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STATE DEPARTMENT

Fishing in murky waters: the administration's secretive oceans policies come under fire

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The Obama administration is using its “phone and pen” method of governing by executive action to push its agenda and extend its powers in a huge new area: the Pacific Ocean.

American fishermen are reacting with skepticism, concern and frustration at the latest murky steps to prevent fishing in vast tracts of the Pacific. The proposed expansion was announced along with other White House ocean conservation initiatives on June 16, as the kickoff to a two-day State Department conference aimed at greater international coordination to overcome a variety of ocean ills, including not only overfishing, but marine pollution and ocean acidification -- the last linked by conservationists to global carbon emissions and “climate change.”

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The announcements, and the oceans conference itself, also serve a broader purpose: to link a sweeping and controversial U.S. oceans policy the administration began implementing last year with broader international efforts to achieve more ambitious “sustainable” goals at sea, along the world’s coastlines and in the atmosphere by 2020.

The lack of information extends to the current announcement, which is dramatic in tone but not very concrete in detail. According to the administration’s announcement, it will “immediately consider” how to expand protections in the affected Pacific areas, a formulation that leaves plenty of room for maneuvering on the initiatives, even as a State Department spokesman told Fox News that “our goal is to implement them as quickly as possible.”

The additional areas marked for preservation are located around the Pacific Remote Islands Marine National Monument, a 77,000 square mile area south and west of Hawaii that was created as a preserve by President George W. Bush in 2006, two-and-a-half years before Barack Obama took office.

“All of this is a terrible, terrible abuse of power.”

- Doc Hastings, the chairman of the House Committee on Natural Resources.

According to the White House, the area “contains some of the most pristine tropical marine environments in the world,” which are “also among the most vulnerable areas to the impacts of climate change and ocean acidification.”

The current monument area extends about 50 miles out from the speckling of islands that are considered U.S. territory, where commercial fishing and all manner of marine dumping are forbidden. The administration's proposal would likely seek to extend the preserve to the internationally recognized 200 mile Exclusive Economic Zone around the U.S. territories, and expand the monument area about ten-fold, to roughly 782,000 sq. miles.

But even there, the administration remains cagey. "Before making decisions about the geographic scope and details of future marine protections," the White House announced, "we will consider the input of fishermen, scientists, conservation experts, elected officials and other stakeholders."

That kind of tactical elusiveness is something that congressional Republicans have long found frustrating, as they tried to block funding for the overall ocean policy, charging that the initiative has never received legislative approval, is not subject to congressional oversight, and that its costs, scope and sources of funding have never been revealed.

"All of this is a terrible, terrible abuse of power," charges Doc Hastings, the chairman of the House Committee on Natural Resources. "The president is ruling by executive order, by fiat. Policy on oceans should come through Congress. This is really an example of the administration simply not giving information on what it is doing."

For its part, the administration has declared that no additional funding beyond regular department budgets is being used to implement the overall oceans policy, and it has made no announcements about additional staffing related to the implementation.

The same holds true for the administration's National Oceans Implementation Plan, released in April 2013. "The policy does not create new regulations, supersede current regulations, or modify any agency's established mission, jurisdiction or authority," the document relates. Nor does it "redirect congressionally-appropriated funds, or direct agencies to divert funds from existing programs"—all things that might trigger the legal need for congressional approval.

Instead, it "improves interagency collaboration and prioritization to help focus limited resources and use taxpayer dollars more efficiently."

Yet, at the same time, the plan calls for sweeping restoration of coastal wetlands and coral reefs, an increase in the number of students pursuing marine science and management careers, the use of enhanced sensing systems to examine what is happening in oceans in real time, the carrying out of countless studies, and myriad other activities that normally cost large amounts of additional money.

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In the case of the just-announced marine preserve expansion, congressional staffers told Fox News specific questions to the administration about the specific location and economic value of the fisheries affected, and the number of fishing boats that would be allowed entry to the protected areas, have not been answered.

In the same circumspect vein, the State Department declined to supply Fox News with a list of the participants in the two-day conference, beyond a publicly available [list of presenters and moderators of various panels and events](#). But the overall audience included representatives of foreign governments, U.S. agencies, some state officials, a variety of environmental non-government organizations, academics and food industry executives -- and not many representatives of the actual fishing industry, according to attendees who spoke with Fox News.

"We didn't get invited to the State Department conference," an official with one U.S. fishing group told Fox News. "But we are pretty concerned about this. They are restricting U.S. territory while others remain open. And no matter what they say, they keep hiring more people to administer things, and they are ordering up new research vessels. Our fishery is going away. The U.S. seems to just keep giving up territory."

The State Department conference also generated a highly ambitious "action plan" with even more sweeping environmental

targets for ocean ecosystems to be completed by 2020. These include an end to overfishing of all marine fishing stocks worldwide by that date; and conservation of 10 percent of all coastal marine areas, and 20 percent of all coastal ecosystems, including tidal marshes and coral reefs.

The action plan further includes a commitment to "stem the increase in ocean acidification by reducing carbon emissions, including in the context of a new agreement that will be applicable to all under the United Nations Framework Convention on Climate Change."

That is a reference to a successor agreement to the now-defunct Kyoto Protocol that the U.S. signed but never ratified, which is now being negotiated with Obama administration participation. The pact is supposed to be fully prepared by next year, and also take effect in 2020.

[CLICK HERE FOR THE ACTION PLAN](#)

When it comes to providing input to the administration's expanded preserve plans, however, a number of important stakeholders have already spoken -- against them.

The proposed restrictions are "unnecessary," and enforcing them would be "overstepping currently managed sustainable management regimes, reducing US fisheries competitiveness, and yielding few, if any, ecological benefits," according to a report issued two weeks after the State Department conference by the Western Pacific Regional Fishery Management Council -- a group created by the federal government itself.

The group also declared that the administration "failed to consult the [Council] about the true economic and environmental impacts of its plan to expand the Monument," which overrides existing fishery management legislation.

The fishermen also charge that the expanded preserves will almost entirely affect U.S. fishing vessels, which they argue are already the best managed and most supervised in the world, even though any overfishing in the vast Pacific involves a variety of international fleets, and notably these days a rapidly increasing flotilla from China.

The target for much of the fishing effort are tuna and mackerel and their kin, high-value food sources that are not heavily fished in the waters that would suddenly join the expanded preserve areas, but could become much more productive in future years, when El Nino currents change Pacific warming patterns and push fish stocks further into the reserve waters. But even then, U.S. fishing vessels are likely to honor the no-go areas, and others may not.

Moreover, according to Ray Hilborn, a professor in the School of Aquatic and Fishery Sciences at University of Washington and a renowned authority on global fish populations, the marine preserves embody a zoological contradiction. They are supposedly intended to protect fish such as tuna that are "highly migratory" and travel thousands of miles during their life-span.

"The areas proposed are too small to impact the stock status of large tuna populations that span the Pacific Ocean," he told Fox News. "These are token closures and will have no real impact on the fishes of the ocean."

Another highly regarded expert on fishing stocks, Carl Walters of the University of British Columbia, agrees. "You would need to substantially close the entire Western Pacific," he told Fox News. The kind of 20 percent standards that are being set now are not very effective."

The experts also rebut the notion that the condition of all tuna species and other big food fish like marlin and swordfish is necessarily dire. "Big tuna are overfished but not to a catastrophic extent," says Walters, although he adds that some species, notably highly prized blue fin tuna, are "in pretty bad shape."

Most others "need to be managed," but the real urgency is an end to "pathological" subsidies given to fishing fleets from European countries like Spain, which encourages vast amounts of overfishing and real changes in behavior for aggressive fleets such as those of Taiwan.

(North American fishing fleets, Walters adds, "are not subsidized the same way," and have had trouble staying afloat economically.)

"The best solution to address overfishing of highly migratory stocks, Hilborn says, "is working cooperatively within the international community on science-based measures, monitoring compliance, and tough consequences for non-compliance."

According to another international fisheries official who talked with Fox News, however, the only country that can truly enforce that strict -- and likely expensive -- compliance is the U.S.

Meantime, said one person familiar with proceedings at the State Department conference, "they are chipping away relentlessly at legitimate U.S. fishing."

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