

Top 10 Things to Know About President Obama's Plan to Zone the Oceans

On July 19, 2010, President Obama signed [Executive Order 13547](#) to unilaterally implement a new National Ocean Policy without Congressional approval or specific statutory authority. This policy is a new regulatory layer that could significantly impact the way we use and manage our oceans and is another example of the Obama Administration imposing burdensome federal regulations and policies that could hinder economic growth and harm job creation. In addition, the Administration is implementing a mandatory Coastal and Marine Spatial Planning initiative to 'zone' the oceans.

Next week, the Natural Resources Committee will hold an [oversight hearing](#) entitled "The President's New National Ocean Policy - A Plan for Further Restrictions on Ocean, Coastal and Inland Activities." The hearing will examine the job, energy and economic impacts of President Obama's Executive Order.

Top 10 Things to Know About the President's Executive Order and 'Ocean Zoning'

- 1. Lacks Congressional Authorization.** In four separate Congresses, legislation has been introduced to implement similar far-reaching ocean policies, and to-date NO bill has passed the House or been reported out of a Committee.
- 2. Unilateral Action.** The Obama Administration has failed to cite any specific statutory authority for the Coastal and Marine Spatial Planning initiative. Instead, it throws up a smokescreen list of all statutes that impact the oceans and claims that is their authority.
- 3. Imposes 'Ocean Zoning.'** The Coastal and Marine Spatial Planning initiative is entirely new, mandatory ocean zoning that involves up to 27 Federal agencies and will cost the taxpayers millions, if not billions, in Federal spending. This initiative could place huge portions of the ocean off limits to all types of recreational and commercial activities.
- 4. Threatens American Jobs.** 'Ocean zoning' has the potential to damage sectors such as agriculture, commercial and recreational fishing, construction, manufacturing, marine commerce, mining, oil and natural gas, renewable energy, recreational boating, and waterborne transportation, among others. These industries support tens of millions of jobs and contribute trillions of dollars to the U.S. economy.
- 5. Far-Reaching Impacts Not Limited to the Ocean.** This new 'ocean zoning' authority would allow Federally-dominated Regional Planning Bodies to reach as far inland as it deems necessary to protect ocean ecosystem health. It specifically

mentions the Great Lakes and could potentially impact all activities that occur on lands adjacent to rivers, tributaries or watersheds that drain into the ocean.

6. Creates More Bureaucracy. The Executive Order creates: 10 National Policies; a 27-member National Ocean Council; an 18-member Governance Coordinating Committee; and 9 Regional Planning Bodies. This has led to an additional: 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 to be created.

7. Tool for Litigation. The ‘ocean zoning’ initiative involves vague and undefined objectives, goals, and policies that can be used as fodder for lawsuits to stop or delay Federally-permitted activities. This initiative is poised to become a litigation nightmare.

8. New Cost to Taxpayers. This new policy will affect already budget-strapped agencies such as NOAA, Department of Commerce, Department of the Interior, EPA, Department of Transportation, USDA, Homeland Security, and the Army Corps of Engineers. As Federal budgets are further reduced, it is unclear how much funding the agencies are taking from existing programs to develop and implement this new initiative.

9. Those Impacted by Regulations Need Not Apply. The Regional Planning Bodies, created by the ‘ocean zoning’ initiative, will have no representation by the people, communities and businesses that will actually be impacted by the regulations. These heavily Federal bodies will create zoning plans without any stakeholders yet all Federal agencies, the States, and the regulated communities will be bound by the plan.

10. New Regulatory Uncertainty. The impacts of this new regulatory layer and ‘ocean zoning’ initiative contribute to an uncertain regulatory climate that is hindering economic activity and job creation. Even the Interagency Task Force recognized this potential in their report stating, “The Task Force is mindful that these recommendations 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. The NOC (National Ocean Council) will address questions and specifics as implementation progresses.” In other words...don’t worry, trust us.

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