeake Bay can benefit tremendously from the planning tools that this policy is launching, particularly this coastal marine spatial planning. I am actually right in the process now of sending around a letter to my colleagues bringing to their attention a problem with respect to the Atlantic menhaden fish, which is a very, very critical fish. Some have called it—it is a very tiny fish, I am sure you know about this—have called it the most important fish in the sea because it underpins really the ecological systems of so many fisheries, and in that respect, preserving and making sure the supply is adequate is critical.

I imagine the tools that are being put forward here would be very helpful with respect to recovering that population, making sure that it is preserved going forward.

To echo what Ms. Tsongas said a moment ago, there was a hearing here not too long ago where there was a proposal to do offshore drilling off the coast of Virginia that was put forward, and even though there was plenty of evidence that that would get in the way of a lot of other kinds of operations and activity, again, if you have this kind of comprehensive picture available to you, it is going to stop you from doing stupid things.

I mean, to put it very directly, that is what I see this process as offering us. I have listened very carefully to the objections that have been made by people on the other side of the aisle, and I tried to give those comments the benefit of the doubt. I really can't see what is objectionable here. I keep hearing this theme about restricting activity.

Well, when you get information, it informs activity. I mean, why get the information in the first place if it is not going to inform your activity, the steps that you take, the decisions that you make? Either we want good information or we want to put our head in the sand and not have good information. So this notion that if it somehow is going to impact some activity somewhere in the world to get some good information, we should just not have information is a completely ludicrous proposition I think.

And you have made it very clear that this process is not going to upend or subvert or move to the margins existing decision-making processes. This is about getting information, streamlining coordination among various agencies and, frankly, making it a lot easier for all of the stakeholders and industries and actors and so forth that are affected by what goes on in our oceans to do good planning going forward.

I would imagine, and I am now going to ask a question here with one minute and 16 seconds to go, but I gather from your testimony from both of you that there is, frankly, a lot of excitement out there among the industries and others that would be affected by getting

good information, and so maybe you can speak again to that. You have done it now a number of times, and I apologize that you have to keep going through the same set of statements, but I think it is because you have been very consistent in the testimony you have offered.

So tell me a little bit about the potential for this to really help the industries out there that would be affected and the kind of inputs you are getting from them as they anticipate the policy rolling out?

Dr. LUBCHENCO. Congressman, thank you very much for your comments. In the public listening sessions, we paid special attention to the diverse interests that are out there and incorporated those into the design of this National Ocean Policy so it really is responsive to what we heard. And industry told us over and over we need more predictability. We need to know—we need to have more streamlined processes. And in fact, there are many, many who are very enthusiastic about moving ahead with this both on the part of industry as well as many States and local governments and groups of States in a region.

There is also, frankly, uncertainty because this is new and change is often threatening to many people. And so I think we will continue to articulate the merits, to point to the lessons learned from many efforts around the Nation and to learn from experience and move ahead with this because I really believe it will be extremely beneficial to everyone.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Virginia, Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman. Dr. Lubchenco, I would like to go straight to you. I find it interesting, your comment about how this National Ocean Policy would empower States. Maybe I got my government lesson wrong, but it seems like to me that States are empowered through the U.S. Constitution, not through Federal agencies. So I truly believe that maybe the empowerment is not taking place at the right point.

I spent 27 years working in the State of Virginia. I was involved on a daily basis with decision-making involving marine resources. I served on the coastal zone management team there in Virginia. I have been on the practical side, not the theoretical side.

Let me ask you this. You said that this was going to empower States. Tell me then how this National Ocean Policy will empower States over and above the Coastal Zone Management Act, which was recently reauthorized, Magnuson-Stevens Act, and where those Acts lack in the National Ocean Policy would provide for where both of those pieces of legislation lack.

Dr. LUBCHENCO. Thank you, Congressman. Each of those different pieces of legislation pertains to a specific issue, whether it is fisheries or coastal zone. There are others that deal with water quality, shipping, renewable energy, conventional energy. And typically each of those is considered sort of in a vacuum without regard to other—

Mr. WITTMAN. So let me interrupt. So you are saying then the Coastal Zone Management Act operates in a vacuum. It doesn't involve States. It seems like to me when I was involved in it, it involved States and that our thoughts and ideas that went into that

actually put in place policies at the State levels. So you are saying CZM doesn't do that. It operates in a vacuum.

Dr. LUBCHENCO. No, sir. You are correct on the Coastal Zone. That one is more integrated, unlike the other ones that I was referring to. I stand corrected on that front. Coastal Zone doesn't deal with the full range of issues, but it is in fact more integrated.

What this process would allow is to consider in a region of the ocean all of the potential issues, all the potential uses, in a more comprehensive sense. And I say it empowers. Perhaps that is not the best choice of verb. But it enables a bottom-up identification by local, State, and regional tribal entities to consider the range of uses in an area together with the idea of minimizing the conflicts that often happen or the disruption that often happens when you have just a single issue going down one track, another issue coming down another track and then colliding and blowing up.

Mr. WITTMAN. So you are saying then on operations like the regional councils under Magnuson-Stevens Act that that doesn't provide for that integration of information there in making decisions?

Dr. LUBCHENCO. The Fishery Management Councils typically consider fishing activities, but they do not typically consider shipping interests, for example, or water quality or national security. And fishery management plans are incredibly important. And as I have mentioned before, we believe that the Councils do very important, very legitimate business, and we would like to see them have a seat at the table on the regional planning bodies simply because what they do is so important, and it represents both commercial as well as recreational fishing interests, which are vital to this process.

Mr. WITTMAN. You spoke of a network of very complicated regulations and that this National Ocean Policy was going to help in simplifying those complicated regulations. I am wondering how another level of bureaucracy is going to simplify what you say are complicated regulations. How is that going to make that process simpler, more effective and more efficient?

Dr. LUBCHENCO. Congressman, I think there are so many different regulations that apply to different issues, it is daunting to navigate all of those.

Mr. WITTMAN. Well, let me ask you this since my time is limited. Would it not be simpler then to go back and address the statutory authority given to promulgate those regulations or actually simplifying the regulations themselves than creating another level of bureaucracy that somehow says now we are going to be the orchestrator of these multiple layers of complicated regulations?

Dr. LUBCHENCO. I think this process is a very viable one, and it is also one that enables all the relevant information to be assembled so that everybody can have access to the same information instead of having it be in lots of different places. So this process I think has potential to be very helpful and very beneficial.

Mr. WITTMAN. OK.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Northern Marianas, Mr. Sablan.

Mr. SABLAN. Thank you very much, Mr. Chairman, and good morning, Dr. Lubchenco and Chair Sutley, right? Thank you. You



know, I can't help myself. Whenever they bring up this issue of global warming, and like, Dr. Lubchenco, you recently said that what happens in the Arctic doesn't stay in the Arctic and that we don't fully understand what the consequences are of global warming or rising ocean levels.

I come from a district that is geographically a part of a larger entity called Micronesia, and the area of Micronesia is the size of the contiguous 48 States. And so there are 2,000 islands, over 2,000 islands, and anyone who doubts the science, I have physical evidence of the rising ocean levels. Whether you pick the island of Mili in the farthest east or the island of Tobi in the farthest west, any islands in between, pick it and we will have physical evidence of rising ocean levels, and it is really a concern that we all need to get involved with.

But, Dr. Lubchenco, last week the Florida Department of Environmental Protection, the Secretary said that coastal and marine spatial planning is a key tool for protecting the environmental and economic integrity of our ocean and coastal resources. This planning process gives reef managers and stakeholders a coherent, science-based approach to spatial planning. So, Doctor, can you tell us how coastal and marine spatial planning will help to balance coral reef protection, tourism, recreational fishing and other uses, all of which are important to the State of Florida, the territories, including my home, the Northern Mariana Islands?

Dr. LUBCHENCO. Thank you, Delegate Sablan. We did have the U.S. Coral Reef Task Force meetings last week in Florida. And at that task force meeting, there were many, many States and territories talking about how important coastal and marine spatial planning is to protecting the health of coral reefs that are so important to States like Florida and Hawaii, the Northern Mariana Islands, and other island territories.

The process that is being utilized in some of them and that others are looking very closely at enables consideration of all of the different uses of oceans where coral reefs are present, with the idea of ensuring that we can have fishing, that we can have shipping, that we can have recreational boating, that we can have energy utilized, pay attention to national security interests, defense as well, and to have all of those be compatible with healthy coral reefs. And that is the goal, and we certainly heard in no uncertain terms in the Coral Reef Task Force meetings the strong enthusiasm from Florida that the Secretary was talking about when he was there but others as well, that this is something that they are eagerly embracing.

Mr. SABLAN. Thank you. Actually some Members also suggest that the type of collaborative planning found in the National Ocean Policy is not wanted in all regions. However, your testimony cites numerous examples of regional organizations formed by State Governors which collaborate on ocean management issues.

Now let me go to back to this, Dr. Lubchenco, because when President Bush appointed the U.S. Commission on Ocean Policy that first proposed the idea of a national ocean council in 2004, 12 Republican Governors explicitly endorsed the idea. Ten of them, 10 Governors, explicitly supported the Commission's proposal of having regional ocean councils. So do you think these Republican Gov-

ernors supported the formation of these councils because it was already clear then in 2004 that there was a need for coordination to minimize the conflicts or to maximize economic and environmental gains in our oceans?

Dr. LUBCHENCO. Delegate Sablan, we are seeing Governors from both parties in regions around the U.S. embrace the concepts of coastal marine spatial planning. There are regional Governors' coordinating groups in different parts of the U.S., and they see the directions that the National Ocean Policy is moving as something that would be beneficial to them. There has been strong bipartisan support for these directions, and I think that is recognizing that they see the need for what this policy represents.

Mr. SABLAN. Thank you.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentlelady from South Dakota, Mrs. Noem.

Ms. NOEM. Thank you, Mr. Chairman. And thank you both for your testimony today and being here. I am from South Dakota, so it is a landlocked State, so I don't hear a lot from my constituents about the National Ocean Policy. So, Chairwoman Sutley, while you are here today, there is something that I hear a lot about from people in South Dakota, so I would like to go off-topic a little bit and just address this and have you answer a few questions for me.

You know, the issue is the mountain pine beetle epidemic that we are facing in the Black Hills National Forest in South Dakota. We have been bogged down with the NEPA process, and it has tied our hands to how we can address this epidemic that is sweeping across our hills. It can take over a year for the Forest Service to get through the process and try to do logging ahead of these beetles.

As you know, I sent you and Chief Tidwell a letter requesting for a process that is granted to you by Congress for alternative arrangements, which I was disappointed that it took two months to hear back from you on that. And when I did hear back from you, it was not to grant us the alternative arrangements that we need to truly stop this devastation of our way of life in western South Dakota.

I speak on behalf of hundreds of thousands of South Dakotans and people who visit the Black Hills, and I am very disappointed by the response that we have gotten. I was given a list of the number of the total alternative arrangements that have been granted since the NEPA process was put into place, and since 1980, there have been 41 different instances where that was granted. To give you an idea, President Reagan granted 14, President Clinton granted 9, and George Bush granted 8. Chairwoman Sutley, do you know how many President Obama has granted?

Ms. SUTLEY. I believe one.

Ms. NOEM. He has granted zero. So this is a process that was given to him that he could utilize in extreme situations for alternative arrangements, and they are not utilizing their authority within this Administration to address emergencies that we are facing in the Black Hills. So communities now in the Hills are faced with the threats of fire. Every time it rains and there is lightning, they are very concerned that their entire community will go up in

smoke and that lives will be at risk. And environmental integrity and quality are also at stake.

I would like to ask you a couple questions. When I look at the website on the Office of the President's website, it says alternative arrangements can be issued when action is—the first reason is necessary to protect human health or safety or to protect natural resources, and two, likely to result in significant environmental impacts.

I was wondering if you would take the time to go back and to get me answers on why we do not qualify under those bullet points in the Black Hills to get the alternative arrangements that we need truly to get ahead of this epidemic that we are facing in the Black Hills.

Ms. SUTLEY. Thank you, Congressman. I appreciate the concern then. First of all, apologies for the delay in responding to you, and we will be happy to go back and take a look at that. I do think that it is important—I think we have been in discussions with the Forest Service, and my understanding is that they are very well aware of the problems here and prioritizing the response to the bark beetle and shifting resources to ensure that they are adequately responding to the outbreaks. We recognize it is a very significant problem, and we continue to work with the Forest Service, and we will be happy to follow up with you on that.

Ms. NOEM. That would be great. And I would like you to reconsider the decision on the alternative arrangements. Resources is always a concern. But, frankly, what is stopping us and causing us to lose this battle is the NEPA process. And alternative arrangements would give us the leeway we need not to ignore the process but to have a quicker process so that we could get ahead of these beetles before they fly again next summer.

Ms. SUTLEY. Thank you. We think NEPA is an important process for understanding the environmental impacts of Federal actions and don't think that it needs to get in the way of important actions and will continue to work with the Forest Service on that, and we will be happy to follow up with that.

Ms. NOEM. That would be great because, at this point, really in South Dakota and all across this country, we have seen the same situation, that if this Administration doesn't utilize the authority that Congress has given them, we may take congressional action in this area. So thank you for being here.

The CHAIRMAN. Will the gentlelady yield back her time?

Ms. NOEM. Sorry, Mr. Chairman. I do yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California, Mr. Costa.

Mr. COSTA. Thank you very much, Mr. Chairman and both witnesses for explaining the President's policy on efforts to improve our stewardship of the oceans. Obviously this is an improvement, an attempt to improve the efforts that President Bush did.

Dr. Lubchenco, I have a specific question, though, as it relates to the law of unintended consequences. As you know, and we have had conversations about this before, I represent one of the richest agricultural regions in the nation, and we have been impacted by regulatory burdens that I think have been implemented on an un-

even basis I guess is the best way I could say it as it relates to the Endangered Species Act on salmon, green sturgeon, steelhead, Delta smelt.

We have talked about combining the biological opinions between the Delta smelt and the salmonid biological opinions that have been in question. And I am wondering what assurance you can give my constituents that this law of unintended consequences as it relates to the implementation of a set of regulations is not going to adversely impact our ability to try to maintain adequate water supplies.

Dr. LUBCHENCO. Congressman, I am not sure exactly what you are asking, but let me say that the National Ocean Policy doesn't change existing regulations or authorities and that we have recognized how important the water issues are to a range of users and that I think you and I agree that having a more integrated consideration of the biological opinions that are relevant to all the species is certainly appropriate.

Mr. COSTA. Is the Department of Commerce going to commit with the Department of the Interior to try to combine the two biological opinions in the next two years?

Dr. LUBCHENCO. That is under serious consideration.

Mr. COSTA. Well, I would urge that it is. Secretary Locke previously and Secretary Salazar sent a letter to many of us involved on that issue on the Sacramento-San Joaquin River water quality issues and fisheries that indicated that they thought the biological opinion should be combined. That was two years ago. And of course we have still been in court, as you know, and there have been two recent rulings by the Ninth District as it relates to the flaws in both biological opinions.

It seems to me this is an opportunity, frankly, to step back and to try to get it right and to agree on some interim operations for the next few years while we are combining the two biological opinions. The history on the Columbia River took 10 years before they finally were able to get some consensus on the right science. It seems to me that this is long overdue.

Dr. LUBCHENCO. Congressman Costa, I agree it has been a very lengthy process. I think it is challenged by all of the different steps in the court process. And we will continue to work diligently on this because I think it is important.

Mr. COSTA. Well, as it relates to an oceans policy, obviously this is much more local, and I understand that. But I am concerned about its application as it relates to the regulatory framework.

Ms. Sutley, before my time expires, switching gears here, seismic technology has evolved dramatically and provides far more useful information today than it did ten years ago. And much of our efforts to inventory oil and gas reserves is based on data that is ten years old. I want to know what the National Oceans Council is doing to gather new information, more accurate information, that the seismic work would be done so that as we look at trying to utilize our oil and gas reserves on public lands, both offshore in this instance, it can be better evaluated. And what resources in terms of monies are you going to provide to update this through the new seismic technologies?

Ms. SUTLEY. Thank you, Mr. Costa. Clearly relying on the best information and using the best available science on understanding the uses of the ocean and the activities in the ocean is very important. I can't at this moment speak to your specific question but would be happy to follow up with you on it.

Mr. COSTA. Well, I think the Committee would be very much interested in ensuring what information or efforts the Administration is making as it relates to this new Outer Continental Shelf policy and its relationship to utilizing under best management practices the oil and gas that is there on public lands that, frankly, are important to our long-term strategic energy needs. And so, Mr. Chairman, I think that it would be appropriate that we get this information and find out what resources are going to be dedicated to utilizing the new seismic technologies to ensure that we have the best information at hand.

The CHAIRMAN. I would concur and in response to your inquiry ask from Chair Sutley that she would share that with the whole Committee and not you.

Ms. SUTLEY. Yes, sir. We will certainly follow up. Thank you.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from New Jersey, Mr. Runyan.

Mr. RUNYAN. Thank you, Mr. Chairman, and thank you both for your testimony. The gentleman from Texas raised a question earlier on how far inland does this go. Specifically myself representing New Jersey and the gentleman sitting next to Mr. Flores, Mr. Southerland, being in the State of Florida, our watersheds go both ways off of our State. And it is something that we have witnessed with NOAA in the past. We talk about it is a bottom-up process, but we have witnessed NOAA through the top-down, through catch shares and the fishery management plans push that system on people and not have the regional boards do that.

I mean, can you truthfully sit there and assure me that that would never, never happen, because it seems like that is what it is because you want to take all the uncertainty in all the different panels and boards we have and draw them all together, and there creates the top-down pressure from that, and you become the director of that. And I just want to ask you, can you assure that that will never happen?

Dr. LUBCHENCO. Congressman Runyan, let me clarify what the situation is with respect to the example that you are describing with catch shares. NOAA does not impose catch shares on any fishery. Each Fishery Management Council, which is composed of commercial and recreational fishermen, decides on the fishery management plan for a particular fishery. They have chosen to use, and in some cases not use, catch shares, but that is their choice. So we believe that there is merit in considering catch shares. We have encouraged councils to consider catch shares. But we don't require any of them to do that.

Mr. RUNYAN. Well, that pressure itself is what I am referring to though.

Dr. LUBCHENCO. We are providing information to them. We are not pressuring them. And if they say this is not appropriate for a fishery, that is their choice.

Mr. RUNYAN. Well, I think that raises the next question, information. From my experience, I don't believe we have enough information and/or the resources to provide the information to deal with catch shares or to deal with the subject at hand today. I mean, can we literally take this information and share what we have to make a rock-solid decision on how we want to move forward?

Dr. LUBCHENCO. Congressman, that is one of the I think very strong benefits of what we envision for the National Ocean Policy and coastal marine spatial planning is the opportunity to identify the priority information needs for different regions and to work across Federal agencies and with stakeholders and nongovernmental partners to pull all that information together to enable better decision-making.

I think you are absolutely right. Information is key to smart planning. And in many cases, that information has not been available. One of the things that we at NOAA are doing is focusing on the information that we are responsible for, whether it is sea floor maps or ocean observations or ecosystem assessments, habitat maps. All of that kind of information needs to be integrated and not just within NOAA but with many of our partner agencies or States. And that integration of information and making it commonly available to everyone I think will be a significant boon. What is proposed in the National Ocean Policy is a national integrated marine information system, and we are working toward exactly that for the precise reason that you highlight.

Mr. RUNYAN. But in this fiscal climate, do we even have an inkling of an ability to accomplish any of that?

Dr. LUBCHENCO. It is especially important in this fiscal climate because we should not be duplicating, we should not be making the best use of all the information we have, and the integration of the information is particularly important with the very tight fiscal resources.

Mr. RUNYAN. Thank you. And, Chairman, I yield back.

The CHAIRMAN. The gentleman yields back. The Chair recognizes the gentleman from Alaska, Mr. Young.

Mr. YOUNG. Thank you, Mr. Chairman. I still want to know what dancing school that NOAA goes to. I have never seen anybody dance around the answers. I mean, it amazes me. I mean, we want to find that out. That is one question I want to find out, Mr. Chairman. It is important because I have sat here and listened to all these different words and have not answered the questions.

The gentleman from Texas, the gentleman from Florida, the gentleman from New Jersey have not answered the questions. And it frustrates me. Like even last week, we had a hearing, and we learned that one of the reasons NOAA knows so little about the Steller sea lions in the Western Aleutian Islands is because one part of your own agency denied the permits for your own scientists and another part of the agency to do the research.

How do you expect us to trust you in this proposal when your agency is going to develop a nationwide ocean plan and you don't even issue permits to yourself? How did that happen by the way? Because the guy I asked didn't know why. Doctor, you are head of this operation. What happened?

Dr. LUBCHENCO. I am not sure what you are asking me, sir.

Mr. YOUNG. Well, NMFS asked for permission to go out and study Steller sea lions, is that correct? And your agency wouldn't issue the permit to go out and know about the Steller sea lions. That happened. We have the documentation on it. And yet you are asking us to have this thing. And, gentlemen, look at this plan. This is a classic example of Washington trying to solve a problem that does not exist. And by the way, Doctor, in the industry, who supports this program? You keep referring to industry supports it.

Dr. LUBCHENCO. We have heard many different industries—

Mr. YOUNG. Who supports it?

Dr. LUBCHENCO. The ones that I have spoken to directly include those interested in wind energy—

Mr. YOUNG. Wind power. That is good for Washington, D.C. Anybody in the fishing industry?

Dr. LUBCHENCO. Yes.

Mr. YOUNG. Where?

Dr. LUBCHENCO. Quite a few fishermen.

Mr. YOUNG. Where?

Dr. LUBCHENCO. Many of the fishery—

Mr. YOUNG. Who were they?

Dr. LUBCHENCO.—management councils.

Mr. YOUNG. Who were they? Anybody in the oil industry?

Dr. LUBCHENCO. Anybody in what?

Mr. YOUNG. The oil industry?

Dr. LUBCHENCO. Most of the oil industry folks that have testified at hearings have indicated concern.

Mr. YOUNG. Anybody in the mining industry?

Dr. LUBCHENCO. I haven't spoken to anyone in mining.

Mr. YOUNG. Anybody in the agricultural industry?

Dr. LUBCHENCO. I haven't spoken to them.

Mr. YOUNG. Who in the industry other than wind power supports this program?

Dr. LUBCHENCO. Fishermen.

Mr. YOUNG. Which fishermen?

Dr. LUBCHENCO. The Fishery Management Councils.

Mr. YOUNG. Where? Who?

Dr. LUBCHENCO. Mid-Atlantic for example.

Mr. YOUNG. Mid-Atlantic, that is a good operation, Mid-Atlantic. Same one as you put catch shares involved into. You state that the result of the National Ocean Policy creates a new fisheries regulatory process that competes with and threatens to supersede the Magnuson-Stevens Act. Is that true?

Dr. LUBCHENCO. I am sorry. Could you repeat that, please?

Mr. YOUNG. In the last hearing we had, the result is that the National Ocean Policy creates a new fisheries regulatory process that competes with and threatens to supersede the Magnuson-Stevens Act. Does that supersede the Magnuson-Stevens Act?

Dr. LUBCHENCO. No.

Mr. YOUNG. It doesn't? And yet we have down here equal based management program. We have climate change program. And we have fishing council sets forth the fishing policy, and yet this Executive Order would supersede the Magnuson Act if it is put in place. You say it does not.

Dr. LUBCHENCO. The Executive Order does not conflict with and it doesn't supersede. All existing regulations remain. All existing authorities remain. The Magnuson-Stevens Act remains.

Mr. YOUNG. But if you have a fishing policy and yet the ocean policy differs, don't you think that is another layer of regulatory law?

Dr. LUBCHENCO. The National Ocean Policy integrates, provides an opportunity for integrating across the existing regulations.

Mr. YOUNG. Who has the authority over fish?

Dr. LUBCHENCO. The Secretary of Commerce.

Mr. YOUNG. The Secretary of Commerce. In this issue in the Executive Order, who would have the authority over fish?

Dr. LUBCHENCO. The Secretary of Commerce.

Mr. YOUNG. Period. There would be no denying or fishing zone management that would conflict with the Magnuson Act. If the Council said it is right to fish here and this board said no or this commission said no, which would have the priority right?

Dr. LUBCHENCO. That commission is not making decisions having to do with fishing.

Mr. YOUNG. If there is a conflict of management zone versus the Magnuson Act, who would have the right? The Council?

Dr. LUBCHENCO. The Fishery Management Councils.

Mr. YOUNG. The Council would take it over there.

Dr. LUBCHENCO. The Fishery Management Councils have the authority to create fishery management plans.

Mr. YOUNG. Would there be a possibility of a lawsuit from an outside group saying you didn't take interest in this or say there was a conflict there?

Dr. LUBCHENCO. I am not going to speculate on possible lawsuits.

Mr. YOUNG. If we were to add something in this legislation saying no lawsuits could occur when there is a difference of opinion about the management area, would you support that?

Dr. LUBCHENCO. I am not going to speculate about lawsuits.

Mr. YOUNG. Would you support the inability to have interest groups stop the fishing council of implementing a program if the ocean policy was different?

Dr. LUBCHENCO. The Fishery Management Councils have the authority to create the plans and the Secretary approves those or not. That will not change.

Mr. YOUNG. It will not change, but you have another plan under this policy act. That means someone on the other side said it wasn't taking into consideration on councils. The Council would be sued, and they would stop the fishing process. So I would suggest if you want this thing to go anywhere, you ought to say when there is a conflict the existing councils will have the priority right. If you don't want it going anywhere, it proves just what I said. This is another overreach by the Federal Government "solving" a problem that doesn't exist. I am more interested in the fisheries. I will be right upfront with you because I watched what you did with my Steller sea lions when your own agency wouldn't issue a permit.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Florida, Mr. Southerland, is recognized for five minutes.



Mr. SOUTHERLAND. Thank you, Mr. Chairman. Mrs. Lubchenco, thank you for being here. Is there anything that precludes all of these agencies in our States from communicating and coordinating now?

Dr. LUBCHENCO. There is nothing that precludes it, but given how many responsibilities each has, that often doesn't happen to the extent that it should.

Mr. SOUTHERLAND. No. But the mere fact that someone in those existing departments has created this also tells me that if they have created this, they can also create a way, you know, a manual for them to communicate. I mean, I am blown away that we have to have the government tell us to communicate when there are no rules or nothing that precludes us from doing that now.

Dr. LUBCHENCO. One of the findings of the U.S. Commission on Ocean Policy was that there needed to be better integration across Federal agencies, which is precisely the reason that President Bush—

Mr. SOUTHERLAND. So we create another agency though.

Dr. LUBCHENCO. So President Bush set up a new inter-agency coordinating mechanism, the National Ocean Council, which began to respond to what the Commission recommended. And this National Ocean Policy continues that integration, increased collaboration, increased cooperation, which is to the benefit of the American people.

Mr. SOUTHERLAND. Let me ask you, you stated a few minutes ago no new authorities, no new regulations. You stated that.

Dr. LUBCHENCO. Correct.

Mr. SOUTHERLAND. OK. On page 30 of the report, and I quote, "The plans would be adapted to allow for modification in 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."

Now you just stated that this policy has no new authorities and no new regulations. And I am reading right here. The general public can go and find this, OK? This is the policy from the White House. You say no new regulations. The President's Administration says new regulations and that enforcement is a critical component of those regulations. So who is wrong? Are you wrong or is the Administration wrong?

Dr. LUBCHENCO. I would like to ask Chair Sutley to address this because—

Mr. SOUTHERLAND. But I asked you. And then we will go to Ms. Sutley.

Dr. LUBCHENCO. I am happy to focus on NOAA-specific issues. This is more U.S. Government-wide, which is not my responsibility.

Mr. SOUTHERLAND. Mrs. Sutley, who is wrong? Is Mrs. Lubchenco wrong or is the Administration wrong?

Ms. SUTLEY. Well, thank you, Congressman. I think I would just comment that as Dr. Lubchenco said, that, you know, the Federal Government, it has been pointed out, needs to organize itself better when it comes to the ocean too.

Mr. SOUTHERLAND. This is simple. OK. Let's just keep this real simple. I just read straight. I read two sentences from the report. Both of you have stated today on the record that this policy creates

no new authorities and no new regulations. Simple. Who is wrong? Are you wrong or is the Administration wrong?

Ms. SUTLEY. Well, sir, I think the answer is that this is an attempt to get the Federal Government to work better with each other. There are bodies of existing law and existing regulation that we are trying to get agencies to integrate better and that recognizing that—

Mr. SOUTHERLAND. But no, no, no, no. No new—you stated—these are your words. You said no new regulations. This says, this says there will be new regulations. This says that enforcement of those regulations are a critical component. This is simple for the American people. Let's prove to them that we can understand when two people say something totally opposite. This isn't hard. Who is wrong?

Ms. SUTLEY. I believe that the quote that you are referring to is looking at if new information arises and there is an issue that is not currently being addressed, then perhaps it would be appropriate to have new regulations.

Mr. SOUTHERLAND. But that can't be because you said that there would be no new regulations.

Ms. SUTLEY. That under existing authorities, if there are issues that are not being addressed under existing authorities, perhaps at some point in the future, but this policy does not—

Mr. SOUTHERLAND. But then is there a question on what the definition of new is?

Ms. SUTLEY. I don't think so.

Mr. SOUTHERLAND. I aggravatingly yield back.

The CHAIRMAN. The time of the gentleman had just expired. The timing on that was great. The Chair recognizes the gentleman from Louisiana, Mr. Landry.

Mr. LANDRY. Thank you, Mr. Chairman. God, I wish I didn't have any questions. I would yield my time to Mr. Southerland so he can finish. I do have a few to Dr. Lubchenco. Are you familiar with the requirements for issuing a seismograph permit in Federal waters?

Dr. LUBCHENCO. I am not sure what you are referring to.

Mr. LANDRY. Are you familiar with the permitting process that is required for the industry, the oil and gas industry, to obtain a seismograph permit, a permit to do seismic activity, in Federal waters? Are you familiar with that?

Dr. LUBCHENCO. So I believe you are referring to permits that are issued by the Department of the Interior.

Mr. LANDRY. Well, by BSEE or BOEMRE, yes. I mean, are you familiar at all with any of that?

Dr. LUBCHENCO. Not in any detail.

Mr. LANDRY. Well, you should be because they are claiming that—I believe that under some of the new policy guidelines that you all would like to take that NOAA would be more involved in those seismograph or seismic permits. Are you familiar with any of the drilling permits or PNA permits that BSEE and BOEMRE issue in Federal waters?

Dr. LUBCHENCO. So those are the responsibility of the Department of the Interior. We are often invited to provide information

and to work with the Department to make sure that consequences to fisheries or to habitat are adequately considered.

Mr. LANDRY. Well, I am glad you brought that up. And it is not the direction that I want to go, but I do want to let you know that Congressman Fleming and I sent a letter over to you yesterday involving marine life observers during well abandonment process. Are you familiar with that, or did you get to see that letter?

Dr. LUBCHENCO. I did, sir.

Mr. LANDRY. OK. Do you understand the context of that letter, and are you prepared to make sure that we don't have that issue again?

Dr. LUBCHENCO. Yes, sir. I think that that was a very unfortunate incident.

Mr. LANDRY. Great.

Dr. LUBCHENCO. It was one that we got only a couple of days notice that the contract had been canceled. We immediately worked to put in place emergency contracts that would minimize the adverse consequence, and we are working on a longer-term solution.

Mr. LANDRY. Great. And I want to tell you, you know, I do want to thank you for working with industry in finding a solution to that problem, and I appreciate that, and you should be commended for that.

Dr. LUBCHENCO. Thank you, Congressman.

Mr. LANDRY. The concern I have is that every time I go home it is like we have a new permit problem, OK? And now my seismograph companies, seismic companies, are calling me and saying we have a seismic permitting problem. Now why we would suspend or the moratorium would affect seismic permitting is beyond me because it is nondestructive. It is impossible for a seismic company to create an oil spill, but yet that permitting process is now perverted. And part of it they are telling me is because of some issues that NOAA or that we are trying to protect marine life.

Well, if we don't get proper seismic data, it is harder for us to protect marine life when they do the drilling plans. And so I am extremely concerned with this activity because what has happened is these seismic companies do work all over the globe. And of course we have chased a lot of people out of the Gulf of Mexico, a lot of good jobs. We all agree with that. We know that those facts are certainly well documented. But now, in order for us to get the data that the oil and gas companies need to fulfill the new requirements in the environmental analysis that are being required of them, the seismic permitting process is now dragging its feet.

And so I was just wondering whether or not you could elaborate as to why that process would be being delayed.

Dr. LUBCHENCO. Congressman, I haven't focused my attention on this issue in depth. I do know that it is important for any kind of activity to understand the full consequences of any activity. And use of seismic instruments can have the potential of having serious impacts to marine mammals. And it is under that authority with the Marine Mammal Protection Act that we have responsibilities to issue permits and to help ensure that impacts would be minimal.

Mr. LANDRY. Of course I am out of time. I can always use a lot more.

The CHAIRMAN. Well, the time of the gentleman has expired. I want to thank the panel for being here. But for the record, I just want to point out because reference was made to President Bush and his establishing of the National Ocean Council, what President Bush established was this. Everything else on this graph here was established by the Executive Order. Certainly I would not say it is comparing apples with apples, and I just wanted to make that point.

I also want to make the point that we have heard consistently and you have heard it represented by Members of this Committee, a number of fish groups, business groups, fishing groups, inland user groups are concerned about this policy, and they are concerned that the Administration hasn't been responsive. So I say that for your iteration.

But in that regard, this will obviously not be the last time that you will hear from this Committee on this issue. We will continue to use our oversight prerogative, and I expect, and hopefully you will do so, respond to us in a timely manner whenever we ask questions of you. Obviously the one that has come up several times is the statutory authority. I ask within seven days we would hope to get that done in that length of time.

And further, and I alluded to this in my opening statement, about the cost of this, because this is not a statutory requirement at least from our perspective, so where is the money coming from that is supporting all of this. And we will be asking you on that, and we hope we will have a very timely response to that.

So, with that, I thank both of you very, very much for being here, and I will dismiss the first panel and at the same time call up the second panel. Thank you very much.

On our second panel, we have Mr. Jim Donofrio, the Executive Director of the Recreational Fishing Alliance; Mr. Randall Luthi, who is the President of the National Ocean Industries Association; and Mr. Mike Conathan, Director of Ocean Policy for the Center for American Progress. We invite all of you to take your places.

[Pause.]

The CHAIRMAN. I want to welcome the second panel here. I will go over again, you sat through the first panel, as to how the rules work and how the lights work. But your full statement will appear in the record, and I would ask you to summarize. When the green light is on, as you know, you are doing very well. The yellow light means you have one minute, and the red light means finish your thoughts if you would.

So, Mr. Donofrio, the Executive Director of Recreational Fishing Alliance, you are recognized for five minutes.

**STATEMENT OF JIM DONOFRIO, EXECUTIVE DIRECTOR,  
RECREATIONAL FISHING ALLIANCE**

Mr. DONOFRIO. Thank you, Mr. Chairman, and good morning to the Committee staff here and fellow Members. Mr. Runyan, thank you for today.

My name is Jim Donofrio. I am Executive Director of the Recreational Fishing Alliance, a job that I have held for the past 16 years. Prior to that, I ran a charter party boat and sport fishing yachts from Cape Cod to the Caribbean and have a very good sense

of the diversity of our industry, its needs and the effects of government intrusion.

I appreciate the opportunity to appear before you today to discuss Executive Order 13547, the President's National Ocean Policy. The RFA has substantial objections to the use of executive orders generally. This one particular order in my opinion represents a complete government takeover of our fisheries not only in saltwater but every stream and estuary that flows into the Atlantic, Pacific and Gulf of Mexico. It is also consistent with this Administration's complete disregard of personal liberties and States' rights.

To outline our concerns, Mr. Chairman, we are very troubled about the costs of what this particular executive order will be, especially how the money will be used. As you know, NOAA and the Administration have not been funding stock assessments for all the fisheries that they manage, as admitted past Friday at a conference in Miami with the Society of Environmental Journalists.

I would hope that these journalists would report back on Dr. Lubchenco's comments regarding the lack of scientific data collection since this very statement by the NOAA chief fuels our concerns about how money is being allocated in the Administration for the "apparent betterment" of scientific process.

As an example, RFA is troubled that both the 2011 and 2012 NOAA budgets advance the President's National Ocean Policy with funding for coastal zone management and planning for Federal assistance for regional ocean partnerships, integrated ecosystem assessments, catch share-based fisheries management and for research on ocean acidification while at the same time the dedicated funding for research and real-time data collection has actually been reduced, data that would help keep us fishing.

The fishermen and coastal businesses have asked for additional science. The Executive Order, however, gives us additional bureaucracy. Time is money, and adding more layers of government that our fishing industry must deal with on a daily basis will cost our small businesses dearly. With the vague wording, undefined goals and inability of government to benchmark success and the ever-expanding jurisdiction, it leaves our industry members in a state of uncertainty.

Mr. Chair, the mom and pop tackle industry, their anglers, the party charter boat operators are the backbone of our industry, and they represent thousands of local jobs and communities along every coast. These stakeholders, many generations strong, cannot live in a world of uncertainty, and that is why we see this Executive Order as a job killer, not a job creator.

Furthermore, it is not a solution to the critical problems and fisheries issues we are facing today, as identified by our organization and our allies. Our grassroots local members have been actively working with you and your colleagues to put some common sense back into the Magnuson-Stevens Act, which is complicated enough without adding a new layer of bureaucracy in the form of ocean spatial planning through newly appointed councils and councilors.

Our concern is that future national ocean council members will all be Executive Branch political appointees, not elected by or representative of our local fishing communities and their related industries. We already have boats tied to the dock which cannot fish

on rebuilt stocks because of government regulations that are being interpreted in different ways. Imagine adding a new National Ocean Policy on top of these, and we see our members not fishing anymore. To be quite frank, we view this policy as being instigated by organizations that want us off the water.

Finally, Mr. Chair, we realize that some of the issues in the Executive Order may have some merit, but they best be done through legislation. And I would be happy to answer any questions you may have regarding the Executive Order or any issues related to our recreational fishing community. Thank you again, Mr. Chairman, for the opportunity.

[The prepared statement of Mr. Donofrio follows:]

**Statement of James A. Donofrio, Executive Director,  
Recreational Fishing Alliance**

Mr. Chairman and Members of the Committee, I am Jim Donofrio, the Executive Director of the Recreational Fishing Alliance (RFA). The RFA is a national 501(c)(4) non-profit grassroots political action organization whose mission is to safeguard the rights of salt water anglers, protect marine, boat, and tackle industry jobs, and insure the long-term sustainability of our nation's marine fisheries. Recreational fishing produces significant economic activity in the United States. The U.S. Department of Commerce estimates the economic output recreational saltwater fishing includes \$59 billion in direct sales impacts, \$27 billion in value added impacts and supports over 260,000 full-time jobs. The recreational fishing industry is "Main Street America" in every sense; it is largely composed of small, family-run, mom and pop businesses. It is without saying that these businesses serve a critical role in the health of the nation's coastal economies.

Consistent with our mission statement, appropriate measures of fisheries management and conservation are among the RFA's primary concerns. Balancing all three tenants of the RFA mission is the goal of our organization and on a national scale, achieving that goal would mark the successful management of our domestic fisheries as we envision it. The current management approach falls short of this goal. All too often, conservation supersedes the needs of the fishing community. The result of which are regulations that deny access for recreational anglers to rebuilding fisheries and force fishing related businesses to permanently close their doors as fishing activity plummets. Anglers are the life blood of the recreational fishing industry and purchase equipment, bait, ice, fares, boats, fuel and other fishing goods and expenditures that drive this industry.

I appreciate the opportunity to appear before you today to discuss the challenges facing our industry and the National Ocean Policy (NOP) promulgated through Executive Order 13547—The Stewardship of the Ocean, Our Coasts, and the Great Lakes published in the Federal Register on July 22, 2010. Our industry is currently dealing with one of its most challenging periods. While economic factors are certainly contributing to the hardships in our industry, it has been determined that the current regulatory regime for marine fisheries is having the greatest impact on the vitality of recreational fishing. I do not view the mandates of Executive Order 13547 as a solution to these challenges. In fact, I believe the NOP puts recreational fishing and recreational fishing businesses in an even more precarious position. While it is difficult to quantify the impacts of the NOP, it is without saying that the NOP does not address the problems identified by our industry as those being most pressing.

Executive Order 13547 enacted as policy of the United States, the final recommendations of the Interagency Ocean Policy Task Force (Task Force) which was established by President Obama in June of 2009. The Task Force included 24 senior-level officials from the executive branch of government and was led by the Chair of the Council on Environmental Quality (CEQ). Noting that the membership of the Task Force is composed entirely of political appointees from the executive branch, there was strong apprehension from the traditional industries that are dependent upon the marine resources that the recommendations would be driven by political agendas and not science. The five Task Force recommendations include the creation of a National Ocean Policy Council (NOC), defines roles and leadership for NOC, engage states, tribal, and local authorities through new committee, creation of a NOC steering committee and an increase in coordination between the NOC and other executive level councils. In reviewing the Task Force recommendations, two

critical points are apparent, 1) the Task Force recommendations create additional levels of bureaucracy for the management of the oceans, coastal areas and Great Lakes and 2) the verbiage of the recommendations is so vague and nebulous that it is difficult to determine exactly how recreational fishermen and fishing related businesses will be impacted. On an industry wide scale, creating additional levels of bureaucracy reduces the overall productivity of our industry as business owners would be forced to divert limited resources away from the operation of their small businesses to engage this bureaucracy. Furthermore, the uncertainty resultant of the ambiguous wording of the recommendations creates an unstable business environment in our industry. Collectively, it can only be assumed at this point that the NOP would most certainly have a negative impact on the recreational fishing industry.

Specific to the topic of today's hearing, RFA believes the NOP and the Coastal and Marine Spatial Planning will have the following effects on our industry. As mentioned above, the recreational fishing industry is comprised mostly of small, owner-operator businesses. As owner-operators, they are responsible for a myriad of responsibilities necessary to keep the business profitable. Under these circumstances, time becomes a critical element as they try to balance business, family and other matters. It is also important for these business owners to be engaged in the fishery management process because it brings the socioeconomic concerns of the industry to the managers. In addition, engaging the fisheries management process allows business owners to provide input on management measures that ultimately will affect future opportunity and participation. These management decisions are critical in forecasting investment in floor planning and inventory. With a limited amount of man hours, it is a valid conclusion that another level of bureaucracy as created through the NOP will cost businesses owners in the recreational fishing industry time and money. Furthermore, this newly created system of oversight will reduce the lead time available to businesses to purchase inventory prior to the beginning of fishing seasons.

Both the NOP and Final Recommendations of the Interagency Ocean Policy Task Force are written with very vague terminology. As such, it is impossible to quantify what the exact objectives and goals will be once implemented. From a practical standpoint, it is impossible to determine where the jurisdiction of the NOP ends. This represents a profound level of uncertainty. For any business to be successful, risk must be properly accounted for. Elevated uncertainty reduces a business owner's ability to respond to risk thereby putting their business in an unstable situation. It is foreseeable that the uncertainty created through the NOP and Task Force put businesses in greater jeopardy of failing at a time when small businesses and jobs are such an important factor in reviving the Nation's economy.

RFA offers the following comments on some of the key points of the Final Recommendations of the Task Force.

**Ecosystem based management:** RFA supports the adoption of ecosystem-based management as a foundation principle for the management of the ocean, coasts, and Great Lakes. While the concept has merit and many within the recreational fishing community have advocated for this type of management approach, ecosystem based management of the marine fisheries can only be effective if there is a long-term commitment in terms of funding and resources from the federal government. Federal agencies and management bodies need the capabilities to implement an ecosystem based approach in a responsible manner. Effective ecosystem based management requires a significant amount of data on the marine environment. We currently do not have a complete understanding of ecological processes that influence fish populations. Furthermore, we have an even more difficult time incorporating climate and weather change in the context of the marine environment. Under single species management, there are many sources of uncertainty affecting stock assessments: 1) imperfections in catch statistics, 2) imprecise estimates of biological parameters, 3) variability in fishery independent resource surveys, and 4) natural variability in biological processes, particularly in recruitment and natural mortality. The collective impact of this uncertainty results in arbitrary reductions of fishing quotas available to fishermen. If this uncertainty is further increased through a federal effort to accommodate an ecosystem based management approach, the associated uncertainty would be exceedingly large. This is a very risky.

Ecosystem based management is a very data hungry approach and as mentioned above, the terrestrial and atmospheric stressors also impact the marine resources. The scope of data necessary to properly manage in an ecosystem based management approach would be profound. In light of recent action by the National Oceanographic and Atmospheric Administration (NOAA) where millions of dollars were diverted away from research and put towards unproven management projects in response to a political agenda, fishermen can simply not trust federal agencies to implement

ecosystem based in a responsible manner that benefits fishermen despite some of the theoretical advantages such an approach may hold. Prior to fully adopting a ecosystem based management approach, federal agencies must first invest in the data necessary to achieve this goal.

**Coastal and Marine Spatial Planning:** The RFA believes that some activities, based on their impact on the marine and coastal habitat, should be limited in certain areas. These restrictions should be based on clear, definable objectives. In its application to recreational fishing, hook and line fishing has been defined as a low impact gear type. In general, RFA does not support the use of permanent recreational closed areas for fisheries management. This concept is not new in fisheries management which often sets fishing regulations that vary on a geographic scale. There are numerous reasons for doing this which include protection of habitat or minimizing impacts on spawning events. This approach is widely supported in the commercial and recreational fisheries.

Coastal and Marine Spatial Planning aims to reduce conflicts among overlapping uses and different views about what activities should occur and where. RFA is not convinced that current conflicts are at a magnitude requiring a new, overarching coastal and marine spatial plan. The conflicts that do exist can be resolved through existing legal framework. The proposed conflict resolution process outlined in the Coastal and Marine Spatial Planning is not based on a scientific evaluation framework. RFA does not believe recreational anglers should be excluded from areas of the oceans without clear scientific evidence that such drastic action is necessary. Fishing is the one of the oldest activities conducted on the oceans. Excluding fishermen from areas of the ocean in an effort to reduce conflict with other interests, off-shore oil drilling or the environmental industry for example, is not acceptable.

Fishermen are often vocal about proposed activities such as the development of oil/gas extraction and wind farms on or around fishing grounds because those activities stand to impact recreational access and can potentially harm marine resources. As climate and ocean conditions have changed over the years, fishing areas have also changed. Therefore it is dangerous to divide up sections of the ocean based on current fishing patterns when the ocean is in a constant state of flux and it is unknown which areas of the ocean will be important to fishermen in 50 years. Furthermore, there are large, well funded and politically active environmental organizations that are philosophically opposed to fishing and endeavor to remove as many fishermen as possible from the water. As proposed, Coastal and Marine Spatial Planning would potentially aim to resolve this conflict by restricting fishermen from certain areas of the oceans to appease the whimsical desires of these groups. RFA does not believe this is a science-based or productive way of resolving conflict.

**Inform Decisions and Improve Understanding:** Members of the recreational fishing community have long demanded significant improvements to stock assessments and data collection programs. It is widely accepted that improvements to both of these areas of concern would result in better information to make management decisions on and greater confidence in monitoring recreational fishing performance. Such improvements would reduce uncertainty and therefore likely lead to more favorable quotas in the recreational sector. The RFA has in numerous fisheries, identified key areas where such improvements could be made with minimal costs. NOAA has ignored the input from the RFA and other recreational fishing interests and failed to increase funding levels. Instead, NOAA has increased funding for implementation of the NOP in the last two fiscal years and bundled in a very unpopular measure, catch shares. Furthermore, the overall cost of the NOP, the Task Force, and subsequent action items resultant of Executive Order 13547 must exceed tens of millions of dollars. RFA questions if this is a wise use of limited federal resources and suggests that this money could have been used to foster more meaningful improvements.

**Regional Coordinating and Support:** Successful rebuilding and maintaining of marine fish stocks cannot be uncoupled from environmental factors such as habitat and water quality. This is consistent with concerns raised by fishermen that activities on land have a profound impact on marine fisheries. Current federal fisheries laws contain mandates that afford protects to essential fish habitats and habitat areas of particular concern. Yet, these provisions which are intended to transcend federal and state jurisdictions are minimally enforced outside of the regional fishery management council. Granting so much authority to a regional council as created under the NOP is unacceptable and not a solution to address this problem. Nor is it appropriate to grant such a council unrestricted authority to oversee nearly every activity that occurs in or on the oceans or has the potential to impact the coast or oceans. A more productive approach would be to enforce existing provisions of EFH and enact legislation focusing on specific activities.



In closing, RFA is very concerned about the implementation of Executive Order 13547 and the resultant negative impacts on the marine recreational fishing industry and coastal economies. The scale and far reaching authority granted to the NOP by the executive order will cause significant instability in our industry which is currently struggling under an already burdensome regulatory framework.

As our nation continues to struggle with the aftermath of the 2008 recession and efforts are underway to create jobs, it seems counterproductive to advance and fund the NOP when it will stifle job growth in the fishing sectors.

Thank you Mr. Chairman for the opportunity to testify before the Committee today.

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The CHAIRMAN. Thank you very much, Mr. Donofrio. And next I will recognize Mr. Luthi, who is National Ocean Industries Association President. And you are recognized for five minutes, Mr. Luthi.

**STATEMENT OF RANDALL LUTHI, PRESIDENT,  
NATIONAL OCEAN INDUSTRIES ASSOCIATION**

Mr. LUTHI. Well, good morning, and thank you, Mr. Chairman, Ranking Member Markey and Members of the Committee, for this opportunity to come here and talk to you about Executive Order 13547. As stated, my name is Randall Luthi, and I serve as President of the National Ocean Industries Association. NOIA represents more than 270 companies engaged in all segments of the offshore energy area. Our members are involved in the exploration and development of offshore oil and natural gas as well as renewable energy. All share a mutual interest in safely producing energy and jobs on our nation's Outer Continental Shelf.

NOIA's members live, work and recreate in our nation's oceans and our coastal communities, and we clearly understand the value of marine ecosystems to the quality of our life. We support the concept of a national ocean policy, but we believe that the present policy embodied in the Executive Order has been lacking in meaningful stakeholder involvement both in its development and implementation.

In addition, we believe a national ocean policy is incomplete without greater recognition of how increased access to our OCS might realize the national policy to improve our economy, create new jobs, enhance energy security and reliability, and increase Federal revenues.

Our central concern about the National Ocean Policy stems from its use of the coastal and marine spatial planning. It is unclear to us what the deliverable is or how a new layer of Federal bureaucratic planning will yield any new economic activity, regulatory certainty or create jobs beyond those Federal jobs that might be created to do the planning itself.

A study conducted by Quest Resources earlier this year concluded that if permitting were restored to historic levels in the Gulf of Mexico, the offshore oil and gas industry could create 190,000 new jobs across the United States by 2013. Today industry and Federal regulators are busy implementing new safety measures and struggling with personnel and organizational changes. We believe that it is in the best interests of the Nation for policymakers to dedicate the limited Federal resources available toward efforts that would actually create new jobs and economic activity.

We are also concerned that the Department of the Interior will be unable to complete the new OCS five-year plan for the 2012-

2017 period before the current plan expires next June. There is potentially serious conflict between the National Ocean Policy and the statutory directive outlined by OCSLA, the Outer Continental Shelf Lands Act that states, and I quote, "That it is the policy of the United States that the Outer Continental Shelf should be made available for expeditious and orderly development subject to environmental safeguards." At a time when the Nation needs more access to the OCS, we are concerned that this policy will accomplish just the opposite.

Finally, coastal and marine spatial planning may result in significant areas of the OCS being declared off limits without even knowing what the oil and gas natural resources potential is. Section 2 of the Executive Order directs the government to "use the best available science and knowledge to inform decisions affecting the ocean." Unfortunately the data we have is nearly 30 years old for areas outside the central and western Gulf and some parts of Alaska.

At a minimum, new geological and geophysical data should be obtained before implementing any planning decisions that could place these areas off limits. Additionally, for the first time in recent history, nearly all of the OCS is available for oil and gas exploration due to the lifting of both the congressional and the executive moratoriums.

Of course any such exploration must be first approved through the OCSLA five-year process or through congressional action. The end result of this Executive Order may very well be de facto exploration moratoria established by regional committees and not through direct Presidential or congressional action.

In conclusion, we believe that there is ample policy and statutory tools that ensure that our oceans' resources are conserved and protected and without the potential conflicts, and we believe the potential conflicts are reasonably managed without imposing a new Federal layer of bureaucracy. We believe that the suspension of the implementation of this policy until industry, relevant agencies and Congress openly and fully study and discuss the initiative and potential impacts is a prudent course of action.

In the event that the Administration insists on moving forward, we are more supportive of the idea of a pilot project in just one of the regions. We believe that this would ensure greater likelihood of more stakeholder involvement and fewer unintended consequences.

Over the years, Congress has worked hard to preserve our nation through passage of acts such as OCSLA and CZMA. We believe that that is where Congress should be exercising its power and its focus to make sure that those statutes currently reflect what needs to be changed if anything does. We think this is too necessary, too soon, too much uncertainty and should have more congressional review and approval. Thank you.

[The prepared statement of Mr. Luthi follows:]

**Statement of Randall Luthi, President,  
National Ocean Industries Association**

Good morning. Thank you Chairman Hastings, Ranking Member Markey, and Members of the Committee for the opportunity to be here today to testify on the implications of the National Ocean Policy issued under Executive Order (EO) 13547.

My name is Randall Luthi and I serve as President of the National Ocean Industries Association. NOIA represents more than 270 member companies engaged in all segments of the offshore energy industry—from operators and producers, to service companies, G&G companies, vessel builders, divers, helicopter companies, and financiers. Our members share an interest in producing energy and jobs on the outer continental shelf (OCS). They are involved in the exploration and development of oil and natural gas, as well as renewable energy sources offshore.

### **Introduction**

NOIA's members live, work and recreate in the oceans and coastal areas and clearly understand their tremendous value, as well as that of marine ecosystems to our quality of life. They are important to our nation's health and well-being while also serving as a tremendous economic and energy security benefit to our country. With the right policies in place, the offshore energy industry can be a major contributor to new job growth and new federal revenues that will help alleviate the substantial debt the nation faces. NOIA supports the concept of a national ocean policy, but believes that the present policy embodied in EO 13547 has been lacking in meaningful stakeholder involvement both in its development and implementation. In addition, NOIA believes a national ocean policy is incomplete without greater recognition for how increased access to the OCS might help realize national policy objectives of job creation, greater energy security and reliability, and greater federal revenues derived from increased oil and gas activities.

### **Coastal and Marine Spatial Planning and Regulatory Uncertainty**

Our central concern about the National Ocean Policy stems from the objective that would implement the use of Coastal and Marine Spatial Planning. It is unclear to us what the policy deliverable might be or how a new layer of federal bureaucratic planning will yield any new economic activity, regulatory certainty or jobs beyond those federal jobs that might be created to do the planning itself. This directive comes at a time of great uncertainty for those who make their livelihood in the offshore energy industry. The industry is now just over one year removed from the moratorium imposed in the wake of the Gulf spill. Since that time there have been significant regulatory changes intended to elevate the requirements for safely developing oil and gas in the outer continental shelf. More changes are presently in the rule making process and the Department of the Interior has indicated that additional rules are forthcoming. The oil and gas industry, as well as the newly formed Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement, are still adjusting to organizational, regulatory and personnel changes that were implemented in the wake of the spill. Indeed, these are certainly both material factors in the slower pace of approvals for exploration plans and permits.

A study conducted by Quest Resources earlier this year concluded that if permitting were to be restored to historic levels that 190,000 new jobs for American workers would be created by 2013. Quest also recently highlighted in testimony to this committee the numerous drilling rigs that have left U.S. waters for international locations that offer more certainty. While we recognize that there are a number of challenges for the agency and the industry in regaining that historic pace of activity, NOIA believes that it is in the best interests of the economy for policymakers and limited federal resources to be dedicated to efforts that would yield new jobs and economic activity through a more stable and certain regulatory environment and greater access to the outer continental shelf.

### **Coastal and Marine Spatial Planning and New Limits to Accessing the Outer Continental Shelf**

We would also highlight our concern that it already appears the Department of the Interior is unable to offer assurances that it will complete the new OCS 5 Year Plan for 2012–2017 before the present plan expires at the end of June 2012. This plan is a critical tool for industry to be able to know when lease sales will be held and what areas will be made available for the “expeditious development” required by Congress under the Outer Continental Shelf Lands Act. Since it appears likely that the agency will have a very difficult time putting a plan in place on time to meet its obligations under the OCSLA, now is the wrong time to experiment with a new and unjustified layer of bureaucracy that even the administration itself concedes is likely to lead to new uncertainties.

In fact, there is a potentially serious conflict between the National Ocean Policy and the statutory directive outlined in the Outer Continental Shelf Lands Act (OCSLA). The OCSLA states:

“It is hereby declared to be the policy of the United States that...the Outer Continental Shelf is a vital national resource held by the Federal Government for the public, which should be made available for expeditious and orderly development,

subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs....”

It is unclear to NOIA how the EO helps achieve any of this statutory direction. The question we would raise for this committee to consider would be—in a world of record imports and high unemployment, why would we create another barrier for American jobs and energy?

OCSLA and other laws such as the Coastal Zone Management Act currently require coordination and cooperation among Federal and State officials in the development of a 5 year plan, and while the Administration suggests that EO 13547 is not intended to usurp existing statutory authority, there is little guidance on how implementation of the EO will affect the development or implementation of upcoming or future 5 year plans.

NOIA has long been an advocate for expanding access to the OCS. At present, less than 3% of the outer continental shelf is under lease for oil and gas exploration and development. On December 1, 2010, the Department of the Interior announced a revised OCS Oil and Gas Leasing Strategy. This revised leasing program actually reduced the pool of geographic areas available for leasing through 2017, citing in part the National Ocean Policy as justification. Consequently, at a time when the nation needs more access to the OCS, we are concerned that this policy presents an even more challenging and uncertain outlook for new access.

As justification for its coastal and marine spatial planning policy, the Administration has cited *onshore federal land use planning* as a model in an effort to reassure those who may be concerned. Section 364 of the Energy Policy Act of 2005 directed a study to be conducted of federal onshore oil and natural gas and “the extent and nature of any restrictions or impediments to the development of the resources.” This study, often referred to as EPCA III, concluded that more than 62% of the oil and 41% of the gas were entirely inaccessible. An additional 30% of the oil and 49% of the gas were accessible only with restrictions. Only 8% of the oil and 10% of the gas were accessible under standard lease terms. While some of these restrictions were indeed imposed through Congressional withdrawals or executive orders, an examination of the study’s findings demonstrates that the vast majority of the limitations upon access to these resources were implemented through the land use planning process. Once these areas are placed off limits, these decisions are rarely altered or revisited, leaving the resources inaccessible, or with limitations that may render the resource uneconomic. If this is the model, from a federal energy access perspective, this is highly disconcerting.

#### **New OCS Data is Needed Before Coastal and Marine Spatial Planning Moves Forward**

Finally, we anticipate that coastal and marine spatial planning may result in decisions being made about setting significant areas of the OCS off limits to future access without the benefit of knowing what oil and natural gas resources lie underneath those areas. Language included in Section 2 of the EO indicates that the best available science and knowledge is to be used to inform decisions affecting the oceans. Due to federal limitations on the activities necessary to collect new data, the only available seismic based data, other than in areas of the Western and Central Gulf of Mexico and some areas of Alaska, is approximately 30 years old. New technological methods are now available that might give us a much better view of the potential for oil and gas development, yet the EO directs implementation of coastal and marine spatial planning without the benefit of this knowledge. While, of course, the only fully precise measure of oil and gas potential is actual exploration, it should be noted that in the mid-eighties, many felt that that Gulf of Mexico had reached its oil and gas potential. However, due to new technology and the entrepreneurial spirit of many NOIA members, actual production and verified resources are now at least more than five times as much as those decades’ old resource estimates. While no one can predict similar results in the rest of the OCS, the premature zoning out of oil and gas development will place that potential off the table. It would be very shortsighted to make planning decisions without the benefit of new data. At a minimum, new geological and geophysical data should be obtained before conducting any planning decisions that may place these areas off limits to future access.

In addition, due to the lifting of both Congressional and Executive oil and gas exploration moratoriums, nearly all of the OCS may be made available for oil and gas exploration if first approved either through the OCSLA five year planning process or through further Congressional action. It is hard to envision a zoning process implemented through EO 13547 that would maintain that current status. The end result may very well be de-facto exploration moratoria established by regional committees and not through direct Presidential or Congressional action.

### **Conclusion**

NOIA believes there are ample policy and statutory tools to ensure that ocean resources are conserved and protected and that potential conflicts are managed without imposing a cumbersome new layer of federal bureaucracy upon an already time intensive and uncertain regulatory process. We believe it is difficult to move ahead with a process such as this while also expecting that companies are going to be in the position to restore lost jobs and add new ones.

Over the years, this committee, and Congress as a whole have worked to promote healthy oceans and safe energy development through the passage of several statutes, including OCSLA and CZMA. I encourage members of Congress to carefully review the language, intent and implementation of EO 13547. We believe that this goes too far, too soon, and adds too much uncertainty. Further review and revision are desperately needed before implementation proceeds any further.

We believe that a suspension in implementation of this policy until such time as the public, the industry, relevant agencies, and the Congress have had the time to openly and fully study and discuss the initiative and its potential impacts would be the prudent course of action. In the event that the administration insists on moving forward with implementation of this particular policy—either now or after a recommended suspension, we support the idea that a pilot project in just one of the regions would be preferable and ensure a greater likelihood of meaningful stakeholder involvement and fewer unintended consequences.

Thank you for the opportunity to be here today and I would be happy to answer any questions you may have for me.

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The CHAIRMAN. Thank you very much, Mr. Luthi. And now I will recognize Mr. Michael Conathan, the Director of Ocean Policy for the Center for American Progress, and you are recognized for five minutes.

### **STATEMENT OF MICHAEL CONATHAN, DIRECTOR OF OCEAN POLICY, CENTER FOR AMERICAN PROGRESS**

Mr. CONATHAN. Thank you. Good morning, Chairman Hastings—good afternoon I suppose—Ranking Member Markey and Members of the Committee. I want to thank you for the opportunity to testify before you today and to address the implications of the Executive Order establishing a national ocean policy.

My name is Michael Conathan, and I serve as the Director of Ocean Policy at the Center for American Progress Action Fund. CAP's ocean program focuses on supporting science-based policies and finding solutions that balance the socioeconomic and environmental needs of Americans and our ocean and coastal space.

America's Exclusive Economic Zone extending out to 200 miles from our shores is the largest in the world and covers an area greater than our nation's entire land mass. This presents us with both a tremendous economic opportunity and a daunting regulatory challenge. The National Ocean Policy, which has its roots in the 2004 report of the bipartisan U.S. Commission on Ocean Policy, addresses this challenge through the establishment of the nine priority areas to guide our use and conservation of this vast resource.

Just as the ocean is a dynamic place, the principles by which we manage it and the industries that rely on it must also adapt to changing times. As coastal populations increase and new uses of ocean space emerge, conflicts inevitably arise. We as a nation must develop a means of balancing and prioritizing these uses to provide the greatest benefit to our society, our economy and our environment.

Emerging industries are a reality of the modern world, and by participating in a comprehensive ocean planning process, industries

like fishing, energy and shipping can ensure their voices are heard and their needs are met. If you don't play, you can't win.

The offshore wind industry provides the most obvious case study for the potential effectiveness of comprehensive ocean planning, also known as coastal and marine spatial planning. Offshore wind is a rapidly growing piece of the energy picture in other parts of the world. European countries already have installed nearly 3,000 megawatts of offshore wind farms, and Europe and China combined have permitted more than 40,000 megawatts.

Meanwhile, the United States has permitted just 488 megawatts and begun construction on exactly zero. This has cost the United States the opportunity to establish itself as a world leader in this industry, reduce our dependence on foreign oil, cut emissions that contribute to global climate change and jumpstart a new employment engine for our coastal communities.

Cape Wind Associates, the company that over a decade ago began efforts to build America's first wind farm, offshore wind farm, estimates that construction of its 420-megawatt project will generate between 600 and 1,000 jobs during the construction phase alone. These numbers are not a pipe dream. Earlier this year a BBC report detailed how a single 150-megawatt wind farm in the United Kingdom, barely one-third the size of Cape Wind's proposal, resulted in the creation of more than 800 job-years.

Fishermen meanwhile are understandably concerned about the potential effect of offshore wind turbines on fishing grounds. Turbine arrays may result in de facto no fishing areas for certain kinds of mobile commercial fishing gear such as trawls or scallop dredges. In Massachusetts, after proposing a wind energy leasing area south of Nantucket, the Department of the Interior reduced the size of this proposal by nearly 50 percent after hearing the concerns of New England's profitable scallop industry.

Interior's plan for offshore wind permitting, known as Smart from the Start, provides an excellent spring board for the principles of ocean planning. But to be truly smart from the start will require greater coordination with potentially conflicting industries before the lines are drawn on a map.

Comprehensive ocean planning has also been implemented successfully at the State level, including in the home states of both the Chairman and Ranking Member of this Committee. But there is no one-size-fits-all approach. These programs take different tacks to meet the needs of different regions. The NOP's call for regional plans will allow sufficient flexibility for different areas of the country to establish and promote their own priorities.

To be clear, the comprehensiveness of this structure refers to the industries involved and the activities involved, not to the geographic scope. This is not zoning of every inch of our more than 4 million square miles of Exclusive Economic Zone. It is an assurance that 21st century priorities will lead to balancing the economic and environmental value of our ocean resources now and into the future.

We can either continue blindly on with single-use decisions that leave America's developing ocean industries farther behind their international counterparts, that harm our environmental resources

and fail to acknowledge the cumulative effects, or we can think bigger and think better.

President Obama's National Ocean Policy recognizes that now is the time for common sense and partnership, not nonsense and partisanship as we determine how to manage our invaluable oceans, coasts, and Great Lakes. Once again, Mr. Chairman, I want to thank you for the opportunity to appear before the Committee today, and I look forward to answering any questions you may have.

[The prepared statement of Mr. Conathan follows:]

**Statement of Michael Conathan, Director of Ocean Policy,  
Center for American Progress**

Good morning Chairman Hastings, Ranking Member Markey, and members of the Committee. I want to thank you for the opportunity to testify before you today to address the implications of the Executive Order establishing a National Ocean Policy. My name is Michael Conathan, and I serve as the Director of Ocean Policy at the Center for American Progress. CAP's ocean program focuses on supporting science-based policies and finding solutions that balance the socioeconomic and environmental needs of Americans and our ocean and coastal space.

In 2004, the bipartisan U.S. Commission on Ocean Policy released its final report, "An Ocean Blueprint." This report, commissioned by a Republican-led Congress and written by a panel of experts appointed by President George W. Bush, included a lynchpin recommendation that the president "begin immediately to implement a national ocean policy by establishing the [National Ocean Council]... through an executive order." The report went on to suggest that the NOC work with all tiers of government, the private sector, nongovernmental organizations, and academia to create regional ocean councils to implement the national ocean policy at a regional scale.

The previous year, an independent report issued by the Pew Ocean Commission chaired by current Secretary of Defense, Leon Panetta, also called out the need to better integrate federal agency oversight of ocean space via implementation of a national ocean policy establishing a framework to "reflect an understanding of the land-sea connection and and organize institutions and forums. . .[which] must be accessible, inclusive, and accountable. Decisions should be founded upon the best available science and flow from processes that are equitable, transparent, and collaborative."

In July 2009, President Barack Obama answered this call by announcing the first National Ocean Policy and the creation of a National Ocean Council tasked with its implementation, pursuant to Executive Order 13547. Subsequently, the panel issued a list of nine priorities for management of our oceans, coasts, and the Great Lakes. Among these priorities is the concept of comprehensive ocean planning, or coastal and marine spatial planning. This concept recognizes that as new potential uses of ocean space become increasingly viable, our exclusive economic zone—the area of ocean space extending out to 200 miles from our shores—will grow more crowded. Thus, in order to ensure efficient prioritization of both new and existing uses and to reduce conflicts, managers must solicit input from a diverse group of stakeholders up front rather than allowing a first-come, first-served land grab mentality to dictate how our invaluable ocean resources will be allocated. Absent such an initiative, the status quo provides a cart-before-the-horse approach that reduces certainty, impedes the likelihood of private investment, fails to adequately protect existing uses including fisheries and recreation, and delays appropriate, beneficial development with an endless stream of lawsuits.

As Congressman Markey noted in his opening statement at this Committee's last hearing on the National Ocean Policy on October 4, 2011, planning is a fundamental, necessary part of organizing an efficient society. As coastal populations increase, and new uses of ocean space emerge, conflicts will inevitably arise, and we as a nation must develop a means of predicting and resolving those conflicts if we want to maximize economic efficiency from our oceans while safeguarding the health and vitality of the marine environment. Doing so will require coordination and conversation—bringing a diverse group of voices to the table, representing all potential uses of ocean space, to determine the highest and best of our nation's last frontier. In addition, it will provide the added benefit of improving the science used to support management decisions.

Contrary to attempts to color the policy as restrictive "ocean zoning," a comprehensive, collaborative approach to managing our ocean resources will help pre-

vent multi-use conflicts, increase efficiency, and ensure ocean economies continue to support American jobs and a high quality of life. The National Ocean Council should be given the necessary logistical and financial support to implement the National Ocean Policy for the benefit of American jobs, economic growth, and security. Scare tactics and insinuations of doomsday scenarios will only force us into an entrenched, cloistered process that fails to acknowledge the reality that as ocean space becomes more crowded, we will need to accommodate more uses and more users.

**The National Ocean Policy will increase government efficiency and enable sound management of public resources**

A June 2011 report by the nonpartisan Joint Ocean Commission, comprised of members of both the Pew and U.S. Ocean Commissions, expressed strong ongoing support for comprehensive ocean planning and the National Ocean Policy, stating, “the current sector-by-sector management system is incapable of providing the integrated, comprehensive, and flexible approach needed to ensure that conflicts among proposed uses are minimized and potential benefits enhanced.”

In fact, strategic planning maximizes organizational efficiency and use of taxpayer dollars. Contrary to the false depiction of the National Ocean Policy as excessive government regulation, it will bring all interested parties to the table before key management decisions are made. This will improve opportunities for industry, communities, nongovernmental organizations, and citizens to participate in the planning process and facilitate sustainable economic growth by providing transparency and predictability for economic investments. The alternative is allowing developers of individual projects to drive the regulatory process without adequate guidance from regulators or input from alternate stakeholders, a process that has been shown to lead to a seemingly endless string of lawsuits, political quagmires, and a poisonous investment climate.

There is no better example of the inefficiencies inherent in the piecemeal system than the offshore wind industry. Offshore wind is a viable and rapidly growing piece of the energy picture in other parts of the world. Today, European countries have installed nearly 3,000 megawatts of offshore wind facilities, and Europe and China combined have permitted more than 40,000 megawatts of wind turbines in their oceans. The United States has permitted exactly 488 megawatts, and we have yet to break ground on our first turbine.

Over a decade ago, Cape Wind Associates announced its intention to construct America’s first offshore wind farm in the waters of Nantucket Sound between Cape Cod and the islands of Marthas Vineyard and Nantucket. This single project, which has the potential to generate enough electricity to meet 75% of the electricity demands of the Cape and Islands, has endured a litany of reviews and challenges from the U.S. Army Corps of Engineers, the U.S. Coast Guard, the Federal Aviation Administration, the Minerals Management Service (now the Bureau of Ocean Energy Management, Regulation, and Enforcement, or BOEMRE), and other agencies. Finally, in April of this year following more than 10 years of review, the Department of Interior finally issued permits and approval of its construction plan, officially giving Cape Wind the go-ahead to begin building America’s first offshore wind farm. Less than two weeks later the Department of Energy informed the developer that the project’s application for a loan guarantee had been put on hold.

Businesses simply will not invest in this industry until these issues are resolved. And until that investment comes, the employment opportunities these projects represent—in engineering, manufacturing, construction, transportation, maintenance, and other categories—will not be created. Cape Wind estimates that construction of its 420 megawatt wind farm will create between 600 and 1,000 jobs during the construction phase. These numbers are not a pipe dream. Earlier this year, the BBC put out a report detailing the number of jobs created by construction of a single 150 megawatt wind farm—barely one third the size of Cape Wind’s proposal. The installation phase alone resulted in the creation of more than 800 job years. Furthermore, the Department of Energy has predicted that the build out of 54 gigawatts of offshore wind by 2030 would result in the creation of 40,000 American jobs.

Independent arbiters have also pointed out that comprehensive ocean planning should be used to improve the permitting process for offshore oil and gas development. The final report of the BP Commission convened in the aftermath of the 2010 Deepwater Horizon oil disaster, and co-chaired by former Senator Bob Graham and former EPA Administrator William Reilly recommended regulators “better balance the myriad economic and environmental interests concentrated in the Gulf region. . . [and] include improved monitoring and increased use of sophisticated tools like coastal and marine spatial planning.”



### **Comprehensive ocean planning is already working**

Under the current administration, the Department of Interior has acknowledged both the opportunity America is missing by failing to develop offshore wind energy in our exclusive economic zone, and the role comprehensive ocean planning can play in allowing us to tap into that resource and catch up to the rest of the world. As BOEMRE has looked to facilitate appropriate development of offshore wind farms along the Atlantic seaboard, it has instituted a process known as “Smart from the Start” to streamline offshore wind permitting. Instead of waiting for developers to request permitting, this program is in the process of designating wind energy areas in federal waters in the northeast and mid-Atlantic. Estimates are that this process can shave at least two years off the permitting timeline. BOEMRE has taken input from other federal agencies and local stakeholders while designating these areas, and amended their initial proposals—reducing the size of the area proposed to be opened for development off the coast of Massachusetts by nearly 50 percent after receiving input from the fishing industry.

Developers are already queuing up to tap into the clean energy potential that lies just off our shores. Since identifying wind energy areas, or WEAs where leases would be initiated off the New England and mid-Atlantic coasts, BOEMRE has received dozens of expressions of interest from groups wanting to lease parts of these spaces. Yet, in what is becoming a troubling yet telling trend, recently many of these applications have come from subsidiaries of foreign companies with experience developing offshore wind energy in other countries. These groups see the potential in the U.S. market, and are relying on existing expertise to give them a leg up on their American counterparts. When it comes to offshore wind, the U.S. is already late to the party, but establishing WEAs through a comprehensive ocean planning process is one way to help us catch up.

Comprehensive ocean planning has also been implemented successfully in several states, including Massachusetts, Rhode Island, and Oregon. These states have taken proactive steps to identify areas most suitable for various commercial and recreational uses of ocean space, including fishing, energy development, sand and gravel mining, shipping traffic, conservation, recreation and other activities. These efforts ensure the relative benefits of each action are considered and prioritized to meet economic, environmental, security, and social goals. The Washington State legislature overwhelmingly passed a law with vast bipartisan support that will initiate an ocean planning process in its state waters as well.

In addition, the process is working at a regional scale. Following on their in-state work, Rhode Island and Massachusetts cooperated on a landmark agreement for the development of offshore wind energy across the boundary of their state waters. Announcing the agreement, former Rhode Island governor, Republican Don Carcieri, said, “The shared waters between Rhode Island and Massachusetts hold the key to the future of offshore wind developments along the East Coast and the country. It is in the best interest for both states to work together to expedite the federal permitting process through this collaborative effort. We share mutual interests in developing offshore wind projects, bringing greater economic development activity and economic security to the region.”

### **The National Ocean Policy will preserve the health of our oceans and the local economies they support**

In addition to supporting comprehensive ocean planning, the National Ocean Policy contains eight other national priority objectives, including the establishment of a science-based strategy to align conservation and restoration goals at federal, state, tribal, local, and regional levels and the strengthening and integration of federal and nonfederal ocean observing systems and data management into one national system, to then be integrated into international observation efforts.

According to the National Ocean Economics Program, our oceans, coasts, and Great Lakes are critical components of our nation’s economy. U.S. coastal counties are home to more than half of all Americans, generate an estimated \$8 trillion per year, and support 69 million jobs.

In Florida, for example, a report prepared by the National Ocean Economics Program for Florida’s Ocean and Coastal Council showed that Tourism, recreation, and fishing contributed \$18.9 billion to Florida’s GDP in 2005. In addition to the benefits the entire nation will reap from implementation of the nine priority objectives in the National Ocean Policy, Florida’s coast is particularly vulnerable to sea level rise as a result of global climate change, and its reefs are at significant risk from ocean warming and acidification. The NOP’s goals include strengthening resiliency of coastal communities to these threats.

The Joint Ocean Commission Initiative found that in California, as of 2007 more than 85 percent of gross domestic product and nearly 12 million jobs came from eco-

nomic activity in these coastal estuarine areas. California's state government has prioritized ocean conservation and has used the concept of COP in implementation of the Marine Life Protection Act, which used stakeholder input to develop the boundaries of marine protected areas within its state waters.

And in Michigan, a state deeply affected by the economic downturn, 15 percent of all jobs are associated with the Great Lakes, and they make up 23 percent of the total payroll, according to Michigan's Sea Grant program. While some would imply that the administration is over-reaching its authority by extending ocean policy to the Great Lakes, the core missions of the National Oceanic and Atmospheric Administration, BOEMRE, and other federal agencies with oversight of ocean activities already encompass the Great Lakes. This is appropriate as activities on the Lakes, including fishing, boating, shipping, and energy development, are equivalent to their maritime counterparts.

Comprehensive ocean planning will further ensure the stability of the nation's seaports as additional uses of ocean space evolve. This is of utmost importance to the entire country. Again, according to the Joint Ocean Commission Initiative, the value of imports through U.S. ports was almost \$2 trillion in 2010, and in 2008 commercial ports supported 13 million U.S. jobs. Ports that accommodate oceangoing vessels move 99.5 percent of U.S. overseas trade by volume and 64 percent by value, and compared to 2001 total freight moving through U.S. ports is expected to increase by more than 50 percent by 2020.

Declining ocean health and a lack of effective coordination among regional groups, states, and federal bodies is putting this great economic engine at risk. Wise investment in the future of our oceans will provide a tune-up for our marine economic engine that will keep it running smoothly for future generations. On the other hand, failing to address these inadequacies will lead to increasing inefficiencies and systemic break downs.

#### **National Ocean Policy answers a national security imperative**

Finally, leadership at the highest levels of our nation's ocean security forces is united in their support for the National Ocean Policy and comprehensive ocean planning. In 2009, Admiral Thad Allen, then Commandant of the United States Coast Guard testified before the U.S. Senate Committee on Commerce, Science, and Transportation that, "A new national ocean policy, especially as it creates a unified framework for effective coastal and marine spatial planning, is critical to the nation and to the ability of the Coast Guard to execute its mission." He went on to emphasize that planning would "better address the 'gaps' in current ocean management regimes and better manage ocean uses. This will allow the Coast Guard to more effectively execute its many missions in support of safety, security, and stewardship in our ocean and coastal waters."

Admiral Allen's successor as Commandant, Admiral Robert Papp, has continued this support for comprehensive ocean planning and the National Ocean Policy, stating in 2010 that the final recommendations of the Ocean Policy Task Force, "provide a balance between protecting and preserving the marine environment, and promoting economic progress. The framework protects the interests of all users, improves ocean stewardship, and provides the foundation for improving maritime governance at the international, regional, state, and local levels."

Voicing the U.S. Navy's support for the president's Ocean Policy Task Force, Rear Admiral Herman Shelanski emphasized, "The U.S. Navy is committed to being responsible stewards of the environment. As such, we understand the importance of developing a new national ocean policy—one that includes ecosystem-based coastal and marine spatial planning and management in the United States. . . . We also believe such management should be balanced to maintain and enhance multiple ocean uses, including those that contribute to our nation's security and global stability."

#### **Coordination begets efficiency; its absence leads to chaos**

America's exclusive economic zone, the biggest in the world, presents a unique regulatory and environmental challenge but also a tremendous economic opportunity. We have seen how the policies of the past—a first-come, first-served gold rush approach—lead to chaos and delay. Lack of certainty leads to a lack of financing. A lack of financing means a lack of economic growth. And a lack of growth means a lack of jobs. Until we create and implement a process that brings all stakeholders to the table to air grievances and develop solutions, we will continue to stagger along in a series of fits, starts, and lawsuits that will leave America's ocean industries falling farther behind our international counterparts, and adversely affect our environmental resources.

The National Ocean Policy recognizes that now is the time for common sense and partnership, not nonsense and partisanship as we determine how to manage our in-

valuable oceans, coasts, and Great Lakes. Support for the National Ocean Policy is support for the future of America's maritime industries and our marine environment.

Once again, I thank you for the opportunity to appear before the Committee today and I look forward to answering any questions you may have.

The CHAIRMAN. Thank you very much, Mr. Conathan, and thank you, all three of you, for your testimony. I will begin. I just have a couple of questions.

Mr. Conathan, you referenced this in your statement right toward the end of your statement, and it has been referenced several times by Members of the Committee, as I did in my opening statement about the States that have developed their own initiative. Let me be a bit parochial, and that is that Washington State that you alluded to has enacted legislation concerning marine spatial planning off their coast.

But a key component of that State law is that it protects existing uses, and it promotes activities and provides for economic opportunity, and it specifically recognizes, specifically recognizes, commercial and recreational fishing. You have heard the give and take up here. The last hearing we had on that at least seems to be the perception of that being otherwise. And let me be just kind of more specific. This Federal initiative appears to place ocean ecosystem health and biodiversity among all of economic activities. Now do you think that is the correct balance given the initiative some of the States have taken, including mine?

Mr. CONATHAN. Well, first of all, I think commercial fishing has to be a priority of the use as well as recreational fishing, have to be priorities for our use of ocean space. They are among the oldest users of the ocean. They have the longest tenure. And there are perhaps more participants in those activities than any other.

So there is certainly a place for those activities, and they must remain active in our ocean space. I believe the National Ocean Policy and the concept of spatial planning must also give adequate voice to those industries going forward and ensure that their voices are heard, that the representatives of the fishing industry, whether they be from the general public or from the Fishery Management Councils, have an adequate opportunity to comment on the plans as they are developed.

The CHAIRMAN. Which leads then to a followup on the line of questioning that Mr. Southerland had where here is a State that is very specific and here this Executive Order gives new authority for regulations. There seems to be a conflict. Now we will be obviously follow up with Panel I to be more specific, but that does seem to raise a concern, notwithstanding the fact that you say that fishing, recreational or commercial, should be at a high level. Is that a fair assessment given the interchange between Mr. Southerland and Panel I?

Mr. CONATHAN. I don't see that as a conflict. I believe the regional planning bodies and the Federal level National Ocean Council are intended, as the previous panel alluded to, to gather information and convey that information to the decision-makers at the Federal level.

The CHAIRMAN. Well, I have one more question here. I just simply want to say the interchange between Mr. Southerland and the

first panel did not clarify that in any way at least from this Member's perspective.

Along that same line, Mr. Donofrio, you expressed concern about adequate funding for fisheries management, and I alluded to this in my last statement about how this is going to be funded. Give me your impression on what would happen if you don't feel there is enough for NOAA to adequately manage fish. How is that going to sink in with this Executive Order, Mr. Donofrio?

Mr. DONOFRIO. Thank you, Mr. Chair. Apparently NOAA claims they don't have enough money to do stock assessments on the species they manage. Now right now we have boats tied to the dock in different fisheries. Now these are rebuilt fisheries. These are not fisheries that are overfishing or being on a decline. These are fisheries that are healthy—black sea bass for one. That is one we have people sitting in Mr. Runyan's district. They are tied to the dock. They have nothing else to fish for right now.

This is because of interpretations. NOAA, they can't interpret anything. They couldn't run a kindergarten playground, and they are trying to keep people on the water. I don't believe anything they are trying to do here. This is going to hurt us. This is going to hurt us.

Right now we don't have a data collection program that Congress mandated in the 2007 reauthorization for marine recreational statistics, right, the new MRIP program. They are still using the MRFSS data, and they are shutting down fisheries based on the MRFSS data. Yet in a lawsuit that we filed against NOAA and lost, NOAA lied to the judge because they can lie in an administrative court. It is not perjury because they don't have to take an oath. There is no deposition. They told the judge we are not using MRFSS data anymore. That is what they told the judge. So they lied to the judge. Yet they are keeping us at the dock based on MRFSS data.

The CHAIRMAN. So it is fair to say that with the shift of funds when they can't adequately fund what they are doing right now is a problem.

Mr. DONOFRIO. Big problem, sir.

The CHAIRMAN. Big problem, all right.

Mr. DONOFRIO. Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts, Mr. Markey.

Mr. MARKEY. Thank you, Mr. Chairman, very much. The National Ocean Policy put into place by President Obama's Executive Order is essentially the implementation of the recommendations made by the bipartisan and independent U.S. Commission on Ocean Policy in 2004 whose members were all appointed by President Bush.

Back then Republicans didn't seem so scared of these policy recommendations. In fact, in a letter dated June 4, 2004, in response to the commission's recommendations, then-Governor Mitt Romney of Massachusetts, who in my opinion is probably going to be the Republican nominee for President, although it is difficult for me to get inside the internal workings of the cerebral mechanisms of Republican primary voters, but it appears if contemporaneous polling still bears out over the next several months that that could very

well be the case, let me just tell you what future nominee Romney said.

He said, "The report and recommendations taken as a whole clearly map out a new strategy for Federal, regional, and State ocean resource management that I strongly support. I believe that we are at a critical juncture in ocean management and must take decisive action by moving forward expeditiously on implementing the recommendations in your report."

You know, so my mother always said that, Eddie, you should always try to work smarter, not harder. It is better that way, you know. And that is really what the National Ocean Policy will do. It will coordinate the existing laws and regulations, and on its own the national policy will not create any new regulations but will provide a venue for any new regulations created by existing laws or any new laws Congress might choose to pass.

So you might actually wind up with fewer regulations. You might wind up with an absence of conflicting regulations because there is coordination. So the "O. Henry" ending, the reverse political take-down is that the goal of all of this is to actually reduce regulations. It is to ensure that there is better coordination. It is to ensure that there is not duplication. It is to ensure that there isn't more red tape for people to complain about. Instead of having all of these separate fiefdoms out there, everyone comes together and only the regulations that are really needed and coordinated are put on the books.

So it is just the opposite of course of what is being argued here because to a certain extent there aren't many interests that have a stake in the continuation of the balkanized world within which we now work. But the goal of the Democrats is to reduce the bureaucracy, reduce the amount of regulation, reduce the duplication, reduce the separate agencies all working oftentimes at cross purposes with each other. That is our goal as Democrats rather than something that leads to this proliferation of regulations.

And I praise President Bush for implementing that. I embrace President Bush's goals on this. And I reject out of hand any arguments made by Republicans that President Bush is now old hat and we shouldn't be listening to him and his advice. I say we embrace President Bush, we embrace his goal for the oceans, OK. And God knows, he did support Outer Continental Shelf drilling, OK? I don't think there is any question about that. By the way, also wind. You know, he put on the books the strongest wind regulations in the State of Texas as well.

Mr. Conathan, in these difficult fiscal times, with budgets being cut, how does money for the National Ocean Policy represent a wise and efficient use of limited funds, including enhancing business certainty?

Mr. CONATHAN. Well, thanks for the question, Congressman Markey. And I won't add my own personal Massachusetts accent to the conversation, but I would—

Mr. MARKEY. Are you from Maine, sir?

Mr. CONATHAN. No. I am from Cape Cod actually.

Mr. MARKEY. Cape Cod, ah.

Mr. CONATHAN. I will leave that aside for the moment. Investment in the National Ocean Policy is ultimately an investment, as

I alluded to in my testimony, to developing new industries in our offshore space. I held up the offshore wind industry as a prime example, and clearly this is an industry that is commercially viable. The rest of the world is far ahead of us in this endeavor. But the biggest obstacles to permitting for offshore wind in this country have come from precisely the balkanized agencies that you alluded to moments ago.

Mr. MARKEY. Well, let me ask you this question. How do you think the concerns of the recreational and commercial fishermen can be dealt with with better coordination?

Mr. CONATHAN. Well, I think the fishing industries, both recreational and commercial, have to acknowledge that ocean space is going to become more crowded in the future. And they can either be at the table to have the conversation about where the most appropriate places for that development are, or they can be left on the sidelines and be left out of the conversation. So I think this kind of coordinated policy at a Federal, at a regional, and as we have seen in some cases, at a State and even local level will really provide the opportunities for them to be contributors to the process.

Mr. MARKEY. Without better coordination, without better ultimately implementation, what are the chances of U.S. wind industry becoming competitive with our global competitors?

Mr. CONATHAN. It is hard to speculate, but I think given the track record that we have seen to date, it doesn't look good. We may get a few projects in place here and there. I know New Jersey is look at some projects in State waters. Texas is looking at some projects in State waters. These may be able to move forward in the absence of an overarching Federal policy, but in terms of catching up to the rest of the world and creating the broader scope industries, the manufacturing base, the technology base, the research base, it won't happen in the absence of these policies.

Mr. MARKEY. OK. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Before recognizing Mr. Flores, I want to respond to my good friend from Massachusetts. And I recognize it is hard for him to get into the head of a Republican voter. Likewise, it is hard for a Republican to get into the head of a Democrat voter. And, frankly, that is one of the reasons we are having this hearing, trying to understand at least that process.

And second, since there is an epiphany from my good friend from Massachusetts on President Bush, let me right on what the recommendations of the ocean policy of the committee that he created on page 87, let me just read it verbatim. "The National Ocean Council should work with Congress, the President's Council of Advisors on ocean policies and State, territorial, tribal, and local leaders, including representatives from the private sector, nongovernmental organizations, and academia to develop a flexible and voluntary process for the creation of regional ocean councils. States working with relevant stakeholders should use this process to establish regional ocean councils with support from the national ocean council."

That to me appears to be whatever conflict we have in all of this process. And with that, I recognize—

Mr. MARKEY. Will the gentleman yield?

The CHAIRMAN. I will be more than happy to yield to my friend.

Mr. MARKEY. The key word there is voluntary, and this is voluntary. So I think you put your finger right on it, and it is the subject upon which we agree.

The CHAIRMAN. Reclaiming my time, I am glad that we both recognize that. There seems to be a bit of a conflict, however, at least as to the exchange that we had with our good colleague from Florida on that. And if we ever get a definitive answer, we will be more than happy to share that with the world. Mr. Flores is recognized for five minutes.

Mr. FLORES. Thank you, Mr. Chairman. I have to say that in my opinion, the Executive Order is the illogical extension of President Bush's goals, and they have been taken way beyond what those were intended to be. And maybe it is because of the difference in the way different ideological brains are wired. But this to me doesn't look like it is going to create anything that is voluntary for anybody.

It is hard for me to imagine that this is going to reduce and simplify regulations. I have never seen a government chart like this that does anything to make any American's lives better or to provide more jobs, a better economy or help reduce an out-of-control deficit.

I have a question for Mr. Donofrio. Mr. Conathan just said that your industry was going to have a seat at the table. But the regional planning bodies don't have any stakeholder seats. So can you tell me how you are going to have a seat at the table, or have you had a seat at the table where your input has been heard?

Mr. DONOFRIO. Thank you, sir. No, we haven't. And I want to make a comment regarding some of the comments Dr. Lubchenco made because consistent with this Administration, she was asked the question before about catch shares and then with this issue. She has thrown it back to the Council level. Even with this National Ocean Policy, she said, well, the Councils will be determining it.

But she is not telling you that this Administration is the first one ever to also violate the spirit and the intent of Magnuson when it comes to appointees on the Council. For instance, if a Governor wanted someone to be a priority to serve on the Fishery Management Council, generally that Governor would get their person to get the seat, or if there was an incumbent that was serving, the incumbent would serve out his term or her term. Dr. Lubchenco's administration has been whacking people off the Councils and stacking them with their own people.

Mr. FLORES. Right.

Mr. DONOFRIO. So of course she throws it back to the Council now and said, "OK, the Councils are going to make the decision."

Mr. FLORES. After she has populated the Councils.

Mr. DONOFRIO. After they stacked it. This Administration is doing things like this.

Mr. FLORES. Let's be brief. There are other issues I would like to get into.

Mr. DONOFRIO. Yes.

Mr. FLORES. Again, continuing with you, Mr. Donofrio, and short answers if you can. How many agencies have jurisdiction over your activities today roughly?

Mr. DONOFRIO. Well, we have NOAA and then of course we have the international body, ICCAT, for highly migratory, and then there is some U.S. Fish and Wildlife and then tribes for our people on the West Coast that fish, you know, with salmonids.

Mr. FLORES. So, in the particular area of two, three, four agencies. Now, under this initiative, at the end of the day, you are going to be controlled by these bodies, and each of those have 27 Federal agencies involved plus some tribes and plus some States. So your life is not going to get any simpler, is it?

Mr. DONOFRIO. More complicated, sir.

Mr. FLORES. For your constituents. OK.

Mr. DONOFRIO. Much more complicated.

Mr. FLORES. That is what I thought. So we can dispel with this notion that it is going to make life better for the industries that currently use our oceans.

Mr. LUTHI, you have said that your constituent industries could produce more jobs if there were a more stable and certain regulatory environment. And in the draft programmatic environmental impact statement for the OCS leasing program from 2012 to 2017, there is a section that states, and I quote, "CMS plans will be created and implemented at the regional level through stakeholder input. It is anticipated that the plans will serve as an overlay for decisions made under existing regulatory mandates. In effect, regional CMS plans once approved by the National Ocean Council will assist BOEMRE programmatic EIS statement, the EIS process in making informed decisions."

That sounds like OCS leasing programs might not occur in areas where the regional planning bodies have decided that oil and gas activity should not occur. In your opinion, does this improve the certainty for your constituent industries?

Mr. LUTHI. Thank you, Congressman. And certainly it doesn't. I mean, when you are looking at the overall regulatory process, and I don't pretend to be an expert, like many of you are, but it is certainly difficult to understand how an additional layer of Federal bureaucracy is actually going to improve the system.

As we talk about the purpose of an executive order, which you mentioned, I mean, we keep hearing it is nothing new, we won't do anything new, no new laws, no new regulations. But, frankly, if you are going to be able to make crosscutting decisions to improve coordination, that is something that is going to change. It would require a statutory change, which is Congress's purview.

Mr. FLORES. OK. And I would like to get one last question. This is for each of you, Mr. Luthi and Mr. Donofrio. Your two industries are two of the largest industries using our oceans today. What conflicts do you all have between your industries today? Or just yes or no, do you have substantial conflict in your industries today that are going to require something like this to fix?

Mr. LUTHI. Certainly not. In fact, we just saw a study last week that there are probably 30,000 fish connected with each one of many platforms that are used in the Gulf of Mexico.

Mr. FLORES. Mr. Donofrio?

Mr. DONOFRIO. Yes, sir. Our fishermen in the Gulf seem to like the platforms. Then we have people in the Mid-Atlantic that don't want any drilling. So it is a matter of region, sir.



Mr. FLORES. OK. So your industries aren't calling out for this.

Mr. DONOFRIO. No, sir.

Mr. FLORES. OK, OK. Thank you very much. So much for stakeholder input.

The CHAIRMAN. I thank the gentleman. The Chair recognizes the gentleman from New Jersey, Mr. Runyan.

Mr. RUNYAN. Thank you, Mr. Chairman. And gentlemen, thank you for your testimony. Mr. Donofrio, good to see you again.

No matter what we are talking about, whether we are talking about the ocean planning, fisheries, our economy, the American people want certainty and predictability. I don't think we are accomplishing this here, and obviously none of the stakeholders are asking for it. And the same way through the Executive Order. We are creating more of that. We don't know where we are going. And in an environment, whether our catch limits varying year to year are creating unpredictability, the top-down push that you were just referring to with the catch shares program that the Secretary denied that was being pressured.

Mr. Donofrio, with all this uncertainty and all that, can you just kind of comment on the regulation and the burdens that are being put on by not only this Executive Order but many other regulations, what they are doing to the industry and the effect? I know you commented about the mom and pop shops, but there are many other aspects to this fishing industry that are affected by this type of regulation and these type of things. Could you kind of enlighten us on that?

Mr. DONOFRIO. Yes, sir. Thank you, Mr. Runyan. As you probably heard from many of your constituents, especially in the Barnegat Light area, but this goes all the way down to Mr. Southerland's district. We have people sitting at the dock. They can't catch red snapper because the stock assessments and the data that NOAA has been using is flawed. We are literally tripping over red snapper, tripping over them. You can't go anywhere off the coast of Florida without limiting out in seconds.

Mr. RUNYAN. I have seen the pictures of Mr. Southerland's family bringing them in actually.

Mr. DONOFRIO. Yes. Bad data again. So we have bad regulations. We have NOAA not working within their own system there to fix anything. And now they are expecting us to buy this additional layer of bureaucracy with additional councils overseeing fishing. I can't imagine our fleet fishing anymore. I really can't. And I got to tell you the guys are really suffering.

You have had one store close in your district in Barnegat Light, a tackle store, family owned. They have closed, and numerous ones along the coast are closing right now. We have party charter boats. If you look at the yellow sheet that is printed out at Tennessee, that is a journal, a commercial journal, for vessels, you will see a whole list of party charter boats for sale right now. They are disgusted with Federal regulations that are not allowing to fish on rebuilt stocks. And NOAA is not doing a thing about it. What they want to do is add more layers of bureaucracy and cost more money when they are not spending the money to keep us fishing currently.

Mr. RUNYAN. But with that being said, I think you would agree, and I know talking to fishermen back home, that if we had solid

science, we can't argue with it. We all want to be stewards of the ocean in that matter. But would you agree with, you know, your rank and file in your organization that if the science is there, you can't argue with it.

Mr. DONOFRIO. That is right. You can't argue with the science. And then also we have to fix some of the arbitrary deadlines that are in Magnuson. In fact, Dr. Lubchenco admitted this to Senator Brown at a hearing up in Massachusetts. She admitted that the ten-year rebuilding plan was arbitrary in nature. She went on the record with that. So this is a fight we have been trying to make for years to get the arbitrary nature out of the regulations, base fishing on science, and let's go fishing.

We are the best stewards. Commercial and recreational fishermen are the best stewards. We want fishing for the long-term, for our families, our friends and our businesses.

Mr. RUNYAN. Thank you very much. And, Chairman, I yield back.

Mr. DONOFRIO. Thank you.

The CHAIRMAN. The gentleman yields back. Any closing comments from the Ranking Member?

Mr. MARKEY. No, except I really enjoyed this hearing, and I want to compliment the Majority on the witnesses that were selected.

The CHAIRMAN. All right. Thank you, Mr. Markey. Members of the Committee may have additional questions for the record, and I ask you to respond to these in writing. If there is no other business, without objection, the Committee stands adjourned.

[Whereupon, at 12:36 p.m., the Committee was adjourned.]

[Additional material submitted for the record follows:]

**Statement submitted for the record by the U.S. Department of the Interior**

The Department of the Interior appreciates the opportunity to address the Department's ocean-related responsibilities and its role in implementing the National Ocean Policy. The Department of the Interior has substantial interests in our Nation's ocean and coastal areas. These include both responsible and safe energy production and the conservation and management of coastal and marine resources, which provide economic and environmental benefits to our nation.

**DEPARTMENT OF THE INTERIOR'S OCEAN ROLE**

The Department manages and conserves ocean and coastal lands and waters to protect native species and their habitats, provide recreational opportunities for the public, and ensure safe and responsible natural resource development. Department scientists conduct extensive ocean, coastal, and Great Lakes research and mapping to predict, assess, and manage impacts on coastal and marine environments. In collaboration with our partners, the Department integrates effective multiple-use management from upland ecosystems to deep oceanic waters.

The 1.7 billion acres of the Outer Continental Shelf (OCS) that we manage are crucial to securing our energy independence through conventional and renewable energy development. The 35,000 miles of coastal lands and waters of the ocean and Great Lakes that we manage stretch across 35 States and territories and are of enormous recreational, biological, and cultural value to the Nation. Over 254 National Park Units and National Wildlife Refuge Units spanning 34 million acres of ocean and coast conserve and protect places where people connect with the ocean. These areas provide communities the ability to preserve their cultural heritage and economic livelihood. We also work with our insular areas to assist them in ensuring that the coral reefs on which their island communities depend will be there for future generations. Further, the Department co-Chairs the U.S. Coral Reef Task Force and provides millions of dollars each year to support coastal habitat protection and restoration.

## **DEPARTMENT OF THE INTERIOR AND THE NATIONAL OCEAN POLICY**

With the Department's interrelated responsibilities in the areas of energy, conservation, and science, we support the National Ocean Policy and its goals of increasing coordination, reducing inefficiency, and broadening the information base from which the nation forms its decisions and informs actions. So much of what we do at the Department contributes to our economic security and conservation of our natural resources, and what we do across the agency in the ocean shows why the Department is so actively involved in implementing the National Ocean Policy.

The Department is a member of the National Ocean Council, and co-chairs, with the National Oceanic and Atmospheric Administration (NOAA), the Ocean Resource Management Interagency Policy Committee, one of two secondary bodies that carry out the more day to day work of implementing the National Ocean Policy. We have contributed staff to all of the interagency teams developing strategic action plans to address the nine priority objectives under the National Ocean Policy, which we expect will be released for public comment in the near future. We have volunteered to be the lead Federal agency for one of the coastal and marine spatial planning regional planning bodies, and will participate in all nine planning regions. We are all working diligently together to implement the President's vision of an "America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations."

The Department's energy and conservation programs enable it to bring considerable expertise and resources to the implementation of the National Ocean Policy, and particularly to the priority areas for which we are now preparing strategic action plans. Management of the offshore energy program and our parks and refuges and other areas necessarily involves large-scale planning. The offshore 5-year oil and gas leasing program has plans and environmental studies that cover large marine areas, and will greatly benefit from coastal and marine spatial planning—but so will many of our other programs, including the Smart from the Start program.

Without a more coordinated way of doing business, which is provided by the National Ocean Policy, Federal departments and agencies will continue to independently implement a maze of over 100 different laws, policies, and regulations related to the ocean, our coasts, and the Great Lakes. The National Ocean Policy, including coastal and marine spatial planning, is designed to replace the less efficient, less effective, and ad-hoc decision-making that now exists with a far more coordinated and effective approach to the management and protection of our coastal and marine environments and resources.

For example, despite all of the Federal-State and interagency consultation we have established for our wind energy program under the Secretary's Smart from the Start initiative, all of these consultations are still just for one program. When NOAA seeks to engage in actions under their authorities, they need to go through their own consultation process; as does the Coast Guard for changes in shipping lanes and the Navy for setting aside training areas. The National Ocean Policy seeks to change that by establishing better coordination and consultation before the decisions are made.

Implementation of the National Ocean Policy will expand that approach. It will be far more effective to have the Department, NOAA, the Navy, the Coast Guard, other agencies, States, and Tribes sitting down together when decisions are made on where and when coastal and marine activities are to be conducted than to continue the multitude of independently-conducted decision-making processes that now exist. This does not require or anticipate new authorities or regulations, or agencies surrendering their existing decision-making abilities. Nor does it expand Federal authority at the expense of States or tribes. Rather, coastal and marine spatial planning, like the other elements of the National Ocean Policy of which it is a part, will ensure a more effective way of using existing authorities to carry out the public's business.

## **OCEAN ENERGY DEVELOPMENT**

The Department of the Interior is responsible for energy and mineral production from OCS. Historically, the Department has worked with private industry to develop domestic oil and gas production. These activities will continue as they remain critical to our nation's energy supply, and to reducing our dependence on foreign oil. At the same time, the Department has also begun work to develop cleaner sources of energy, including renewable energy sources such as wind power.

As part of reforming our approach to OCS activities, we signed a landmark memorandum of understanding (MOU) with the NOAA earlier this year to better ensure environmentally sound offshore energy development. Key elements of the MOU include meeting regularly to develop potential ways to appropriately align regulatory

and decision-making processes and identify the best available science to support future regulatory decisions; increased collaboration on oil spill exercises and response issues; and annually evaluating activities and progress related to National Ocean Policy objectives.

DOI currently administers about 6,700 active oil and gas leases on 36 million acres of the OCS; and oversees and regulates production from nearly 3,200 OCS facilities. These leases generate about 11 percent of our domestic natural gas and 29 percent of our domestic oil production. Energy and mineral production from offshore areas account for nearly \$116 billion in economic benefits to our economy, and support over 640,000 American jobs.

Offshore wind energy is a major component of the Department's renewable energy plan. In keeping with this focus, and in line with our National Ocean Policy objectives and collaboration commitments, Secretary Salazar initiated the "Smart from the Start" initiative for wind development on the Atlantic OCS. This will facilitate and simplify our processes for siting and leasing commercial wind projects on the OCS, to encourage responsible development while ensuring projects are built in the right way and in the right places. "Smart from the Start" has three key elements: (1) simplified processes for commercial-wind-lease issuance; (2) Wind Energy Areas identified using sound science and transparent stakeholder engagement; and (3) proceeding on a parallel but separate track to evaluate offshore-transmission-line proposals.

To evaluate appropriate potential sites for future renewable-energy leasing and development, DOI's Bureau of Ocean Energy Management (BOEM) works very closely with state-based Intergovernmental Renewable Energy Task Forces. These task forces, which have been established in 11 states (9 on the Atlantic Coast and 2 on the Pacific Coast) have been working for well over a year to collaborate on issues related to offshore wind development. The task forces include representatives from the respective states, local and tribal governments, and other Federal agencies.

Last year, Secretary Salazar also joined with 11 Atlantic state governors to establish the Atlantic Offshore Wind Energy Consortium (AOWEC) to foster the unified effort to bring Atlantic offshore wind energy to market in an efficient and environmentally responsible manner. AOWEC working groups have been evaluating potential ways to further facilitate responsible offshore wind development.

To ensure efficient and close coordination with other Federal agencies, Secretary Salazar also established the Atlantic Offshore Wind Interagency Working Group. This group, which is comprised of senior-level representatives from numerous Federal agencies with equities in the OCS, will serve a vital role in collecting and sharing data about Wind Energy Areas and about offshore wind development generally.

In February, Secretary Salazar and the Secretary of Energy, Steven Chu, announced a national offshore wind strategy. It outlines actions needed to deploy 10 gigawatts of new wind energy capacity from offshore sources—including state waters and the Great Lakes—by 2020, and 54 gigawatts by 2030. The first Wind Energy Areas under Smart from the Start—on the OCS off Delaware, Maryland, New Jersey, and Virginia—were also announced in February, and the Department hopes to begin offering leases in some of these areas by the end of the year. The identification of these areas occurred following extensive consultation with other Federal agencies and the state Intergovernmental task forces. BOEM is actively engaged in identifying potential Wind Energy Areas offshore Rhode Island, Massachusetts, and North Carolina.

The Department is working to gather comprehensive data about these areas, and include that information in a publicly accessible database called the Multipurpose Marine Cadastre, which is being developed with our partners at NOAA, and is an input into the National Information Management System.

#### **OCEAN SCIENCE AND CONSERVATION ACTIVITIES**

The Department's ocean role is not limited to energy. The National Ocean Policy emphasizes the critical role science serves in ensuring informed and comprehensive decision-making on the use and preservation of our marine lands, waters, and resources. The United States Geological Survey (USGS), one of the nation's premier science agencies, provides mapping, monitoring, and research that are essential to meeting the objectives of the Policy. USGS research and mapping provides the foundational characterization of our marine realm, allowing for assessment of marine energy and mineral-resource potential; the distribution and vulnerability of critical marine habitats; and the vulnerability of coastal communities, marine operations, and healthy ecosystems to natural hazards and environmental change. No other Federal agency brings the breadth of capabilities represented by USGS science programs, and thus the diverse expertise required to understand and anticipate the consequences of natural and human-driven change. In particular, USGS geographic,

geologic, biologic, and hydrologic programs across the landscape enable the ecosystem-based management approach that is the centerpiece of this policy, linking natural and human processes across the landscape to their impacts on our coastal and marine regions. From the upper watersheds to the abyssal deep of the ocean, USGS is engaged in monitoring water quality and assessing water availability; forecasting coastal change; building a better understanding of ocean-based hazards from landslides, submarine volcanic eruptions, earthquakes, tsunamis, and extreme storms.

The United States has approximately 95,000 miles of coastline, and DOI manages approximately 35,000 of those 95,000 miles. Our science programs in the USGS and BOEM support the Department's management responsibilities for these millions of acres in the marine, coastal, and Great Lakes environments through the Bureau of Land Management (BLM), the Fish and Wildlife Service (FWS), and the National Park Service (NPS).

The NPS manages 84 ocean and Great Lakes parks with over 11,000 miles of shoreline and 2.5 million acres of water within their boundaries. Collectively, these ocean and coastal parks attract nearly 87 million visitors annually. This visitation contributes over \$6.8 billion and 40,000 jobs to respective local economies where these parks are located. Important experience and knowledge relevant to coastal and marine spatial planning (CMSP) has been gained from decades of place-based management planning in Parks. The NPS applies the best available geospatial, socioeconomic, and scientific information, so managers and the public can make informed decisions to conserve parks unimpaired and ensure their enjoyment by current and future generations.

Similarly, the Fish and Wildlife Service's National Wildlife Refuge System has 180 coastal National Wildlife Refuges with over 121 million acres of coastal and marine habitat. With over 12 million visitors last year, even in remote areas, refuges visitors generated over \$900 million in visitor spending and nearly 17,000 jobs for their local economies. FWS is responsible for managing all species of seabirds and shorebirds and many species of marine mammals; FWS shares management of several other marine trust species with NOAA.

National Parks and National Wildlife Refuges must develop, respectively, General Management Plans and Comprehensive Conservation Plans—blueprints for conserving the tremendous biological and recreational values of these special places. These plans provide for ecosystem-based management, must go through an extensive public-involvement process, and must address all uses of the park or refuge. This gives DOI considerable experience with ecosystem-based management, with planning to prevent or resolve conflicting uses, and in working with State governments and stakeholders to develop the plans—all key elements of the National Ocean Policy.

The BLM works with a wide variety of partners to protect the California Coastal National Monument, a unique collection of the public lands consisting of a network of more than 20,000 small islands, rocks, exposed reefs, and pinnacles that provide a haven for animals and plants along the 1,100 miles of the California coast.

Finally, the Office of Insular Affairs is working with the U.S.-affiliated insular areas to protect coral reefs. Through the Micronesia Challenge, Palau, the Federated States of Micronesia, the Marshall Islands, Guam, and the Commonwealth of Northern Mariana Islands committed to protect at least 30 percent of near-shore marine resources and 20 percent of terrestrial resources across Micronesia by 2020.

We appreciate this opportunity to provide information on the Department of the Interior's role in the National Ocean Policy and will be glad to respond to any questions the Committee may have.

