

July 31, 2009

Interagency Ocean Policy Task Force
c/o Ms. Nancy Sutley, Chairwoman
White House Council on Environmental Quality
722 Jackson Place
Washington, DC 20503

**Re: Recreational Marine Manufacturing Perspectives on National Policy for Oceans,
Coasts, and the Great Lakes**

Dear Chairwoman Sutley and Members of the Interagency Ocean Policy Task Force:

The National Marine Manufacturers Association (“NMMA”), the nation’s leading recreational marine industry trade association, and the Personal Watercraft Industry Association (“PWIA”), are pleased to provide comment on the President’s initiative to establish and framework for National Oceans Policy, including the development of guidelines to implement marine spatial planning (“MSP”). These comments are in response to the President’s Memorandum issued on June 12, 2009 and in response to requests from the Interagency Ocean Policy Task Force (“Task Force”) for comments by impacted stakeholders. NMMA and PWIA both participated in meetings with staff for the Task Force and appreciated the opportunity to do so. NMMA has also signed comments submitted by the recreational fishing community¹ and incorporates those comments herein by reference.

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 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 and supports over 300,000 boating industry jobs.

PWIA and its member companies, American Honda Motor Co., Inc., Bombardier Recreational Products, Inc., Kawasaki Motors Corp., U.S.A., and Yamaha Motor Corporation, U.S.A. manufacture and/or distribute personal watercraft (“PWC”). PWIA and the PWC Companies are vitally interested in ensuring that PWC use continues, on fair and nondiscriminatory terms, in our oceans, lakes and aquatic environments that permit other forms of motorized boating.

The recreational boating community is an important stakeholder in any national process to enhance marine resource protection. Boating has deep historical roots in outdoor recreation in America and participation has been steadily trending upwards. In 2008, 70 million Americans went boating, all out on the water spending time with their family and friends and enjoying our natural resources, fishing, cruising and just being outdoors. Much of these boating occurs offshore or in the oceans

¹ These comments were submitted by American Sportfishing Association, Center for Coastal Conservation, Congressional Sportsman’s Foundation, Coastal Conservation Association, International Game Fish Association, Billfish Foundation, Shimano Sport Fishers Initiative, and National Marine Manufacturers Association.

environment, and except for individuals who enter the water from shore or who are aboard larger vessels, it is safe to say that almost all visitors to these marine areas are on a boat built by a member of NMMA.

NMMA and PWIA support the laudable goals outlined in the President's Memorandum. Our organizations, at the time of its release, also broadly agreed with many of the recommendations outlined in the Final Report of the U.S. Commission on Oceans Policy. Improving coordination among federal, state and local actions on oceans management is a laudable goal. Recreational marine industry consumers—boaters and anglers—depend on a healthy marine environment. Given the economic, cultural, and environmental importance of recreational boating and related activities in the United States, we strongly urge the Task Force to explicitly support marine recreational activities as part of any national ocean policy and to encourage outdoor recreation and the public's enjoyment of the natural resources held in their trust. Specifically, NMMA would urge that the recommendations submitted to the President by the Task Force reaffirm that it remains the policy of the federal government to preserve and enhance environmentally responsible public access to and enjoyment of the marine environment.

Economic Impact of Recreational Marine Industry & Boating in the United States

The U.S. recreational marine industry is comprised mostly of small- and medium-sized businesses—approximately 19,000 such businesses across the United States. 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.

Additional economic and demographic facts include:

- **Boating is Popular.** The number of adults who went boating in 2008 increased to 70 million, a jump of nearly 6 percent over 2007.
- **U.S. Recreational Boat Registrations.** Boat registration increased 1.0 percent in 2007, with 12.9 million registered boats. NMMA estimated there were 354,400 new powerboats sold in the United States during 2007.
- **Recreational boating participation.** Three of ten adults went boating at least once during 2008, an increase of 1.3 percent from the previous year. This growth came from past participants; only 25 percent of this segment did not go boating in 2008 compared to nearly 28 percent in 2007.
- **Recreational Fishing & Boating.** More than 28 million fishing licenses were sold in 2008. Recreational boating is closely linked with recreational fishing in the United States, with recreational fishing being 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.

- **Boaters are Middle Class.** Nearly 3 out of 4—**75 percent**— current boat owners have an average household income of less than \$100,000. 43 percent of current boat owners earn less than \$75,000 per year.
- **Boating is Important to the Economy.** Recreational boating continued to contribute significantly to the U.S. economy, generating \$33.6 billion in sales and services during 2008.
- **Economic value of recreational boating:** In 2007, a total of \$20.9 billion was spent on crafts, and another \$21.1 billion was spent on boating trips.
- **Boater Spending is Substantial.** Boat-related spending (accessories, repairs, etc.) totaled \$20.9 billion in 2007. Boating trip spending in 2007 totaled \$21.1 billion.
- **Boating Means Jobs.** 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.

Environmental Improvements in Recreational Marine Equipment & Technology

Recreational boating is a well-regulated activity with numerous federal and state laws governing the marine engine air and water emissions, oil discharges, incidental discharges, black water discharges, and a range of other areas. There are a range of federal and state programs that help boaters contribute to protecting their waters, such as the Clean Vessel Act program, which provides shore-based pump-out facilities for black water discharges; state-level Clean Marina Programs; the Sportfish Restoration and Boating Trust Fund, which disburses hundreds of millions of dollars of monies a year collected in part from excise taxes on gasoline attributable to motorboats to fish conservation, habitat restoration, and clean water programs, and many others. It is important to point out the enormous technological innovations in the boating industry in order to ensure that the Task Force understands the significant strides made by the boat and engine manufacturers to ensure that boating is environmentally responsible and that boaters can be strong stewards of the natural resource.

As of today, all recreational marine engines are currently regulated under the Clean Air Act. Since the enactment of the Clean Air Act Amendments of 1990, EPA has designed non-road regulatory programs that have resulted in substantial air quality improvements. These advances have been made possible by the innovation and cooperation of recreational marine engine and boat manufacturers. For example, EPA initiated a major air emissions rulemaking in 1996 for marine engines that required marine engine manufacturers to reduce hydrocarbon and NOx exhaust emissions for spark-ignition gasoline marine engines by an average of 75 percent between 1998 and 2006 on all new outboards and personal watercraft. Subsequent regulations imposed by the California Air Resources Board (CARB) resulted in a new generation of marine engines that exceed EPA-mandated reductions under this federal rule. NMMA's member engine manufacturers have met and exceeded these new standards.

Building upon these engine technology success, EPA finalized on October 8, 2008 a long-anticipated landmark regulation that imposes major new engine emission standards for marine outboard spark-ignition engines that will complete the transition and remove over time old-technology carbureted two-stroke marine engines from sale in the U.S. commencing in 2010. See “Control of Emissions From Nonroad Spark-Ignition Engines and Equipment,” 73 Fed. Reg. 59,033 (Oct. 8, 2008). All recreational marine engines, now including stern drive and inboard (SD/I) spark-ignition engines, are regulated by EPA, with new emission standards that will require catalyst technology, closed-loop fuel injection and onboard emission diagnostic systems starting in 2010. SD/I engines are typically four-stroke automotive engines that have been “marinized” for operation in a boat. By adding catalyst exhaust emissions, these engines will be identified by the California Air Resources Board (“CARB”) star label program as Four Star “Super Ultra Low Emissions” engines.

EPA in this Final Rule also adopted new standards to control evaporative emissions for all vessels using marine spark-ignition engines, including requirements for fuel tank permeation, fuel line permeation and diurnal fuel tank vapor emissions. According to EPA, these new requirements, when fully implemented, “will result in an estimated 70 percent reduction in HC+NO_x emissions and a 50 percent reduction in CO from new SD/I engines’ exhaust. The standards will also result in a 60 percent reduction in HC+NO_x emissions from OB/PWC engines. The new standards will reduce evaporative emissions by about 70 percent” (USEPA Regulatory Announcement, EPA420-F-08-013. September 2008). Moreover, EPA has estimate major fuel savings from these new requirements from boaters, indicating that the new standards will result in a 25-40 percent increase in fuel economy.

We identify these environmental improvements in order to underline to the Task Force that recreational boating is an environmentally responsible activity that should not be unduly restricted should a new policy of marine spatial planning be put into effect.

Public Access should be Maintained

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 and PWIA strongly support 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, our organizations support 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. We are seeing states from California to Florida moving to restrict water access, and we saw in the Bush Administration the designation of one of the largest marine protected

areas in the world, undertaken with the mere stroke of a pen—without the meaningful stakeholder processes or the science-based decision-making that should govern such decisions. We believe this trend is worrisome and not consistent with longstanding American policy that promotes sustainable outdoor recreation, and we would hope that President Obama take a different approach with respect to process and science, as he has indicated in his Memorandum on scientific integrity.

To be sure, our organizations do not oppose the designation of marine protected areas in the event of significant ecological concerns for which the prevailing scientific evidence—which is peer reviewed and methodologically robust—demonstrates that such a designation is necessary to protect resources. But, we encourage the Task Force to recognize that it is a longstanding policy of the federal government to allow public access to public lands and waters for recreational purposes consistent with sound conservation. This policy is reflected in the principles of our wildlife refuges, national forests, national parks, and wilderness areas. Should the Administration pursue a new policy of marine spatial planning, we would hope that this policy adheres to these longstanding principles.

Personal Watercraft Bans Illuminate Undue Access Restrictions

In some cases, which our organizations believe should be reviewed, access for specific type of watercraft has been unduly prohibited without sound scientific basis. For example, the PWC industry is a textbook example of the negative results that can be brought to bear when science is not allowed to govern the decision making process. As noted above, today's personal watercraft are among the cleanest and quietest motorized vessels on the water today. Air emissions have been reduced by 90 percent, in fact meeting the most stringent air standards in this country—those prescribed by the California Air Resources Board (CARB). Sound emissions from PWC have been reduced by 70 percent.

Despite these dramatic technology and environmental improvements, however, as a result of an unfounded, and unsubstantiated, ban that was allowed to go into effect in 2000, personal watercraft were banned from every national park unit throughout the country (387). Subsequently, only a handful of parks were reexamine these prohibitions and perform an Environmental Assessment to determine if PWCs would be allowed back into particular park units. Since that time, in the ensuing 8.5 years countless tax payers' dollars have been spent to promulgate the rules for the chosen handful of parks to perform environmental assessments and issue Final Rules. In each and every park unit that performed an Environmental Assessment, the exact same conclusions were reached: PWCs do not present any unique or adverse impact to national parks. If sound science had been allowed to dictate the decisions made in 2000, the ban would not have been put into effect and taxpayer dollars and agency resources would have been spared.

As a result of this unfounded ban on PWC use, coupled with an eight-year campaign that has played out to determine if PWCs would be allowed back into certain park units, over \$2.7 billion dollars have been lost by small businesses supporting the personal watercraft industry and over 3,300 U.S. jobs have been lost as the direct result of the ban or the perceived threat of access restrictions (The Trade Partnership. "Analysis of the Economic Impact of the Ban on Use of Personal Watercraft by the National Park Service." February 2006).

Lastly, Biscayne National Park (BNP) is a potentially tragic example of an unintended consequence when science is not used as the underpinning for decisions made to govern our oceans and waterways. As a result of the 2000 ban, there is now a situation around Biscayne National Park off the coast of Miami Beach, wherein access is allowed to all other types of boats, except personal watercraft. As a result, PWC riders must now go 10 -12 miles into the open ocean to circumvent the

park. On a fair winds, and calm seas day, 3-6 seas are normal. For personal watercraft users, this is a very dangerous passage and it is an unfortunate consequence of what is clearly a flawed policy.

It is our judgment that this does not represent good government or sound policymaking. This unreasonable prohibition of personal watercraft use—when all other types of watercraft are permitting—has impacted countless small businesses, those very entities that can least afford to operate on a variant profit margin, and it has erased thousand of U.S. jobs and potentially endangered boaters who are forced into the open ocean in order to avoid the prohibited areas. As the Task Force and the Obama Administration evaluates current specific oceans management issues, we would point to these cases as examples of undue access restrictions that benefit neither the environment, the public, nor the regulated community.

Marine Spatial Planning Needs Further Elaboration

There has been much recent discussion regarding management of ocean uses through marine spatial planning (“MSP”). Our organizations remain unclear on the specific nature of MSP and hope 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, our organizations have no objection to marine spatial planning. 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.

Any marine spatial planning program should focus on gathering the necessary tools to encourage compatible multiple-uses. It should focus on ways in which to balance the economic, social and conservation needs in order to strengthen coastal economies that depend heavily on both ocean uses and a healthy ocean ecosystem. We look forward to working with the appropriate federal agencies, White House staff, and non-governmental organizations in further understanding what, precisely, marine spatial planning would entail and how it would work.

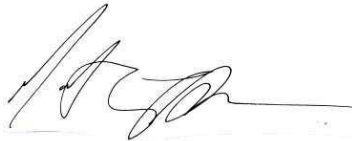
Oceans Governance and Improving Coordination

NMMA and PWIA both support increasing coordination among the myriad federal and state agencies who manage or regulate our oceans and coasts. While improving coordination is a laudable goal and efforts should be made to achieve it, our organizations 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 preempt, 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.

While we understand that the President does not intend—and has no ability through the current Task Force initiative—to override existing legal authorities, we do note this as a concern for the Task Force moving forward. We would encourage the Task Force to 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. Additionally, 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”).

The National Marine Manufacturers Association and the Personal Watercraft Industry Association appreciate the opportunity to submit comments to the President’s Interagency Ocean Policy 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 or Maureen Healey at (202) 737-9778; mhealey@pwia.org.

Respectfully submitted,



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