

November 19, 2013

The Honorable Barbara Boxer
Chairman
Environment and Public Works Committee
U.S. Senate
112 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Bill Shuster
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2209 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doc Hastings
Chairman
Natural Resources Committee
U.S. House of Representatives
1203 Longworth House Office Building
Washington, D.C. 20515

The Honorable David Vitter
Ranking Member
Environment and Public Works Committee
U.S. Senate
516 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Nick Rahall
Ranking Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2307 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Peter DeFazio
Ranking Member
Natural Resources Committee
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairmen Boxer, Shuster, and Hastings and Ranking Members Vitter, Rahall, and DeFazio:

As efforts commence to reconcile the House and Senate versions of recently-passed water resources infrastructure legislation, the undersigned groups strongly urge your support for maintaining the provisions included in Section 146 of H.R. 3080 in order to help ensure that commercial and recreational interests spanning nearly every sector of the U.S. economy are not saddled with additional uncertainty and new regulatory hurdles pursuant to two particular components of the July 2010 Executive Order 13547 (National Ocean Policy).

Among other things, the National Ocean Policy requires a multitude of federal entities including the Department of Defense to participate in "Coastal and Marine Spatial Planning" (CMSP) in all nine U.S. coastal regions. A recent NOAA document acknowledged that the U.S. Army Corps of Engineers serves as a member of at least one "Coastal and Marine Spatial Planning Regional Team."

CMSP is in part described as a process "to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected," and the Interior Department has likened CMSP to a "national zoning plan" that "will serve as an overlay" in federal decisions. Concerns are further heightened given that the geographic coverage of CMSP includes inland bays and estuaries and upland areas as new "Regional Planning Bodies" deem appropriate, and since federal entities will "address priority...ocean management issues associated with marine planning as described in the Executive Order" even in regions where all states choose not to participate.

In addition to CMSP, the National Ocean Policy requires the federal government to implement “Ecosystem-Based Management” (EBM), which is described as a “fundamental shift” in how the U.S. manages ocean, coastal, and Great Lakes resources. The Final Implementation Plan requires federal entities including the Defense Department to “[i]ncorporate EBM into Federal agency environmental planning and review processes” by 2016.

Language adopted by the Executive Order states that “effective” National Ocean Policy implementation would “require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component,” and acknowledges that the policy “may create a level of uncertainty and anxiety among those who rely on these resources and may generate questions about how they align with existing processes, authorities, and budget challenges.”

By preserving the provisions included in Section 146 of H.R. 3080, Congress can help ensure that implementation of the most concerning aspects of an initiative that has not been authorized by Congress does not unnecessarily saddle commercial and recreational interests across the country with additional uncertainty and anxiety and new regulatory hurdles. Maintaining this provision will also provide Congress with an opportunity to more closely examine the role of the U.S. Army Corps of Engineers in the National Ocean Policy before the initiative is fully implemented.

Therefore, we respectfully request inclusion of H.R. 3080’s National Ocean Policy provisions in any conference agreement.

Sincerely,

Agricultural Retailers Association
Alaska Bering Sea Crabbers
Alaska Forest Association
Alaska Groundfish Data Bank
Alaska Miners Association
Alaska Oil and Gas Association
Alaska State Chamber of Commerce
Alaska Support Industry Alliance
Alaska Whitefish Trawlers Association
Alliance of Communities for Sustainable Fisheries
American Farm Bureau Federation®
American Loggers Council
American Petroleum Institute
At-sea Processors Association
Chamber of Shipping of America
City of Unalaska
Conservation Cooperative of Gulf Fishermen
Consumer Energy Alliance
CropLife America
Destin Charter Boat Association
Directed Sustainable Fisheries, Inc.
Energy Producing States Coalition
Florida Keys Commercial Fishermen’s Association
Forest Landowners Association

Freezer Longline Coalition
Garden State Seafood Association
Grand Strand Fishing Alliance
Great Lakes Boating Federation
Independent Petroleum Association of America
Institute for 21st Century Energy
International Association of Geophysical Contractors
LA 1 Coalition
Long Island Commercial Fishing Association
Louisiana Mid-Continent Oil and Gas Association
Mexico Beach Charters
Montauk Inlet Seafood
National Agricultural Aviation Association
National Association of Charterboat Operators
National Association of Home Builders
National Association of Wheat Growers
National Cattlemen's Beef Association
National Ocean Industries Association
National Ocean Policy Coalition
National Onion Association
New Bedford Seafood Coalition
North Carolina Watermen United
Northern Gas Pipelines
Northwest Mining Association
Offshore Marine Service Association
Offshore Mariners' Wives Association
Organized Fishermen of Florida
Pacific Seafood Processors Association
Panama City Boatmen Association
Public Lands Council
Recreational Fishing Alliance
Recreational Fishing Alliance-Forgotten Coast Chapter
Recreational Fishing Alliance-Oregon Chapter
Resource Development Council for Alaska
Shallow Water Energy Security Coalition
Society for Mining, Metallurgy and Exploration
Southeast Alaska Fishermen's Alliance
Southeastern Fisheries Association
Southern Kingfish Association
Southern Offshore Fishing Association
The American Waterways Operators
United Catcher Boats
U.S. Chamber of Commerce
U.S. Oil and Gas Association
Virginia Charter Boat Association
West Coast Seafood Processors Association
Western Energy Alliance
Western Fishboat Owners Association

cc:

The Honorable John Barrasso
The Honorable Max Baucus
The Honorable Rob Bishop
The Honorable Timothy Bishop
The Honorable Corrine Brown
The Honorable Larry Bucshon
The Honorable Cheri Bustos
The Honorable Shelley Moore Capito
The Honorable Benjamin Cardin
The Honorable Thomas Carper
The Honorable Rodney Davis
The Honorable John Duncan, Jr.
The Honorable Donna Edwards
The Honorable Lois Frankel
The Honorable John Garamendi
The Honorable Bob Gibbs
The Honorable Sam Graves
The Honorable Janice Hahn
The Honorable Richard Hanna
The Honorable Duncan Hunter
The Honorable James Inhofe
The Honorable Eddie Bernice Johnson
The Honorable Frank LoBiondo
The Honorable Candice Miller
The Honorable Markwayne Mullin
The Honorable Grace Napolitano
The Honorable Rick Nolan
The Honorable Tom Rice
The Honorable Daniel Webster
The Honorable Sheldon Whitehouse