

October 16, 2009

**Via E-Mail &  
Electronic Submission**

The Honorable Nancy Sutley  
Chair, Council on Environmental Quality  
Interagency Ocean Policy Task Force  
The White House  
Washington, D.C. 20503

**Re: National Marine Manufacturers Association Comments on the Interim Report of the Interagency  
Ocean Policy Task Force**

Dear Chairwoman Sutley:

The National Marine Manufacturers Association (“NMMA”), the nation’s leading recreational marine industry trade association, is pleased to provide these comments on the Interagency Ocean Policy Task Force (“Task Force”) Interim Report of the Interagency Ocean Policy Task Force (“Interim Report”). NMMA appreciates the consultation provided by Task Force staff to date and looks forward to a continuing, meaningful dialogue with Administration officials as the process develops.

NMMA represents 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. With 13 million registered recreational boats and 73 million boaters in the U.S., the recreational boating industry is a major consumer goods and services industry with total retail expenditures on recreational marine products and services of over \$33.6 billion in 2008 alone. The recreational marine industry supports over 300,000 jobs nationwide.

NMMA also submitted formal comment to the Task Force on July 31, 2009 outlining in detail the recreational marine industry’s position generally, and we reiterate those comments again here. NMMA also concurs with the comments submitted by the American Sportfishing Association (“ASA”) regarding the priorities of the recreational fishing community and incorporate those comments herein by reference.

Regarding the Interim Report, NMMA shares many of the Administration’s goals and values with respect to the appropriate environmental stewardship and management of America’s marine natural resources. Broadly, however, NMMA does not believe the Interim Report properly reflects the social, economic, cultural, and conservation benefits associated with marine recreation, including boating and angling, in the United States. This is both unfortunate and easily remedied.

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NMMA's comments will focus on these areas and offer recommendations for future iterations of Task Force Reports that could facilitate the Administration in gaining the support of recreation stakeholders, which is now clearly lacking and unnecessarily creating widespread mistrust with key stakeholders in the recreation community regarding the Task Force's work.

### **1. Make Recreation a National Policy Priority in Implementation Strategy**

NMMA does not, in the main, disagree with the identified areas outlined in the Interim Report for clarifying and providing direction for a National Oceans Policy. NMMA acknowledges that the Interim Report offers a caveat that its list is not "exhaustive." Certainly this is true given that the Interim Report does not acknowledge recreational angling at all and makes only passing reference to recreational boating. Unfortunately, the Interim Report singularly fails to strike a balanced view between marine resource "preservation" and environmentally sustainable use, even as the Interim Report casually acknowledges the national economic importance of various ocean industries and uses.

In outlining a possible "Implementation Strategy" for a National Oceans Policy, the Interim Report identifies nine "priority objectives," none of which reference economic activity in anyway. Subsequently, the Interim Report outlines an Implementation Strategy listing five of these objectives as "Areas of Special Emphasis" (26), again none recognizing recreation or economic activity in any way. This is a clear example of the Interim Report's unbalanced view with respect to economic and recreational activities associated with U.S. marine resources. This is a significant and deeply concerning oversight since the Interim Report clearly states that "the [National Ocean Council] would develop strategic action plans for each of the priority objectives" (8). These priority objectives will be the basis for future action. Since none of these objectives is concerned with either economic or recreational activity, it seems reasonable to conclude that the implementation of the Task Force's ultimate recommendations will similarly fail to duly represent this type of use.

At a minimum, NMMA strongly recommends that the Task Force revisit these priority objectives and include: (1) a priority objective that seeks to facilitate a range of sustainable and economically crucial economic activities associated with marine resources and coastal communities, including energy development, waterfront development (marinas, shore-based businesses), private and public access to marine areas and the Great Lakes, and others; and (2) a priority objective that recognizes the social, cultural, economic and conservation benefits of recreation.

Federal policy should enable marine outdoor recreation, including recreational boating and angling, allowing Americans to utilize America's public marine resources as they do so with terrestrial resources. Such outdoor activities strengthen the family, improve public health, acquaint people with the natural environment, and invest in them a sense of stewardship and a conservation ethic. No one cares about a resource they never see or experience. This is why, for example, the Department of Interior works so hard to bring the public to National Parks for recreation, because that is how constituencies are made. In our view, the Task Force could be well-served by following this kind of model.

### **2. Acknowledge Economic Importance of Recreation**

The U.S. recreational marine industry is comprised mostly of small- and medium-sized businesses—approximately 19,000 such businesses across the United States. In 2007, recreational boating directly and indirectly impacted 337,758 jobs with a labor income of \$10.4 billion. Nearly 19,000 boating

businesses directly employed more than 154,000 U.S. workers in 2007. There are nearly 12,000 marinas in the United States which serve as gateways to both salt and freshwater resources and the Great Lakes.

Boating consumers are largely middle-class Americans, with more than 75 percent of boat owners earning an annual household income of *less than \$100,000, and 95 percent of boats in use are less than 26 feet in length*. Since the beginning of the current economic downturn, our industry has already sustained at least a 60 percent decline in its workforce, and 70 percent decline in production, and a loss of approximately 135,000 jobs to date. One in ten marine manufacturing facilities has been permanently closed as a result of the recession. Given the current severe economic pressures facing our industry, we would request that the Task Force carefully weigh the potential economic impacts of its recommendations to the President.

Recreational boating is also closely tied to a robust recreational fishing industry. More than 28 million fishing licenses were sold in 2008. Recreational fishing is the most popular activity to pursue while boating among current boat owners. In 2008, 54.2 percent of boaters engaged in fishing when they were out on the water. According to the U.S. Fish and Wildlife Service, 57 percent of anglers who went fishing in 2006 did so from a boat; in the Great Lakes, 74 percent fished from a boat, and 69 percent of all saltwater fishing was done from a boat. If people's ability to recreationally fish is inhibited, this will clearly impact their decision to go boating or buy a boat.

Both the recreational boating and fishing industries, which combined contribute \$78 billion in annual retail sales, \$225 billion in total economic impact, and more than 687,000 jobs nationwide, are dependent on public access to the water, healthy and abundant fish stocks, and clean water. Our industries have a massive economic impact, but our consumers enjoy their public resources without any monetary gain. Recreational users do not commodify the resource—their activities do not result in personal financial gain, and this is unique among ocean users. We strongly recommend the Task Force recognize this unique status and orient a National Oceans Policy to reflect this very fundamental fact by encouraging and continuing open access and sustainable recreational use.

### **3. The Administration Should Reverse Recent Trends Toward Recreational Use Restrictions**

Clearly, preserving marine natural resources and maintaining healthy aquatic environments is essential to an enjoyable boating experience. But so is the ability to access those resources. Although NMMA strongly supports increased coordination in managing the oceans environment, we also recognize the importance of existing legal authorities and the need to ensure legal clarity with respect to regulated activities. As a general matter, NMMA supports management practices that balance resource protection with the rights of boaters, anglers and other user groups who are entitled to access their public aquatic treasures, since these are held in their trust.

Any new effort to enhance coordination among federal, state, local and regional bodies must maintain a management approach that is based in sound science and emphasizes balance rather than prohibition of certain activities. Increasingly, there appears to be an effort to move away from multiple use functionality of the marine areas in support of no-use reserves in which various groups or activities are strictly prohibited, even when such closures are not scientifically warranted. Maintaining public access is good for the resource—it motivates sustainable practice by those who value the resources most, and it helps to maintain a cooperative, non-adversarial relationship between regulators and the regulated

community, enhancing opportunities for mutually beneficial partnerships that improve resource protection.

We are, however, increasingly concerned that public access to our nation's oceans and aquatic resources is becoming unduly restricted in place of policies that promote sound conservation and responsible recreation. Indeed, the very nature of the Interim Report's focus on what appear to be preservationist objectives, and in the absence of any meaningful comment on recreational use, we are deeply concerned that the Interim Report ratifies and extends the unfortunate trend toward closures and access restrictions as an option of first resort. The Task Force would be well served, and could gain increased confidence from recreational stakeholders, if it explicitly worked toward upholding the otherwise longstanding American policy that promotes sustainable outdoor recreation. In our National Parks, wildlife refuge areas, national forests, and other areas held in conservation for future generations, recreation is almost always encouraged and promoted by the overseeing federal agencies. We would hope this is carried into any new, comprehensive effort with the oceans.

To that end, NMMA recommends that the Interim Report be revised to include as a Policy, under Subsection 2, "Safe and Productive Oceans, Coasts, and Great Lakes," that it be the policy of the United States to promote and increase responsible outdoor recreation in our oceans and Great Lakes by maintaining and increasing the public's ability to access these areas. Additionally, NMMA recommends that the Interim Report be amended in this same section to read: "Respect and preserve our Nation's maritime heritage, including our social, cultural, recreational and historical values."

NMMA does applaud the Interim Report's recognition of the importance of "multiple use" management and appreciates the goal laid out in Sec. IV (Principles) that "social and economic consequences of management decisions" be considered. This is a highly important component of proper management and should be a pillar of any new federal policy. The Task Force and the Administration could do much to regain the trust of the recreation community by recognizing its importance through formal ratification in its Final Report.

#### **4. Clarify Legal Authority for Proposed Policy Coordination Framework**

NMMA has routinely questioned the Task Force on what additional legal authorities, if any, it is seeking in order to implement and enforce its coordination goals. The Interim Report calls for a "stronger policy mandate and direction" (18) as well as a "strong, clear, overarching policy mandate and setting for national ocean priorities" (6). The Interim Report also identifies a "need for high-level direction and policy guidance from a clearly designated and identifiable authority" (6). The Task Force has recommended establishing new governmental structures, including a National Ocean Council, a Governance Advisory Committee, and changes to the existing Committee on Ocean Policy. The Interim Report indicates that "implementation plans" (20) would be used to meet "goals and objectives," and the National Ocean Council would "coordinate the development of an annual budget guidance memorandum" (2) to ensure consistency of federal agency actions with the National Ocean Policy.

NMMA has stated many times that it supports, conceptually, better coordination among federal agencies a coastal or ocean portfolio. But, based strictly on the language included in the Interim Report and the new governance structures which would be established, it appears as though the Administration is setting the stage for future additional legal authorities. NMMA would strongly discourage this as highly disruptive to existing management regimes. In any event, sufficient discussion and meaningful

consultation would not be possible in the accelerated timeframe laid out by the Task Force. For example, what legal force would such “budget guidance” have on agency decisions? What authorities would emerge from increased coordination for Fishery Management Councils, for example? These are difficult questions which need substantial elaboration.

While improving coordination is a laudable goal and efforts should be made to achieve it, NMMA would urge that such an effort not supersede or diminish existing federal laws that govern the regulated community. For example, coordination should be improved, but authorities should not be superseded or preempted, in fisheries management under the Magnuson Stevens Fisheries Conservation and Management Act (“MSFCMA”); the National Environmental Policy Act (“NEPA”); the Clean Water Act (“CWA”); U.S. Coast Guard vessel safety statutes and programs; the Coastal Zone Management Act (“CZMA”); and others. Federal regulators responsible for the implementation of these federal laws, and the agencies they serve, are often expert in these policy areas. Additionally, there is a high degree of familiarity within the regulated community with the current legal framework, which helps ensure compliance and awareness of legal obligations.

Therefore, NMMA recommends that the Task Force clarify that it seeks no additional legislative authorities and does not seek to disrupt, preempt, or supersede existing legal authorities, some of which were outlined above. NMMA again reiterates its recommendation that the Task Force avoid recommendations for creating additional layers of bureaucracy that would overwhelm all levels of government and ocean users. The focus should be on supporting local and regional efforts, not imposing top-down regulations, and recognize the jurisdictions of all existing management authorities.

#### **5. Clarify the Role of the Ocean Research & Resources Advisory Panel**

The Interim Report includes an Ocean Research and Resources Advisory Panel (“ORRAP”). However it is unclear if this panel is the vehicle for formal and regular input in the coordination framework. If so, its intent needs to be clarified. Additionally, while it would appear that, in theory, this body would include economic interests, it does not appear to be well representative in terms of recreational boating or other recreation-based businesses. NMMA reiterates its view that any councils or committees created or recommended by the Task Force should be subject to the highest public transparency standards. The public must be provided the opportunity to comment on any regulations, guidance or plans created under a new governance structure, and all relevant committees should be subject to the Federal Advisory Committee Act (“FACA”).

#### **6. Marine Spatial Planning Concept Too Vague for Meaningful Comment**

There has been much recent discussion regarding management of ocean uses through marine spatial planning (“MSP”). The Task Force has specifically requested comment from effected communities on this concept. NMMA remains unclear on the specific nature of MSP and hopes the Task Force’s activities further illuminate the specific nature and intent of this new management paradigm. To the extent that marine spatial planning will be used to identify, map, and compile important data on the variety of ocean uses and their potential impacts—including a lack of impacts—on ocean resources and the marine environment, NMMA has no objections. Part of any such effort should attempt to identify the necessary data to make appropriate ocean management decisions, and to identify any gaps in data that will result in poor or uninformed decisions.

There are occasions where competing uses come into conflict, and a reasonable system that seeks to properly manage these conflicts can provide value. However, conflict or use management should rarely result in unnecessary exclusions of specific communities or activities without very good cause, sound scientific information, and full, transparent stakeholder involvement. Often, regulators take the path of least resistance and “manage” multiple uses by excluding one use or another. They may do this because they are under-resourced, uninformed, or simply have bias toward a perceived more important stakeholder. Too often, recreational boating and angling are considered “low-hanging fruit” and are shut out. Consequently, our community is skeptical of MSP and NMMA encourages the Task Force to be very clear about its intentions moving forward.

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The National Marine Manufacturers Association appreciates the opportunity to submit comments regarding the Interim Report of the Interagency Ocean Policy Task Force. NMMA applauds the Task Force for its efforts in reaching out to all impacted stakeholders. We hope that that outreach constitutes meaningful consultation rather than simple notification, and we hope that we have been helpful in identifying gaps in the Interim Report, ways to improve it, and mechanisms to potentially shore up the support of the recreational boating and angling community, which is very substantial and economically important. As we have said during our meetings, NMMA hopes to be helpful and work collaboratively to improve our ocean resources, expand recreational opportunities, and enhance sustainable economic activity associated with the oceans.

NMMA looks forward to a continued, positive dialogue with the Task Force. Please let us know if we can provide further information or insights, or if we can be of assistance in any way. Please contact Mathew Dunn at (202) 737-9760; [mdunn@nmma.org](mailto:mdunn@nmma.org).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Dammrich', written in a cursive style.

Thomas J. Dammrich  
President