

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

April 2, 2012

The Honorable Harold Rogers  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
H-307 Capitol  
Washington, DC 20515

Dear Chairman Rogers:

The Obama Administration continues to move forward with zoning the oceans through implementation of the President's National Ocean Policy (Policy) without requesting funding specifically for this broad initiative and without answering basic questions about how funds are currently being diverted from other missions to fund this initiative. Therefore, I ask that you please consider including language in each appropriations bill to specifically prohibit the use of funds for the implementation of the National Ocean Policy.

As you know, a number of our Colleagues have significant concerns with the National Ocean Policy, which was created through an Executive Order and without specific statutory authority. The increased bureaucracy created by the Executive Order is astonishing: a new 27-member National Ocean Council; an 18-member Governance Coordinating Committee; 10 National Policies; 9 Regional Planning Bodies - each involving as many as 27 Federal agencies as well as states and tribes; 9 National Priority Objectives; 9 Strategic Action Plans; 7 National Goals for Coastal Marine Spatial Planning; and 12 Guiding Principles for Coastal Marine Spatial Planning. In addition, the draft *National Ocean Plan Implementation Plan* lists more than 100 outcomes, actions, and milestones for federal agencies to comply with beginning in 2011 and 2012.

The Natural Resources Committee has undertaken oversight over this far-reaching Policy and the lack of information provided by the Administration raises serious concerns – particularly about the funding for the implementation of the Policy and the negative impact on existing activities by agencies implementing the Policy. The President's Policy is especially alarming due to the fact it will not only affect the oceans and coastal areas, but also stretches far inland following rivers and their tributaries upstream for hundreds of miles.

In addition, the Committee has heard testimony about the potential this far-reaching Policy has to hinder job creation because of the uncertainty it creates due to increased regulation. In addition to increased regulation, this Policy has the potential to increase the number and scope of lawsuits to stop or delay projects that require federal permits that some argue might be in

conflict with some portion of the Policy. At a time when job creation is vital to this Nation's economic recovery, any additional, vague, regulatory policy that breeds more lawsuits and lacks statutory authorization should be firmly shelved or put on pause until the full economic implications are clearly known.

Despite a lack of specific statutory authority to impose ocean zoning and this Policy, the recently released draft *National Ocean Policy Implementation Plan* further muddies the water on what the Administration is doing by requiring actions be taken by a number of federal agencies in both 2012 and 2013. Within the Policy there are nine National Priority Objectives each of which includes "outcomes", "actions", and "milestones" that require federal agencies to undertake by a specific date. Under the draft *Implementation Plan*, there are 59 "milestones" for agencies to accomplish in 2012, and 92 "milestones" for agencies to accomplish in 2013. And yet, to my knowledge, no federal agency has requested any funding for the implementation of these actions, outcomes, and milestones.

Even if the milestones are not major activities, significant staff time will certainly be diverted from existing activities and missions of their agencies. The draft *Implementation Plan* states that the National Ocean Council "expects to complete and approve the final Implementation Plan in the spring of 2012. Federal agencies will then implement its final set of actions." Yet, no agency has requested funds for any of these on-going efforts. The draft *Implementation Plan* also indicates that federal agencies have already been asked how they could "repurpose" existing resources to implement this Policy. This raises additional concerns about agencies taking action to fund unauthorized activities without asking for appropriations.

As part of the Committee's oversight, I sent a letter to the Honorable Nancy Sutley, Chair of the Council on Environmental Quality (CEQ) and the Co-Chair of the National Ocean Council, requesting information about implementation of the Policy and, in particular, about how this broad effort is being funded. Two weeks after the letter was sent to CEQ, Chair Sutley was still unable to answer the same questions when she testified at a hearing before the full Natural Resources Committee. It is hard to believe that the Chair of CEQ and the co-Chair of the National Ocean Council cannot, or will not, answer questions relating to money already spent by the Administration on the implementation of the Policy. They either do not know how money is being spent on this far-reaching new Policy, or they do not want to respond to legitimate Congressional oversight questions.

For these many reasons, the Administration's efforts to impose this Policy across the Nation and mandate ocean zoning should be put on pause until the full economic consequences are known and direct answers are given on the specific statutory authority that justifies the construction of this new, regulatory behemoth. This can best be accomplished by putting a halt to the Administration's cloaked funding of this Policy for Fiscal Year 2013. I respectfully request that the Appropriations Committee include language in each Fiscal Year 2013 appropriation bill prohibiting the use of funds to implement this National Ocean Policy. This prohibition should be included in any bills funding agencies that are represented on the National Ocean Council or are expected to be involved in the implementation of the National Ocean Policy.

The Natural Resources Committee will continue its oversight efforts; however, to be successful in this endeavor your Committee's assistance in the process is requested. Thank you for your consideration.

Sincerely,



Doc Hastings  
Chairman

cc:

Chairman Aderholt  
Chairman Crenshaw  
Chairman Culbertson  
Chairwoman Emerson  
Chairman Frelinghuysen  
Chairwoman Granger  
Chairman Kingston  
Chairman Latham  
Chairman Rehberg  
Chairman Simpson  
Chairman Wolf  
Chairman Young