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*“The President’s New National Ocean Policy – A Plan for Further Restrictions on Ocean,  
Coastal and Inland Activities”*

Committee on Natural Resources  
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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 US 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, offshore 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.