

Testimony of

**Jefferson Angers
President
Center for Coastal Conservation**

On behalf of

**Coastal Conservation Association
American Sportfishing Association
Bass Anglers Sportsman Society
The Billfish Foundation
Congressional Sportsmen's Foundation
International Game Fish Association
National Marine Manufacturers Association**

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Good afternoon, and welcome to New Orleans.

Thank you for this opportunity to testify on the White House Council on Environmental Quality's Interim Report of the Interagency Ocean Policy Task Force and its recommended framework for effective coastal and marine spatial planning.

My name is Jeff Angers. I am President of the Center for Coastal Conservation (Center), a coalition of America's leading advocates for marine recreational fishing and boating, including American Sportfishing Association, The Billfish Foundation, Coastal Conservation Association, International Game Fish Association and National Marine Manufacturers Association. The Center is dedicated to promoting sound conservation and use of ocean resources.

The testimony I provide today is on behalf of the Coastal Conservation Association, which was founded by a small group of recreational fishermen in Houston in 1977. CCA has grown to a seventeen-state operation with over 100,000 members. Its volunteer membership spans from Brownsville, Texas to Portland, Maine to Seattle, Washington and has made CCA an organization that prides itself on passionate grassroots efforts to influence policies and laws that promote sustainable fisheries for recreational anglers.

Over the last 20 years, CCA has been active in a number of conservation issues both on the state and federal level, including all of the east and Gulf coast net bans; gamefish status for redfish, speckled trout, tarpon, striped bass, river shad, marlins, spearfish and sailfish; and the reduction of bycatch through the use of technology and time and area closures. CCA has also pushed for the improvement of the fishery management system through the restructuring of state and federal regulatory bodies; the elimination of conflicts of interests by decision-makers, and the active involvement of its membership in the management process.

We commend the Obama Administration for placing such a high priority on ocean policy and committing resources and time of the White House Council on Environmental Quality, the National Oceanic & Atmospheric Administration and numerous other agencies to develop a comprehensive, coordinated strategy to manage our oceans. The extremely aggressive 180-day timeline to develop a national ocean policy that includes an integrated, ecosystem-based framework for marine spatial planning is a daunting endeavor. The urgency to establish such an expansive national policy and framework raises concern from the recreational fishing and boating community that important concepts and perspectives might be overlooked or simply left out in order to meet arbitrary deadlines.

Indeed, the Interim Report published September 17, 2009 did not contain a single reference to recreational fishing. The recreational community is a forgiving one, and we believe this omission was not intentional, but rather a reflection of the hurried nature of issuing an interim report within 90 days. The process in establishing any policy, especially one as important as a national ocean policy, must fully consider and balance the equities of all those that will be directly affected. For the Interim Report not to focus

– or even mention – recreational fishing, is a substantial concern and one that must be addressed and appropriately reflected in the final report.

Unfortunately, the experience all too often for the recreational community is to be managed or considered after the fact. Federal ocean and fishery management policy has historically focused solely on commercial enterprises, be it energy, shipping or fishing. And recreational interests are simply regulated or managed in a manner to do the least harm. This was the mind-set for years in terrestrial management until bold thinkers like Theodore Roosevelt and others championed the outdoorsman conservation ethic and managed fish and wildlife resources for the sustained enjoyment of the public.

The theme I would like to present to you today and implore you to include in any final national ocean policy is to celebrate, promote and ensure sustainable recreational uses of the ocean environment.

Process – Development of a National Ocean Policy

While the expedited timeframe for establishing this national ocean policy is a concern, the process by which the report is being developed is another. As I mentioned earlier, the effectiveness of CCA has been the active involvement of its volunteer membership on the local, state and federal level. Through local boards, state commissions, and federal regulatory and management bodies, recreational users have been able to shape policies and laws that impact fisheries conservation and ocean management. It is a well-worn process that CCA members understand and work within to develop effective policies that embody our conservation ethic.

Holding listening sessions in various coastal regions on what a national ocean policy should look like is a visible, tangible public outreach effort. We laud all of you for being here today and receiving public comment. However, listening sessions are not the same as agency hearings or committee markups, and they are not subject to federal notice or specific legal requirements or regulatory timelines for providing public comment or the ability to amend or ultimately change the outcome.

The concern, in particular for potentially new concepts like marine spatial planning or ocean zoning, is these concepts will be developed entirely within the bureaucracy of the Administration and not subject to any further comment or review. Our recommendation would be to provide the relevant committees in Congress with the opportunity to hold oversight hearings on the final report and consider legislation for any ocean management proposals that do not have statutory authority. We do not want the national ocean policy to enforce new legal mandates under the auspices of some existing legal authority.

A recent example of this here in the Gulf of Mexico was the approval of a fishery management plan authorizing commercial offshore aquaculture under a very expansive legal view of “harvesting” under the Magnuson-Stevens Act (the federal fishery law for managing commercial and recreational catch). Nowhere in MSA is there even a reference to aquaculture. This is a clear example of how a policy that does not have legal

authority may be shoe-horned under some other existing authority and implemented without a fully transparent, vetted and public process to develop the appropriate law. Again, the policy must balance the equities of those that will be affected. In the instance of offshore commercial aquaculture, we will not know until after the fact if the appropriate legal and regulatory protections were put in place to manage these commercial enterprises in the ocean environment.

Maintain Regional Input – No Top-Down Mandates

The Interim Report places a substantial focus on coordinating the numerous agencies and laws that ultimately intersect with stewardship of our oceans. The report recommends a policy coordination framework that would provide a structure to strengthen ocean governance and coordination by “providing clear and visible leadership and sustained high-level engagement within the Federal Government.”¹ Within this policy coordination framework, the report does recommend greater participation by local and regional governance structures. Maintaining regional input and expertise is absolutely critical for establishing a balanced and uniquely responsive national ocean policy. We are encouraged by these core recommendations on coordinating the laws and agencies to improve ocean management.

The Gulf of Mexico has an annual reminder of the need for better agency coordination and management of our shared natural resources. The dead zone that appears at the mouth of the Mississippi River every year is a constant reminder that we all share in the stewardship and protection of our oceans. Land-locked states in the heart of our country are following the laws and policies for cleaner energy and for our shared agriculture demands. However, these policies eventually have impacts on the ocean environment.

A national ocean policy must better coordinate our laws and policies to potentially anticipate and prevent adverse impacts on the ocean environment. However, a national ocean policy should not be a mechanism to establish an overarching bureaucracy that consists entirely of governmental officials implementing federal-down mandates.

Ocean and fisheries management are complex and benefit from regional input. The Interim Report provides encouraging references to maintaining local and regional input, however, in an effort to dictate change in ocean policy it might become expedient to simply mandate that all actions relating to the ocean environment meet one federal standard.

For instance, the report requires a national ocean policy that implements ecosystem based management. The various regional fishery management councils currently implement varying forms of ecosystem based management. Naturally, this approach to ecosystem based management is inherently regional and reflects the unique ocean conditions and fishery dynamics in that area. The federal/state process in MSA that established the regional councils is not perfect, but it does provide for ample opportunity for critical regional input. In addition, this Act allows for the direct involvement of anglers to either

¹ Interim Report of the Interagency Ocean Policy Task Force, pg. 18.

sit on the various Councils developing the fishery regulations or the opportunity to provide numerous recommendations on how best to manage our shared fishery resources.

The national ocean policy must encourage better coordination between agencies and promote policies that focus on stewardship of our oceans, but not at the expense of regional ingenuity.

Marine Spatial Planning – Maintaining Public Access

During the next several weeks, officials within CEQ, NOAA and other agencies are charged with developing a marine spatial planning framework that will provide a “comprehensive, integrated, ecosystem-based approach that addresses conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources”.² Marine spatial planning must be a policy that seeks to better inform decision-making in the ocean environment and address gaps in science and data to improve conservation and management objectives. Marine spatial planning must not be a means to catalogue, map and designate vast marine areas as marine restricted set-asides.

The Interim Report makes numerous references to ambiguous terms such as “healthy,” “pristine,” and “resilient,” and it articulates broad management concepts that call for the protection of biological diversity. The report then couples these hard-to-define terms and concepts with a precautionary approach when there is scientific uncertainty. Marine spatial planning under this approach would lead to the preservation of the ocean based entirely on precautionary principles and arbitrarily exclude users – primarily recreational users, we fear – from the marine environment and its resources.

Recreational interests and access to the marine environment must be a core element of any marine spatial planning policy and proposal. As discussed earlier, too often recreational interests are afterthoughts of marine policy, when under MSA, the recreational community has equal legal standing as commercial interests to fishery resources and access to the marine environment. For marine spatial planning to be effective it must not ignore recreational interests at the outset, but instead have a strong focus on maintaining and encouraging public access and recreation in the marine environment.

The 2006 reauthorization of MSA provided important rules on prohibiting fishing in the marine environment, and we would encourage this Administration to follow these legal requirements before establishing any marine restricted area under a marine spatial planning policy. Any marine restricted area should 1) be based on sound science; 2) be the smallest marine area possible to achieve an articulated conservation goal, and 3) be continuously reviewed to determine whether the marine restricted area is necessary to achieve these conservation goals.

It should not be the goal or result of marine spatial planning to determine or catalogue marine areas that should be simply set-aside as marine reserves or no-go zones. Any

² Interim Report, pg. 2.

policy to set-aside large areas of the marine environment to access or recreation creates disproportionate, negative impacts to the recreational boating and fishing public by simply locking them out. Marine spatial planning should not be a means to lock-up the ocean to public access and recreation.

Promote Recreation as a Core National Ocean Policy

Sustainable recreational use should not only be supported within a national ocean policy, it should be actively promoted. Under principle three of the Interim Report (Current and Future Uses of Ocean Ecosystems), there should be a specific recommendation for “the promotion of recreational uses of the ocean.”

We believe, for example, that the efforts and outreach made by the Department of Interior, which are designed to get kids outdoors with their families, increase physical activities, and reacquaint the public with their natural resources is a good model. Hunting, fishing, boating, and being outdoors are laudable things. The recreational fishing and boating community believes that stewardship of our ocean environment involves sustainable human uses.

Recreating in America’s oceans is big business and supports hundreds of thousands of jobs, but it is also more than that. It allows Americans to utilize America’s public marine resources as they do so with terrestrial resources. Such outdoor activities strengthen the family, improve public health, re-link people with natural resources and invest in them a stewardship ethic.

We strongly encourage this Administration to take advantage of this opportunity to promote the outdoorsman conservation ethic in the ocean environment and make recreational uses a core principle of both the final report and the framework for marine spatial planning in a national ocean policy.

Thank you for the opportunity to testify today.