

FOR IMMEDIATE RELEASE
Thursday, March 22, 2012
[PERMALINK](#)

CONTACT: [Crystal Feldman](#), [Spencer Pederson](#) or [Jill Strait](#)
202-226-9019

Recreational, Commercial Fisherman Fear President's Ocean Zoning Plans Will Block Access, Create Conflict in Fishery Management

WASHINGTON, D.C. – Today, the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held an [oversight hearing](#) on “Empty Hooks: The National Ocean Policy is the Latest Threat to Access for Recreational and Commercial Fishermen.” Representatives from the charter, commercial and recreational fishing industries testified on the implications of President Obama’s National Ocean Policy. Established by [Executive Order 13547](#), the National Ocean Policy creates a new, top-down bureaucracy that could restrict access for the fishing industry, increase industry overregulation and create conflicts in fishery management.

“The Obama Administration has proposed a National Ocean Policy that will add new regulations and implement closures that will affect fishermen as well as inland activities. Of the nine National Priority Objectives in the National Ocean Policy, four call for closed areas or restrictions on activities - including fishing. To make matters worse, the Policy requires that all of these decisions be made by federal officials behind closed doors. There is no opportunity for direct stakeholder participation in these decisions. At a time of tight budgets, I believe this new Policy is draining resources away from existing missions and duties of a number of federal agencies. Yet this Administration either cannot, or will not, answer questions about where the funding for this far-reaching national zoning effort is coming from,” [said Chairman John Fleming \(LA-04\)](#).

The absence of stakeholder involvement in the development of the National Ocean Policy and subsequent Implementation Plan has created uproar throughout the fishing industry. [Captain Robert F. Zales, II](#), President of the National Association of Charterboat Operators, expressed his concerns about the lack of transparency throughout the process. *“The current National Ocean Policy process, has from day one, suggested that the Nation’s stakeholders have been actively involved and able to provide input. The true nature of the activity shows this is blatantly untrue. The fast tracking underground, lack of adequate public notice, and haphazard manner where vital stakeholders are left out by the administration is clear indication they want this policy to be fully implemented before anyone is aware of the real impacts of the proposed policy.”* Captain Zales also discussed the current overregulation on the fishing industry and the potential for the National Ocean Policy to exacerbate these regulations. *“The Fishing Industry (recreational and commercial) cannot absorb any more regulatory burden. Many fishermen have left fishing because they have simply been regulated out of business. ... The National Ocean Policy process has the potential and is likely to create new and expanded regulatory requirements in addition to those we have, creating more regulatory burdens and expanding costs to our businesses.”*

[Gary Zurn](#), testifying on behalf of the American Sportfishing Association, spoke of the need for improved scientific data to improve stock assessments. *“What the recreational fishing community sees in the National Ocean Policy is not improved science to drive better fisheries management or efforts to promote getting Americans out on the water; but rather more confusing bureaucracy and the serious potential that public waters will be placed off-limits based on poorly-defined ideas of protection and precaution.”* Mr. Zurn continued, *“The overall lack of quality scientific data, combined with strict legal requirements to end overfishing and set catch limits on all stocks, has resulted in numerous management decisions that have taken anglers off the water, hurt businesses and degraded the public’s trust of NOAA Fisheries. Anglers are willing to make sacrifices for the betterment of the resource, as long as they know decisions are based on sound scientific information. But many of the sacrifices being imposed on the recreational fishing community are instead based on guesswork, the precautionary principle and fear of lawsuits.”*

[George J. Mannina, Jr.](#), an attorney with extensive experience with fisheries issues, discussed the legality of the Obama Administration creating and implementing the National Ocean Policy by Executive Order. *“The authority given to the National Ocean Council by the Executive Order to create and to then implement an ocean policy with which every Public Law must be consistent is not found in any Congressionally passed statute.”* According to Mr. Mannina, *“Advocates of the National Ocean Policy will assert that the Executive Branch could promulgate regulations under its existing delegated authority to do some or all of these things. That may or may not be the case, but Executive Order 13547 does not take that approach. Instead, it creates, via the National Ocean Policy, a new set of requirements with which existing statutes are to be consistent, and then places these new standards beyond judicial review. This effectively constitutes the enactment of new legislation that violates the separation of powers set forth in the U.S. Constitution.”*

[Justin LeBlanc](#), representing United Catcher Boats and a coalition of commercial fishermen who account for over 55 percent of the Nation’s annual seafood harvest, stated that the National Ocean Policy’s Coastal and Marine Spatial Planning initiative *“is a unauthorized new regulatory program aimed at imposing a new ocean governance structure which conflicts with successful Congressionally authorized programs such as regional fishery management.”* LeBlanc also noted that the seafood industry has submitted numerous comments, but have been *“disappointed that despite our familiarity with ecosystems, our comments at each step in this process have been ignored.”*

###

<http://naturalresources.house.gov>

[Facebook](#) | [YouTube](#) | [Twitter](#)