

July 27, 2007

Ms. Jean Flemma, Legislative Staff
Subcommittee on Fisheries, Wildlife and Oceans
House Committee on Natural Resources
187 Ford House Office Building
Washington, DC 20515

Dear Ms. Flemma:

The National Marine Manufacturers Association (NMMA) appreciates the opportunity to share its views regarding the critical issue of U.S. oceans policy and improving the management of our collective ocean resources. Legislation currently under consideration by the Committee, H.R. 21, the *Oceans Conservation, Education, and National Strategy for the 21st Century Act*, is an effort to streamline and better coordinate U.S. oceans governance broadly. NMMA was and continues to be a strong supporter of improving the management of our oceans and coasts in accord with many of the recommendations made by the U.S. Commission on Ocean Policy (USCOP). To that end, we respectfully offer the following comments to the Committee regarding H.R. 21.

NMMA is the nation's largest recreational marine industry association, representing nearly 1,700 boat builders, engine manufacturers, and marine accessory manufacturers. NMMA members collectively produce more than 80 percent of all recreational marine products made in the United States. Recreational boating is a popular American pastime, with almost 73 million boaters nationwide and over 13 million registered boats. The recreational boating industry is a substantial contributor to the nation's economy with total retail expenditures on recreational marine products and services of over \$39 billion in 2006 alone.

The boating industry and the recreational boating community are key stakeholders in the management of our oceans and coasts. Indeed, healthy and vibrant oceans, marine habitat, and sustainable fisheries are all essential to an enjoyable recreational boating experience. Recreational boaters and anglers have developed a strong appreciation for marine resources due to their first-hand experience of them, and the preservation of access and responsible use is critical to maintaining a robust constituency for the preservation of our oceans, coasts, and the marine life that inhabits them.

Although NMMA supports the intentions of H.R. 21, we outline the following comments:

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- Provisions in H.R. 21 appear to conflict with or preempt management processes enabled in the recently-reauthorized Magnuson-Stevens Fishery Conservation and Management Act, the nation's premier federal fisheries law. For example, H.R. 21 would impose new requirements that apply to "covered actions." H.R. 21 defines a "covered action" as "any activity affecting United States ocean or coastal waters or resources, that is authorized (including the issuance of Federal license or permit), carried out, or funded by a Federal agency." This would seem to include any and all decisions made by the National Marine Fisheries Service (NMFS). NMMA strongly believes that the bipartisan reauthorization of Magnuson-Stevens should continue to be the prevailing operative authority for the federal management of U.S. fisheries.
- NMMA supports sound science which is peer reviewed, methodologically transparent, and fully inclusive of relevant stakeholders through an equitable and meaningful process. NMMA is concerned that the broad language in H.R. 21 mandating a "precautionary approach" to management would undermine scientifically-based decision-making. Sec. 4(23) of the bill defines a "precautionary approach" as one in which ". . . lack of full scientific certainty shall not be used as a justification for postponing action to prevent environmental degradation." Without a full scientific understanding of the issues contributing to environmental degradation, it is imprecise and difficult to implement effective and appropriate response strategies. The policies to ensure sound decision-making in Magnuson-Stevens, the National Environmental Policy Act (NEPA) and the Administrative Procedures Act (APA) currently provide appropriate, process-oriented decision-making benchmarks and requirements.
- In its implementation, H.R. 21 would require several additional layers of process prior to the implementation of any "covered action" by a federal agency. The bill, for example, would establish a series of new bodies and would require each federal agency chief to certify that every "covered action" meets the standards set in the bill via a "written analysis" documenting that determination (Sec. 101(d)). This "written analysis" would include a "detailed assessment of the effects the covered action has on marine ecosystem health" (Sec 101(d)(2)(B)). This new requirement would, in all likelihood, dramatically reduce the speed with which resource managers could make decisions. NMMA believes that an efficient system that enables timely decisions is in the best interest of our marine resources.

Again, NMMA favors sensible and efficient efforts to better coordinate the more than 20 federal agencies charged with administering over 140 oceans-related laws. Such an effort is appropriate and important to the nation. The proper management of marine ecosystems and fisheries requires an efficient governmental apparatus that encourages and enables timely decisions and one that is not overburdened by unnecessary bureaucratic complexity. NMMA is not yet certain that the new structures proposed in H.R. 21, although well-intentioned, serve this purpose.

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NMMA appreciates the opportunity to submit its views on H.R. 21 and looks forward to working with Committee to improve the management of our oceans and coasts. Please do not hesitate to contact me or Mathew Dunn of my staff at 202-737-9760; mdunn@nmma.org if we can be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Dammrich', written in a cursive style.

Thomas J. Dammrich
President

Cc: Lia Protopapadakis, Office of the Honorable Sam Farr