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OCEAN POLICY PRIORITIES IN THE UNITED STATES; AND H.R. 21, OCEANS CONSERVATION, EDUCATION, AND NATIONAL STRATEGY FOR THE 21ST CENTURY ACT

OVERSIGHT AND LEGISLATIVE HEARINGS

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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OVERSIGHT HEARING ON OCEAN POLICY PRIORITIES IN THE UNITED STATES

Thursday, March 29, 2007
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife and Oceans
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:10 a.m. in Room 1324, Longworth House Office Building, Hon. Madeleine Z. Bordallo [Chairwoman of the Subcommittee] presiding.

Present: Representatives Bordallo, Brown, Gilchrest, Sali, Rahall, Pallone, Kennedy, Capps, Farr, and Allen.

STATEMENT OF THE HON. MADELEINE Z. BORDALLO, A DELEGATE IN CONGRESS FROM GUAM

Ms. BORDALLO. The hearing by the Subcommittee on Fisheries, Wildlife, and Oceans will now come to order.

The Subcommittee is meeting today to hear testimony on ocean policy priorities in the United States, and the recommendations of the Joint Ocean Commission Initiative.

Before recognizing the witnesses, I would like to extend a very warm welcome to my boss, the overall Chairman of the Resources Committee, the Hon. Nick Rahall, and of course, the former Chairman of this Subcommittee, Mr. Wayne Gilchrest. It is very nice to have both of you. And Mr. Sam Farr, a long-time friend of mine who is also with us. Thank you very much.

Under Committee Rule 4[g], the Chairman and the Ranking Minority Member can make opening statements. I will also recognize our Chairman and Ranking Member of the full committee who are with us this morning, as I just did. If any other Members have statements, they can be included in the hearing record under unanimous consent.

I ask unanimous consent that Representatives Farr and Allen have permission to sit on the dais and participate in the hearing. Without objection, I so order.

This morning's hearings will focus on priorities for ocean policy reform in the United States, and the recommendations of the Joint Ocean Commission Initiative. This collaborative effort merges the findings of two separate national commissions that made a broad range of ocean policy recommendations to Congress and other government entities in 2003 and 2004.

The importance of these recommendations cannot be overstated. As the very first page of the U.S. Commission on Ocean Policy's report illustrates, the United States is an ocean nation. Our exclusive economic zone, which extends 200 miles out from our coasts, is the largest in the world, spanning over 13,000 miles of coastline, and containing 3.4 million square nautical miles of ocean.

My own district, the Territory of Guam, has more than 60,000 square nautical miles of ocean, and as an island community, the oceans are a critical aspect of everyday life.

I first became more acutely aware of the many challenges that we face in sustaining our ocean environment when I attended the Year of the Ocean Conference in Monterey, California in 1998. That watershed meeting laid the groundwork for the legislation passed by Congress to establish the U.S. Ocean Commission, chaired by Admiral Watkins. That commission, along with the Pew Oceans Commission, worked tirelessly to explore the full breadth of threats our oceans face, and to develop a framework for moving forward in addressing these threats.

Now it is incumbent upon us, as policymakers, to move forward in the implementation of these recommendations. According to the National Ocean Economics Program, our ocean economy generated $138 billion and 2.3 million jobs in 2004. It is up to us to provide the leadership needed to ensure the sustainability of our ocean ecosystems and all that they provide for us in the long term. And I look forward to working with my colleagues on the committee in the Ocean Caucus to provide that leadership.

Since the Ranking Member, Congressman Brown, has been delayed—he will be here later—I would like at this time to recognize Mr. Wayne Gilchrest.

[The prepared statement of Ms. Bordallo follows:]

Statement of The Honorable Madeleine Z. Bordallo, Chairwoman Subcommittee on Fisheries, Wildlife and Oceans

This morning's hearing will focus on priorities for ocean policy reform in the United States and the recommendations of the Joint Ocean Commission Initiative. This collaborative effort merges the findings of two separate national commissions that made a broad range of ocean policy recommendations to Congress and other government entities in 2003 and 2004. The importance of these recommendations cannot be overstated.

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I first became more acutely aware of the many challenges we face in sustaining our ocean environment when I attended the Year of the Ocean Conference in Monterey, California in 1998. That watershed meeting laid the ground work for the legislation passed by Congress to establish the U.S. Ocean Commission chaired by Admiral Watkins. That Commission, along with the Pew Oceans Commission, worked tirelessly to explore the full breadth of threats our oceans face and to develop a framework for moving forward in addressing those threats.

Now, it is incumbent upon us as policy makers to move forward in the implementation of those recommendations. According to the National Ocean Economics Program, our ocean economy generated 138 billion dollars and 2.3 million jobs in 2004. It is up to us to provide the leadership needed to ensure the sustainability of our ocean ecosystems and all that they provide us for the long term.

I look forward to working with my colleagues on the Committee and in the Ocean Caucus to provide that leadership role.

STATEMENT OF THE HON. WAYNE GILCHREST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. GILCHREST. Thank you very much, Madame Chair. And I want to thank the witnesses here this morning for their testimony, and also for their extraordinary dedication to this issue, which is fundamental to present and unseen future generations to come, life on the planet, and the attention that they have paid, that all of you have paid in an extraordinary manner, to the oceans.

Sam Farr has worked for a number of years now on a bill called Oceans 21, which is the essence of the Pew Ocean Report by Leon Panetta, and the Ocean Commission Report by Admiral Watkins. And both of you have collaborated to produce what we think will be the fundamental design for ocean policy for generations to come.

Your report has laid out before the Nation and the world what the book Silent Spring did in the early 1960s. And we are at the very early stages of understanding the full ramifications of human activity on the planet, and this degradation of nature's design. And so your blueprint, the collaboration of your two organizations, will lay out the kind of legislation that will carry us probably through the rest of this century.

And so we will work very hard on this side, and with the Senate side, and with the Administration, to get this kind of legislation passed. It deals with fundamental things like NOAA Organic Act; sanctuaries, which are so critical to habitat and to sustaining our fisheries; coral reefs that are under assault from things as primitive as hand grenades to fishing hooks, to the acidification of the oceans because of climate change. Ocean governance is pretty fundamental. Fisheries issues, ocean research, mapping. All of these things and more you have laid out before us. We have a strong sense of appreciation for your dedication, and we will work hard to make this thing become a reality in this particular Congress.

And I also want to make one other comment about your effort to make us, the scientific community, and the public-at-large aware that climate change is not something that just happens in the atmosphere. It is just not something that melts the polar ice cap, the greenhouse ice cap, and the West Antarctic. It is something that has a fundamental effect on the ocean chemistry. And if we are not careful, and if we are not bold, the chemistry of the ocean can become as primitive as it was millions of years ago.

So to all of you, I want to give a hearty thanks. And unfortunately, like most Members, I have another hearing and some other things to do, and I wanted to come down and make those comments on your behalf.

Thank you, Madame Chairman.

Ms. BORDALLO. I wish to thank the gentleman from Maryland, Mr. Gilchrest. And now I would like to recognize the distinguished Chair of the Resources Committee, Mr. Rahall.

STATEMENT OF NICK RAHALL, II, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. RAHALL. Thank you, Madame Chair. I do appreciate the opportunity, as Chair of the Natural Resources Committee, to be here this morning, and commend you for conducting these hearings on

the findings of the Pew Ocean Commission and the U.S. Commission on Ocean Policy.

It is certainly a delight to see our former colleague and former Chief of Staff to the White House, Leon Panetta, back on his old stomping grounds, and to see Admiral Watkins, both of these individuals so dedicated, as the gentleman from Maryland has stated, and so committed to this issue and to doing what is right for our ocean policy in this Congress, and their expertise over such a long period of time on this issue.

I do also want to commend Mary Glackin from NOAA for being with us, and appreciate her dedication at NOAA, as well, and am looking forward to her testimony.

The gentleman from California, Mr. Farr, once a Member of this committee, and the gentlelady of California, Ms. Capps, now a Member of this committee, have also been very instrumental and dedicated in their leadership on this issue. And I appreciate that as well.

As you each know, when I assumed the Chair of the Natural Resources Committee in January, I pledged to work with you to review the recommendations of these two bipartisan commissions, and to move forward with the legislative and policy changes needed to better protect and manage our oceans and their vast resources. And I remain committed to that pledge.

I feel compelled to note, Madame Chair, that while these two reports were both released more than three years ago, this is the first hearing that the committee with jurisdiction over our ocean resources, our committee, has held to fully explore their findings. It is unfortunate that it has taken so long, but I do commend you, Madame Chair, for your quick action and leadership in this regard.

And again, I thank Leon and Admiral Watkins for their continued leadership, as well as their continued strong advocacy on behalf of our oceans. Too often commissions are formed, much effort is put into developing recommendations, then they sit on a shelf and collect dust and don't even get dusted off.

These two leaders have refused to let that happen. They have worked together to form the Joint Ocean Commission Initiative. They have signaled their commitment to achieving real change in our ocean management regime, and I thank them.

And with that, Madame Chair, I yield back the balance of my time.

[The prepared statement of Mr. Rahall follows:]

Statement of The Honorable Nick J. Rahall, II,
Chairman, Committee on Natural Resources

Thank you, Madam Chairwoman, for holding this important hearing today on the findings of the Pew Ocean Commission and the U.S. Commission on Ocean Policy.

As you know, when I assumed the Chair of the Natural Resources Committee in January, I pledged to work with you to review the recommendations of these two bipartisan commissions and to move forward with the legislative and policy changes needed to better protect and manage our oceans and their vast resources. I remain committed to that pledge.

I feel compelled to note, Madam Chairwoman, that while these two reports were both released more than three years ago, this is the first hearing that the Committee with jurisdiction over our ocean resources—our Committee—has held to fully explore their findings. It is unfortunate that it has taken so long, but I commend you for your quick action and leadership in this regard.

I also would like to thank my former colleague, Leon Panetta, and Admiral James Watkins for their continued leadership on this issue as well as their ongoing advocacy on behalf of our oceans. Too often, Commissions are formed and much effort is put into developing recommendations that then sit on a shelf and collect dust.

These two leaders have refused to let that happen. By working together to form the Joint Ocean Commission Initiative, they have signaled their commitment to achieving real change in our ocean management regime. My thanks to you both, and I look forward to working with you.

With that Madam Chairwoman, I again thank you for taking the first real and important step toward ensuring that our oceans and our coasts remain healthy and productive and that the use of their resources is sustainable.

Ms. BORDALLO. Thank you, Mr. Chairman, Mr. Rahall, who is the Chair of the Natural Resources Committee.

I would like to also recognize Mr. Frank Pallone, who has joined us this morning.

STATEMENT OF THE HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you, Madame Chairwoman. I will be very brief. But I just wanted to express my thanks to you for holding this long-overdue hearing.

The Pew Commission and the U.S. Commission on Ocean Policy both painted a pretty bleak picture of the state of our oceans, but unfortunately we didn't really do much with this information during the past two Congresses. And your focus on the Commission's recommendations is badly needed, given how much our coasts and oceans are suffering.

I want to thank Admiral Watkins and Mr. Panetta for being here today. I also should point out that two members of the U.S. Ocean Commission from my district, Paul Gaffney, who is now the President of Monmouth University, and Lillian Borrone, believe me, over the last few years they did not ever let me rest, and kept constantly pointing out that this Congress needed to address your recommendations. I don't think they are here today, but I want you to know that they literally talked to me every week about the Commission.

I would just say we have one simple message. We have a lot of work to do. Oceans and coasts are particularly valuable to my district along the Jersey shore, and we can't continue to sit idly by knowing what is happening out there. But I know that under our new Chairwoman's authority here, that we will see action.

So thank you.

Ms. BORDALLO. Thank you. Thank you very much. I would also like to welcome Congressman Patrick Kennedy, who has joined us. Thank you, Congressman.

STATEMENT OF PATRICK J. KENNEDY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

Mr. KENNEDY. Thank you, Madame Chair. It is a pleasure to be here. I know, Leon, that you are going to be up in my State of Rhode Island in just a couple of weeks, presenting at URI, and we are looking forward to having you.

I represent the ocean state, so obviously we have been very excited about the work of the Ocean Commission, the fact that you

have been trying to bring together the multitude of various budgets here in government and how they ought to be more coordinated as they impact one another. And as a committee that funds NOAA, you know, I have been very concerned about how we don't get enough support from the Agriculture Committee, for example, because they have a great stake in whether we are adequately funding the funding of NOAA because of the work that we are doing in the weather program.

And I also believe that we are not getting enough support from NASA for satellite launches, and for the life sciences through NASA. We are spending way too much money on mission to planet Mars, and reestablishing a station on the moon, as opposed to the life sciences and mission to planet Earth. And yet, those are resources that can be refocused on our own planet. And of course, that is, again, impinges upon our own ability to understand our own planet. And on and on and on.

We have to understand the interrelationship between all of our various agencies and budgets on one another, and how they affect our coastal zone and our world, particularly as it results to climate change and our national security, and the fact that in the next many years, we are going to see the impact of global warming, and the fact that most of the world's population lives on the coastal zone. And if we do not get about protecting our natural resources, we jeopardize those delicate ecosystems, and that could really put our earth in an unstable position and lead to further instability around the world.

So what you are doing is more than meets the eye, and I appreciate the fact that you are here today to make that case again, as you always do so effectively. So I am glad to be here, and I thank you very much, Madame Chair, for giving me a chance to speak.

Ms. BORDALLO. Thank you, thank the gentleman from Rhode Island, Mr. Kennedy. And Sam, would you like to say a few words, too?

Mr. FARR. I just want to thank you, Madame Chair. We have been long waiting for this hearing. Admiral Watkins and Congressman Panetta and all of us on this team of trying to merge the recommendations of both reports have been introduced, as Mr. Gilchrest said, in H.R. 21.

But I really want to thank you and Chairman Rahall. Because I think with this hearing and with your dedication to try to move this legislation, we really will see the work long overdue, about five years ago, that all this stuff was recommended to the Congress, and I would like to see us put it into law. Thank you.

Ms. BORDALLO. Thank you, Congressman Farr. I would now like to recognize our witnesses, and give particular recognition to the first two, who have served their country in many important positions during their long and distinguished careers.

Admiral James Watkins is the former Chair of the U.S. Commission on Ocean Policy, and currently serves as the Co-Chair of the Joint Ocean Commission Initiative. And The Honorable Leon Panetta is the former Chair of the Pew Oceans Commission, and also is the current Co-Chair of the Joint Ocean Commission Initiative.

I would like to welcome both of you. Thank you for your leadership on this important issue, and for taking the time to be here

today. It is unfortunate that it has taken this long for Congress to invite you to testify about the findings of your commissions, but we are very pleased to have you here now.

And I also recognize our final witness, Ms. Mary Glackin, the Assistant Administrator for Program Planning and Integration at NOAA. Welcome, Ms. Glackin.

The Chairwoman now recognizes Admiral Watkins to testify for 10 minutes. And I would note for all witnesses that the timing lights on the table will indicate when your time has concluded, and we would appreciate your cooperation in complying with the limits that have been set. Be assured that your full written statement will be submitted for the hearing record.

And now it is my distinct pleasure to recognize Admiral Watkins.

STATEMENT OF ADMIRAL JAMES D. WATKINS, U.S. NAVY, RETIRED, CO-CHAIR, JOINT OCEAN COMMISSION INITIATIVE

Admiral WATKINS. Thank you very much, Madame Chairman, Members of this Subcommittee. Mr. Panetta and I are pleased to appear before you today in our capacities as Co-Chairs of the Joint Ocean Commission Initiative. It was a collaborative effort that we felt we needed to set up just two years ago to make sure that we did everything possible to accelerate the outcome of our proposals to establish a new national ocean policy, in accordance with the Oceans Act 2000.

We also appreciate the opportunity to discuss the two commissions' recommendations, and to share our thoughts about priorities for legislative action.

Your letter of invitation references the Joint Ocean Commission Initiative, From Sea to Shining Sea. It was transmitted to the Senate last June, at the request of a bipartisan group of 10 of its Members, and that report outlined our priorities for action in the 109th Congress, actions that were urgently needed to address the many pressing issues we are facing regarding our oceans.

Most of the actions identified in that report remain relevant today. Thus, we request that a copy of the report be accepted as part of the public record for this hearing, along with our formal written statements.

Ms. BORDALLO. Without objection.

Admiral WATKINS. Leon and I have decided to divide our speaking responsibilities this morning by having me put into context the current situation surrounding our oceans' coasts and Great Lakes by briefly reviewing the work of the two commissions, our collaboration establishing the Joint Initiative and the state of our oceans.

Leon's remarks will focus on priorities actions that we feel this committee and Congress must take in the near term to make progress addressing the multitude of challenges facing our oceans.

The precedent for establishing a national ocean policy was set back in the mid-sixties, when Congress established the Stratton Commission. Their report, entitled Our Nation and the Sea, released in 1969, was the most comprehensive look at our oceans, and the needs and opportunities inherent in better management of the seas.

Thirty years later, there was a growing sense that our nation needed to revisit the issue. The result was establishment of the pri-

vately funded Pew Ocean Commission in the year 2000, and enactment of the Oceans Act of 2000, which created the publicly funded U.S. Commission on Ocean Policy, which I chaired.

The Pew Ocean Commission released its report in June of 2003, while the U.S. Commission delivered its report to Congress and the President in September 2004. The net result was two remarkably similar reports with over 240 combined recommendations supporting an ecosystem-based approach to managing our marine resources.

Let me take a minute to briefly outline some of the key shared recommendations of the two commissions, details of which are in our written statement.

We need a new governance regime guided by principles of ecosystem-based management to strengthen the capacity of the Federal government to integrate resources of the multitude of agencies with ocean-related responsibilities and expertise. As I recall, there is some eight to nine funding agencies, and there is another half-dozen policy agencies that are very much involved.

We need to restore American fisheries, a major focus area for both commissions requiring a greater emphasis on the role of science in the decision-making process, and much better cooperation among stakeholders. And thanks to the Congress, the reauthorization of the Magnuson-Stevens Fisheries Management Act was passed last year, a great step forward, and one very important to both commissions. In fact, it was the longest and most difficult chapter to deal with in the U.S. Commission on Ocean Policy.

We need to preserve and protect our coastal waters. Non-point source pollution is a major problem, and strengthening the link between coastal and watershed management is essential if we are to respond to cumulative impacts assaulting marine ecosystems. And that gets back to the governance issue. This is why a governance regime change is absolutely mandatory.

We must significantly enhance our commitment to ocean science and education, building on the National Ocean Science Plan released by the Administration in January of this year.

Finally, we have to overcome the stagnation of funding that has crippled our capacity to modernize ocean science management and education. An investment of $3 billion to $4 billion over current levels is called for by the two commissions, and includes a doubling of the research base from the rather paltry $650 million today to $1.3 billion tomorrow. It is a modest increase, given the consequences if we allow the current rate of degradation to continue.

Now, that represents, by the way, that $650 million, all Federal agencies doing basic research. It used to be about 7 percent of the research and development budget; today it is only 3.5 percent. So we have allowed it to degrade, thinking because the Russian submarines went away, that the oceans were no longer important. They were doing the deep ocean research, and today the Navy is now, instead of being 40 percent of the research base in the oceans, is down around 15 percent. That has to change. And I have talked to the Navy about that, to their Research and Advisory Committee, saying don't lose control of the seas.

To control the seas you have to understand the seas. To understand the seas, the Navy has got to stay in the game and be a leader in the research base.

So let me take a minute to clarify why there is an urgent need for Congress to act. Here is the state of our oceans report that both commissions have come up with.

Enormous human, environmental, and economic impacts associated with hurricanes and other increasingly intense coastal storms plagues us. Massive dead zones in the Gulf of Mexico, Chesapeake Bay, and most recently off Oregon. Continued loss of coastal wetlands, which is the natural protection against the encroachment of these incredible storms that we are going to see gain in intensity over the years.

Increasing frequency and size of harmful algal blooms. Polluted runoff contaminating coastal waters, resulting in over 20,000 annual beach closings and swimming advisories. Mounting problems due to the introduction of invasive species. Loss of coral reefs and other underwater habitat. Over-exploitation of fish stock, and acidification of the global ocean, which is a huge issue in the global climate change.

We have both met Mr. Markey; we hope to appear before that Committee on Global Climate Change, and make sure that oceans are mentioned in the climate change debate. They have not been mentioned to date by almost anybody. The media never includes the oceans as the first victim, and probably houses our hope for the future if we understand how it operates in the processes there.

So the government's flaws are many. We have fragmented laws, overlapping jurisdictions, absence of a coherent national ocean policy, and this committee has the opportunity, with H.R. 21, which is probably the only going bill in either House of Congress that addresses a national ocean policy.

Lack of Federal support for emerging regional ocean governance. Absolutely critical part of an ecosystem-based approach, where we have a collaborative effort between the states and the Federal government. Absence of a coherent management regime to guide activities in Federal offshore waters.

We seriously need legislation from the Congress that talks about aquaculture in the deep water, in the Federal waters. Renewable energy sources, such as windmills. Bioprospecting, which is gaining tremendous support from the pharmaceuticals in this country.

We need a regime, and it needs to talk about the revenue stream that has got to come back to the states and the Federals to carry out the very policies that we are talking about this morning.

So what are we putting in jeopardy by allowing the health of our oceans to decline? Much more than people realize, I think. With an offshore ocean jurisdiction larger than the total land mass of the continental United States, U.S. Federal waters support important commerce, trade, energy, and mineral resources. The economic contributions the oceans and coasts and their watersheds make are staggering.

I think the Chairman this morning talking about the economic aspects of this are not trivial. More than a trillion dollars, or one-tenth of the annual GDP, come out of what we call the near-shore areas, which are defined in our report, very carefully defined, be-

cause people tend to be very loose about the coasts. What makes up the coast? We said there is near shore, there is the watershed counties, and the ocean itself and the rivers that feed them, as well.

The contributions swell to over $6.1 trillion, more than half the GDP, when considering all coastal watershed counties, thereby putting tremendous burdens on the coastal water health. Ocean-dependent economic activity—the Chairman pointed out very accurately of what it contributes to the economy, almost $120 billion annually. And annually, the nation's ports handle more than $700 billion in goods. The cruise industry accounts for $11 billion in spending, and the retail expenditures on recreational boating exceed $30 billion.

While the recent progress has been somewhat encouraging, following the release of the two reports, the President issued the U.S. Ocean Action Plan and established the Committee on Ocean Policy in December of 2004. And that committee spawned numerous subcommittees and working groups to lay the foundation for an ecosystem-based approach to the input from the Administration.

The release of the ocean research priorities plan and implementation strategy of this year by the Administration represents a watershed moment for the ocean science community, and designation of the Northwest Hawaiian Islands as a national monument is another noteworthy achievement.

At the state level, a number of Governors demonstrated strong leadership by initiating regional strategies for coordinating ocean and coastal science and policy, including the Great Lakes, the Northeast, Gulf of Mexico, West Coast, and integral state strategies in California, Washington, Massachusetts, New York, Florida, New Jersey, Alaska, and Hawaii.

We have just returned from a regional ocean conference in Monterey that Leon and I hosted, and were encouraged by the enthusiasm of the representatives of so many organizations for regional partnership. They are looking to the states to continue their efforts, and hope their work will stimulate a similar level of commitment to change at the national level.

Congress also made some progress last year by reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act, enactment of the Marine Debris Research, Prevention, and Reduction Act, and enactment of the Tsunami Warning and Education Act. At least a dozen additional important ocean bills benefitted from considerable attention by various committees, and this provides a reservoir of opportunity for this Congress to make great strides this year, moving toward a new national ocean policy.

Conclusion, I would like to say that while expectation for significant progress toward ocean policy reform have been high, the collective results have been relatively slow in coming. Granted, it has only been two years since the release of the commissions' report to Congress and to the Administration, and we have been struggling at the national level with other challenging issues, of course of national importance, as well.

Yet it is the urgency of the situation surrounding the state of our oceans that have driven Leon and me and our commissioners to establish this initiative. A concern regarding the health of our oceans

and coasts cuts across every sector of our society, and, as Leon and I have clearly demonstrated, they drive people toward bipartisan cooperation, which is hard to come by these days.

Oceans provide an opportunity for this committee to forge a lasting legacy by helping secure passage of legislation that fundamentally reforms ocean governance at the Federal level.

Modernizing ocean science, management, and education in preparation for the inevitable transition that will accompany a change in climate is a relatively modest initiative, yet it languishes for the lack of a few strong champions. You are the champions in this committee now. You have within your grasp the opportunity to enact a handful of laws that will earn you the lasting appreciation of our children, grandchildren, and countless future generations.

With that plea for progress, I will turn now to Leon to outline for you some of the most important steps Congress must take to move forward on implementing a new national ocean policy.

Ms. BORDALLO. Thank you very much, Admiral Watkins. And now the Chair recognizes Mr. Leon Panetta.

STATEMENT OF THE HON. LEON PANETTA, CO-CHAIR, JOINT OCEAN COMMISSION INITIATIVE

Mr. PANETTA. Thank you, Madame Chair, Mr. Chairman, Members of the Subcommittee, other Members who are attending and who have shown great interest in oceans issues. I am really honored to be here, honored because you have taken the time to have a hearing on these ocean issues, and honored as a former member of this body to be back here and having the chance to be with a lot of my former colleagues.

I am pleased that Admiral Watkins and I have come together in this Joint Oceans Initiative to try to bring together the work of both commissions. As the Admiral has pointed out, we have two commissions that had hearings across the country, and both came to the same findings: that our oceans are in crisis.

We are in danger not only of damaging what is obviously one of the greatest natural resources of our planet—after all, 70 percent of our planet is blue—but we are in danger of impacting on life itself. And I think that is what needs to be brought home to the American people.

This is about life itself. It is about our health, it is about our nutrition. It is about our climate, it is about our recreation, it is about our economy. And it is about our very spirit. That is what the oceans are all about.

As a boy growing up in Monterey, as Sam knows, Monterey was the sardine capital of the world. They used to catch about a billion tons of sardine each year. In the late forties, the sardines were basically fished out. I can't tell you the economic impact that that had in that community. There were literally thousands of families that were impacted by that.

And yet we have seen the same story with cod in the Northeast, we have seen it with shrimp in the Gulf, we are seeing it with tuna. As the National Geographic pointed out just this last week, 90 percent of the big fish in the ocean are gone. So those fisheries could be lost.

It is our obligation—your obligation as elected leaders, our obligation as citizens, and all of us as stewards of this resource—to insure that that never happens again, and that we protect the legacy of our oceans for ourselves and for our children.

How do we do that? Obviously this Subcommittee, the Committee, this Congress need to work together to develop a comprehensive approach to ocean policy in terms of reform and funding.

The good news is that it is not too late. The bad news is that the clock is still ticking.

Let me summarize six areas where I think it is important to take action. We did this in a presentation that we made for the Senate last year, From Sea to Shining Sea, and we do this in our testimony. Let me just summarize the six areas where I really urge you to take action.

Number one, you have to strengthen national ocean governance. As the Admiral pointed out, we cannot deal with the problems of our oceans if we rely on the present confused, fragmented, and conflicting set of regulations, rules, and laws that deal with our oceans. We have 140 different laws if you combine state laws and local laws. What happens is that a Federal District Court Judge ultimately has to decide policy with regard to our oceans, and that is not a good way to manage our oceans.

So we urge you to do the following. Adopt a statement of national ocean policy that commits this country to protecting our oceans. That establishes a coordinated and comprehensive program of research, and conservation, and management, and education, and monitoring and assessment.

This country has made that commitment with regards to clean air; we have made it with regards to clean water; we have made it with regards to our land. We have not done that with regards to our oceans. So I strongly urge that you pass legislation making that national commitment to protecting our oceans.

Establish NOAA in law. NOAA was established by an Executive Order. They need to have the core mission of managing our oceans and trying to promote ecosystem-based management of our oceans and our coastal areas and their resources, and to incorporate the use of good science in that effort.

In addition, you need to do oversight of the Administration's Committee on Ocean Policy Action Plan. They developed a good action plan. Frankly, you need to do oversight to make sure that it is being implemented.

I would make the Federal, and we recommend that you make the Federal Coordinating Committee something that exists in law, and not just by Executive Order. And in addition to that, the President ought to appoint an Assistant to the President in charge of ocean policy.

Second, you need to promote and encourage regional ocean governance. We have a lot of regions that are doing good things in this area. We have a lot of states that understand the importance of operating with our oceans on a regional basis. But unfortunately, the Federal government doesn't provide the encouragement and support that is necessary in order to ensure that the feds, the state, local government, the stakeholders, fishermen, are at the table

working on a common plan to protect our oceans. If we can set those kinds of targets and have everybody agree to that, that is the most effective way to deal with planning for our oceans.

We need legislative action that will provide a national framework to support these regional approaches, and that will encourage everybody to be at the plan, integrate a management approach that looks at the entire ecosystem of an area, and that combines land and sea.

Third, we need to expand and improve our ocean science research and education. There is no way we can deal with these issues without expanding the science involved there. We need to incorporate oceans into the President's Innovative and Competitiveness Initiative, we need to establish a national ocean education strategy, and we need to support the Administration's effort to develop research priorities with regards to our oceans.

We need to establish an integrated ocean observing system so that we get the kind of information that we need in order to protect our oceans.

And last, we need to expand ocean exploration. I was amazed that a figure that said 1500 people have climbed Mount Everest, 300 people have gone into space, 12 have actually walked on the moon, but only two people have gone to the deepest part of our oceans. Ninety-five percent of our oceans are virtually unexplored. So we need to expand that effort.

Fourthly, we need to include oceans in any legislation that deals with climate change. Oceans are the engine that drives climate change. And we have to recognize that the impact of global warming is affecting our oceans: acidification, it is changing the currents so we have rising sea levels, we have the bleaching of coral reefs. All of that needs to be dealt with in the context of global warming.

Fifth, we need to—and it is not something that you have jurisdiction over, but I want to bring it to your attention—we need to approve the Law of the Seas Treaty. This is a treaty that we established in order to provide some jurisdiction in the world, where the world community can sit down and deal with common issues. We are the only industrialized nation that has not ratified that treaty.

We are not sitting at the table. When there are jurisdictional issues that come up, and there are a lot of them coming up now with regards to questions regarding our Continental Shelf, questions regarding our jurisdiction, scientific research, sea lanes, we are not even at the table because we haven't ratified that treaty. I would urge you to ask your Senate colleagues to ratify that treaty.

And last, we want you to increase obviously funding for core science, core ocean and coastal programs. The last two years we have seen funding go down in the ocean area. It is a tragedy, particularly at a time when we need to have that kind of information to protect our oceans.

We urge you to increase funding to $750 million above the 2007 level. You have done a letter to the Budget Committee, and we commend you for that, urging that those funds be approved. We ask that the Appropriations Committee follow through.

We also ask that you consider establishing an ocean trust fund to support these ocean programs, and that you direct the Adminis-

tration to develop an integrated ocean budget so that we look at all of the oceans' issues in the budget.

Those are some of the issues I would bring to your attention. I want to thank you for this hearing. I want to thank you for your leadership.

A hundred years ago, Madame Chair, Teddy Roosevelt committed this country to protecting our land so that we would preserve it as a legacy for the future. A hundred years later, we need to do the same thing for our oceans. You have that opportunity, for the sake or our planet and for our children, to accomplish that.

Thank you.

[The joint prepared statement of Admiral Watkins and Mr. Panetta follows:]

Statement of Admiral James D. Watkins, U.S. Navy (Ret.), and The Honorable Leon E. Panetta, Co-Chairmen, Joint Ocean Commission Initiative

Madam Chairman and Members of the Fisheries, Wildlife, and Oceans Subcommittee, we are pleased to appear before you today in our capacities as the Co-Chairs of the Joint Ocean Commission Initiative, a collaborative effort of members of the U.S. Commission on Ocean Policy and the Pew Oceans Commission. The purpose of the Joint Initiative is to advance the pace of change for meaningful ocean policy reform, and we are delighted to have the opportunity to join a discussion about how to improve ocean policy and governance and to share some of our thoughts about priorities for legislative action.

In addition to the recommendations of the U.S. Commission on Ocean Policy and the Pew Oceans Commission, your letter of invitation made specific reference to the Joint Initiative's report, From Sea to Shining Sea, transmitted to the Senate last June at the request of a bipartisan group of ten of its Members. That report outlined our priorities for action by the 109th Congress, actions that were needed to address the many pressing issues we are facing with regard to our oceans. Most of the actions identified in this report remain relevant today. Thus we request that a copy of our report be submitted as part of the public record for this hearing. We welcomed the opportunity to provide that input to the Senate, just as we welcome the opportunity to share some of our findings and recommendations with this House subcommittee this morning.

Background on the Two Commissions

The precedent for a national commission to examine ocean policy was set back in the mid-1960's when Congress established the Commission on Marine Sciences, Engineering, and Resources, commonly referred to as the Stratton Commission after its chairman, Dr. Julius Stratton, the chairman of the board of the Ford Foundation and retired president of the Massachusetts Institute of Technology. The Commission's report, Our Nation and the Sea, was released in 1969 and, at that time, was the most comprehensive look at our oceans and the needs and opportunities inherent in better management of the seas. A number of ocean laws were enacted in the years following the report, but the most immediate action was the establishment by a presidential reorganization order in 1970 of the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce.

In the 30 years that followed the Stratton Commission report and the creation of NOAA, many individual ocean and coastal statutes were enacted. However, there was a growing sense in and outside of Congress that this nation needed a more coordinated and comprehensive ocean and Great Lakes policy than the individual and fragmented laws and regulations that had evolved. In the late 1990's, stimulated by an obvious deterioration in the health of our oceans and strong concerns about our ability to govern them, a public dialogue began to emerge that supported the idea of a new "Stratton II Commission." Legislation to establish a new oceans commission or interagency ocean council was considered in the 98th, 99th, 100th and 105th Congresses, but it failed to pass.

In 2000, in part because of the failure of Congress to enact this legislation and the growing concern about our oceans, the Pew Charitable Trusts established the privately funded 18-member Pew Ocean Commission to focus primarily on the conservation of living marine resources. Shortly thereafter, the 106th Congress enacted the Oceans Act of 2000 (P.L. 106-256), which created the 16-member publicly-

funded U.S. Commission on Ocean Policy. The commissioners were appointed by President Bush in 2001, four directly by the President and twelve from lists of nominees submitted by the majority and minority leaders in the Congress. The U.S. Commission was given a broader mandate by Congress, and its members addressed economic activities as well as a wide array of ocean science and funding needs.

On June 4, 2003, the Pew Ocean Commission released its report, America's Living Oceans: Charting a Course for Sea Change. On September 20, 2004, the U.S. Commission on Ocean Policy, under its statutory mandate in the Oceans Act, delivered An Ocean Blueprint for the 21st Century to the President and Congress in ceremonies at the White House and Capitol Hill. The net result was the release of two remarkably similar reports and over 240 recommendations specific to moving toward an ecosystem-based approach to managing our marine resources; modernizing our antiquated system of ocean governance; and encouraging a much stronger national commitment to enhance our marine science, research, and educational efforts.

As is made clear in the reports of the Pew Oceans Commission, U.S. Commission on Ocean Policy, and now the Joint Ocean Commission Initiative, our nation must move toward ecosystem-based management, balancing the long-term health and sustainability of the ecosystem while also supporting economic prosperity. Doing so will require our nation's leaders to take action to reform ocean governance, enhance the role of science in making management decisions, increase our commitment to education and outreach, and adequately fund ocean and coastal programs. The following is a summary of the key recommendations reflecting the shared conviction of the two Commissions that our nation can change its course and achieve a new ocean blueprint for the 21st century.

Governance, guided by the principles of ecosystem-based management:

- Adopt a comprehensive and coordinated national ocean policy
- Establish by law a National Ocean Council in the Executive Office of the President, chaired by an Assistant to the President
- Create a President's Council of Advisors on Ocean Policy
- Strengthen NOAA and improve the structure and coordination of all federal ocean agencies
- Develop a flexible process for creating regional ocean councils, facilitated and supported by the National Ocean Council
- Create a coordinated management regime for federal waters

Restoring America's Fisheries:

- Reform fisheries management by enhancing the role of science in the decision-making process and strengthening scientific cooperation and enforcement.
- Support the establishment of guidelines to facilitate the use of dedicated access privileges
- Develop a regime that can support sustainable aquaculture practices

Preserving Our Coasts and Cleaning Our Coastal Waters:

- Strengthen the link between coastal and watershed management with an emphasis on increasing incentives, technical assistance, and other management tools and policies that address nonpoint source pollution and support sustainable coastal development.
- Increase protection for critical coastal habitat and preserve marine biodiversity
- Enhance laws to address the growing influx of invasive species, including those associated with ship ballast water

Science and Education

- Develop a comprehensive national ocean science strategy
- Implement a national water quality monitoring network, which would contribute significantly to the broader Integrated Ocean Observing System
- Increase attention to ocean education through coordinated and effective formal and informal programs

Beyond our Borders:

- Manifest international leadership in global marine policies
- Accede to the U.N. Convention on the Law of the Sea

Increase funding for a new and comprehensive ocean policy:

- Double the nation's investment in ocean research
- Increase base funding for core ocean and coastal programs and associated infrastructure at both the state and federal levels.
- Establish an Ocean Policy Trust Fund based on revenue from activities in federal waters, including new and emerging offshore uses to support state and federal implementation of the two Commissions' recommendations.

A more detailed history of the two Commissions, including summaries of their recommendations and responses and implementation efforts by the Administration, can

be found in the excellent and recently updated report by the Congressional Research Service [1]

The State of our Oceans

In asking us to focus on the reports of the two Commissions and the Joint Initiative that has followed, it is clear that this subcommittee essentially wants to know "What is the state of our oceans?" Unfortunately, we have to report to you that the state is not good, and it is getting worse. There continue to be many problems besetting our oceans and coasts, including:

- Enormous human, environmental, and economic impacts associated with hurricanes and other increasingly intense coastal storms that account for over 70 percent of recent U.S. disaster losses.
- Massive dead zones in the Gulf of Mexico and the Chesapeake Bay and, most recently, off the coast of Oregon in each of the last five years (which had never happened before in the Pacific Northwest as far as we know).
- Continued loss of coastal wetlands despite conservation commitments.
- Increasing frequency and size of harmful algal blooms in many of our coastal areas, including the Northeast, Hawaii, and Florida.
- The continuation of polluted runoff contaminating coastal waters, resulting in over 20,000 beach closings and swimming advisories annually and reducing the ecological and economic productivity of coastal resources.
- Mounting economic and ecological problems due to introduction of invasive species.
- Continuing loss of coral reefs and other ecologically important underwater habitat.
- Overexploitation of fish stock, although the recent reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act will help strengthen measures aimed at addressing this perpetual problem.
- Acidification of the global oceans due to the uptake of carbon dioxide, resulting in a change in ocean chemistry and its negative impact on species with carbonate-based skeletons susceptible to deterioration.

Moreover, these ocean and coastal problems are confronted by a dysfunctional, out-of-date, and inadequate system of governance guiding the activities of the ocean community. For example:

- Fragmented laws, confusing and overlapping jurisdictions, and the absence of a coherent national ocean policy that hinder our management efforts.
- A lack of federal support for emerging regional ocean governance efforts that hamper the ability of such initiatives to help solve important ocean and coastal problems.
- The absence of a coherent and coordinated management regime to guide existing and emerging activities in federal offshore waters, such as aquaculture, renewable energy generation, and bioprospecting.
- U.S. failure to accede to the U.N. Convention on the Law of the Sea, compromising the nation's leadership in international ocean and coastal forums and threatening our national economic and security interests.
- Dwindling U.S. investment in ocean and coastal research, science, and education limiting our ability to tackle such problems as global warming, resource depletion, harmful algal blooms, invasive species, and nonpoint source water pollution, to name just a few.

The Ocean and Coastal Economy

The two reports bring into sharp focus the importance of our oceans and coasts to our nation's natural heritage, security, and economy. With an offshore ocean jurisdiction larger than the total land mass of the United States, U.S. waters support rich and diverse systems of ocean life, provide a protective buffer, and support important commerce, trade, energy, and mineral resources. The economic contributions the oceans make are staggering:

- More than $1 trillion, or one-tenth, of the nation's annual gross domestic product (GDP) is generated within nearshore areas, the relatively narrow strip of land immediately adjacent to the coast.
- When considering all coastal watershed counties, the contribution swells to over $6.1 trillion, more than half of the nation's GDP.
- In 2003, ocean-related economic activity contributed more than $119 billion to American prosperity and supported well over 2.2 million jobs.

[1] Harold F. Upton, John R. Justus, and Eugene H. Buck, Resources, Science, and Industry Division, Congressional Research Service, "Ocean Commissions: Ocean Policy Review and Outlook", updated February 1, 2007

- More than 13 million jobs are related to trade transported by the network of inland waterways and ports that support U.S. waterborne commerce.
- Annually, the nation's ports handle more than $700 billion in goods, and the cruise industry and its passengers account for $11 billion in spending.
- The commercial fishing industry's total value exceeds $28 billion annually, with the recreational saltwater fishing industry valued at around $20 billion, and the annual U.S. retail trade in ornamental fish worth another $3 billion.
- Nationwide retail expenditures on recreational boating exceeded $30 billion in 2002.

Of course, these figures capture only a small part of our oceans' worth and potential. Consider, for example, that born of the sea are clouds that bring life-sustaining water to our fields and aquifers and drifting microscopic plants that generate much of the oxygen we breathe. The oceans host great biological diversity with vast medical potential and are a frontier for exciting exploration and effective education. Other ocean assets, such as functioning coastal habitats, contribute to the health of our environment and the sustainability of commercial and recreational resources. Still others assist in what our nation's founders referred to as the "pursuit of happiness." Clearly, a new approach to governing our oceans, coasts, and Great Lakes is needed to protect and enhance the multitude of benefit they provide to the nation.

Recent Progress

Upon the release of the reports by the two Commissions, the President and Congress publicly embraced the major recommendations of the U.S. Commission on Ocean Policy and the Pew Oceans Commission. The President issued the U.S. Ocean Action Plan and established the Committee on Ocean Policy. Congress held hearings on select issues and introduced ocean-related legislation. At the state level, several Governors demonstrated strong leadership by initiating strategies for coordinating ocean and coastal science and policy in regions that include the Great Lakes, Northeast, Gulf of Mexico, West Coast, and individual states that include California, Washington, Massachusetts, New York, Florida, New Jersey, Alaska, and Hawaii. We have just returned from a regional ocean governance conference in Monterey, California, and were heartened, to say the least, at the diligence, efforts, and enthusiasm of the representative of so many organizations and coastal state governors in addressing the recommendations for regional partnerships advocated by the two Commissions and the Joint Initiative.

However, while the expectations for significant progress toward ocean policy reform have been high, results, particularly at the federal level, have been slow in coming. There was some dedicated attention to ocean and coastal issues by the 109th Congress, and a number of bills made significant progress through the legislative process (see list below). However, with the exceptions of the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act and the enactment of the Marine Debris Research, Prevention, and Reduction Act (P.L.109-449), which gave NOAA and the Coast Guard authority to identify and reduce debris in the marine environment, no other ocean bills were enacted. The ocean-related bills that made some substantial progress in the last Congress but did not reach final passage included:

- Ballast Water Management Act of 2005
- Coastal Estuarine Land Protection Act
- Coastal Zone Enhancement Reauthorization Act
- Coral Reef Conservation Amendments Act
- Flood Insurance Reform and Modernization Act of 2006
- National Ocean Exploration Program Act
- National Oceanic and Atmospheric Administration Act
- Ocean and Coastal Mapping Integration Act
- Ocean and Coastal Observing System Act of 2005
- Tsunami Preparedness Act

As the Joint Initiative asserted during the last Congress, these bills, had they been enacted, would have addressed important issues and demonstrated that Congress was serious about restoring the vitality of our oceans. Their passage would also have provided some needed near term successes while the community continued the essential work of achieving the broader comprehensive reforms necessary to reverse the decline of our oceans. We remain hopeful that the 110th Congress can capitalize on the hard work that has already gone into these bills, and we are pleased to see that this Subcommittee has reported out the Coral Reef Conservation Amendments Act of 2007 and has plans to move aggressively on other ocean-related legislation.

Next Steps

Looking forward, we are here to report to you that we are in a time of unprecedented opportunity. Today, as never before, we recognize the links among the land, air, oceans, and human activities. We have access to advanced technology and timely information on a wide variety of scales. We recognize the detrimental impacts wrought by human influences. We can and should act now to ensure that the ocean, coasts, and Great Lakes are healthy and productive and that our use of their resources is both profitable and sustainable. The next critical step will be for Congress to work together to advance comprehensive ocean policy reform and funding.

The opportunities before the 110th Congress are enormous and daunting. However, the action by this Subcommittee in holding this hearing today and the conversations that we have had with the Chairman and Ranking Minority Member of the full Natural Resources Committee, along with discussions with members of the House Science Committee and the key Senate Committees, give us reason to hope that the work of our two commissions—and their legacy of ocean policy reform that is now being carried out by the Joint Initiative—will be more fully addressed and implemented by this Congress. And the Joint Initiative has crafted an agenda that we hope can help guide this effort.

From Sea to Shining Sea

Almost one year ago, in mid-March of 2006, a bipartisan group of ten Senators asked for a report from the Joint Initiative on the ten steps Congress should take to address the most pressing challenges and funding priorities to establish a more effective and integrated ocean policy. Approximately three months later, we issued recommendations for immediate attention by Congress. As noted, a copy of From Sea to Shining Sea: Priorities for Ocean Policy Reform, is included in its entirely with this statement for the record.

Outlined below are additional legislative proposals, many drawn from our report, that we believe provide a solid framework for action by Congress. Many of these actions can and should be acted upon in this Congress, as soon as possible. Such action will clearly signal progress and pave the way for further progress on some of the more challenging and long-term measures that will be needed to achieve meaningful ocean policy reform.

Governance Reform

Congress should adopt a statement of national ocean policy, acknowledging in legislation the importance of oceans to the nation's economic and ecological health and adopting a national policy to protect, maintain, and restore marine ecosystems so that they remain healthy, resilient, and able to deliver the services people want and need. A statement of national ocean policy should include recognition that it is the policy of the United States to establish and maintain for the benefit of the nation a coordinated, comprehensive, and long-range national program of ocean and atmospheric research, conservation, management, education, monitoring, and assessment. A new declaration of national ocean policy should incorporate provisions relating, but not limited to, the following concepts:

- Acknowledge the linkages among ocean, land, and atmospheric systems
- Protect, maintain, and restore the long-term health, productivity, and diversity of the ocean environment
- Ensure responsible management and sustainable use of fishery resources and other ocean and coastal resources held in the public trust, using ecosystem-based management and a balanced precautionary and adaptive approach
- Assure sustainable coastal development based on responsible state and community management and planning, including protection of life and property against natural and manmade hazards
- Develop improved scientific information and use of the best scientific information available to make decisions concerning natural, social, and economic processes affecting ocean and atmospheric environments
- Facilitate a collaborative approach that encourages the participation of diverse stakeholders and the public in ocean and atmospheric science and policy

Congress should establish the National Oceanic and Atmospheric Administration (NOAA) in law and work with the Administration to identify and act upon opportunities to improve federal agency coordination on ocean and coastal issues. Congress should pass a strong organic act establishing NOAA as the lead civilian ocean agency and restructuring the agency to enhance its ability to fulfill its core mission to further our understanding of oceans and coasts and apply that knowledge to effectively manage our marine resources on an ecosystem basis. Specifically, a NOAA organic act should:

- Establish NOAA as the lead civilian ocean agency by statute

- Set forth core missions of: assessment, prediction, and operations; ecosystem-based management of ocean and coastal areas and resources; and science, research, and education
- Call for reorganization of the agency along functional lines to better equip it to carry out its core mission and remain science-based, but with its management programs better connected to make use of that science in decision making
- Establish leadership roles and accountability mechanisms for implementation of major elements of the agency's mission

NOAA was established in 1970 by a presidential reorganization order and has operated under that authority since that time. Over the years, several bills have been introduced that could provide the basis for an act that would codify NOAA. Before his retirement from Congress, Senator Hollings of South Carolina introduced a number of bills. His most recent was S. 2647 in the 108th Congress, that would, among other provisions, codify NOAA. The Bush Administration has put forward simple organic act language, and Congressman Vernon Ehlers of Michigan recently reintroduced his National Oceanic and Atmospheric Administration Act, H.R. 250, which is identical to the bill that was passed in the House last year (H.R. 5450) but was not taken up by the Senate. The Ocean Conservation, Conservation, and National Strategy for the 21st Century Act (OCEANS 21), introduced by Representative Sam Farr of California in this Congress, is a multi-title bill that addresses a range of governance issues, including the codification of NOAA, borrowing language from Mr. Ehlers' H.R. 250. No matter which vehicle Congress chooses, it can and should codify and strengthen NOAA and thereby enhance its mission, improve its structure, and better enable it to carry out existing and new responsibilities in a manner that is consistent with ecosystem-based management.

Although NOAA plays a very important role and should be strengthened to carry out its mission, there are a number of other federal agencies with ocean and coastal responsibilities and important ocean science and research programs, including the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA). Congress should take action to enhance federal agency coordination and leadership by conducting oversight of the Administration's implementation of the U.S. Ocean Action Plan. On January 26 of this year, the Administration's Committee on Ocean Policy released its U.S. Action Plan Implementation Update covering what it asserted was progress in six general areas, from ocean leadership and coordination to coasts and watersheds and international ocean policy. We urge this Subcommittee and others in the House and Senate to conduct an oversight hearing on the Update and the Administration's implementation of its Ocean Action Plan to identify opportunities to strengthen the interagency processes for coordinating ocean and coastal issues. Based on the results of the oversight hearing, the Joint Initiative recommends that Congress pass legislation that would:

- Codify a permanent federal coordinating committee with staff support provided by an Office of Ocean Policy in the Executive Office of the President to oversee the federal government's implementation of a national ocean policy, resolve interagency disputes, and coordinate ocean budgets (or manage the integrated oceans budget)
- Call upon the President to appoint an Assistant to the President to provide leadership and support for implementation of the national ocean policy
- Establish a nonfederal Council of Advisors to provide advice on ocean and coastal issues

Congress should foster ecosystem-based regional governance. Congress should pass legislation to create a national framework to support regional approaches and collaboration and enable coordinated, integrated ecosystem-based management that builds on existing regional and ecosystem-based efforts. This framework should guide the development and implementation of processes that involve federal, state, tribal, and local governments, as well as the private sector, nongovernmental organizations, and academic institutions, working together toward regional actions that advance national ocean and coastal interests. Regional governance mechanisms will vary to meet needs of different regions, but should be encouraged to possess the following characteristics:

- Regional governance entities that are manageable in size (approximately 20-25 representatives) with a mix of federal agency and state representatives
- Regional entities that are advised and supported by a citizens' advisory committee
- Development of regional ocean strategic plans that:
  - Identify short and long term goals
  - Assess the region's social, economic, and ecological characteristics to guide progress toward those goals
  - Determine priority issues and solutions to address them

- Identify indicators of management efforts
- Analyze gaps in authority
- Identify and prioritize research, data, and information needs
- Commit to dedicated public education and outreach efforts
- Implement solutions or policies to address priority problems

In addition, Congress should improve federal coordination of regional activities by calling upon the President to direct federal agencies to identify opportunities to further coordinate existing programs and activities in order to assist and support more effective implementation of regional approaches. Improving coordination among federal agency activities at the regional level would be an important complement to state, local, and tribal efforts to address ocean and coastal resource management issues on a regional basis. Enhanced coordination would enable federal agencies to better address state and local needs while also furthering national goals and priorities.

Congress can further enable the transition toward an ecosystem-based approach by expressly acknowledging that management of marine resources should be carried out with an ecosystem-based approach and by calling upon federal agencies to develop guidelines that enable improved coordination and analysis to assist in the transition toward an integrated management approach that considers the entire ecosystem. Such an express acknowledgment can and should be part of individual ocean, coastal, and related laws currently up for reauthorization. These include the Coastal Zone Management Act (CZMA), the National Marine Sanctuaries Act, the Clean Water Act, and other statutory regimes governing the use and management of ocean and coastal resources.

Through reauthorization or other amendments to specific statutes, Congress can, in a sense, collectively provide that management goals are set to ensure that ocean and coastal ecosystems remain productive with respect to most if not all resources. For example, through reauthorization of the CZMA, Congress can require that state coastal programs work with federal, state, and local agencies to provide for periodic assessments of the state's natural, cultural, and economic resources, and, based on those assessments, set specific, measurable goals that reflect the growing understanding of ocean and coastal environments and the need to manage growth in regions under pressure from coastal development. Congress can also direct that states redefine the landward reach of their coastal zones to include coastal watersheds, thus better enabling coastal programs to look across political boundaries and incorporate a coastal watershed focus and the basic tenets of ecosystem-based management.

Statutory acknowledgment of the need to incorporate ecosystem-based management into marine resource management regimes is intended be a first step toward ecosystem-based management by enabling improved coordination and analysis among agencies managing marine resources and providing for a transition toward an integrated management approach that considers the entire ecosystem.

The United States should accede to the United Nations Convention on the Law of the Sea. Although this is a matter that is not pending before the House, the Joint Initiative wanted to highlight one of the most serious international ocean policy issues that remain unresolved for our nation. The United States Senate should provide its advice and consent to U.S. accession to the Convention so that we can once again assume a leadership position in international forums deciding such vital ocean matters as jurisdictional claims over the continental margin and its vast energy resources, deep seabed mining, scientific research, environmental protection, and fisheries and habitat conservation.

The Joint Initiative agrees with the President that accession supports vital U.S. national security, economic, and international leadership interests and that rapid Senate approval is needed. As a party, the United States would be in the best position to lead future applications of this framework for regional and international cooperation in protecting and preserving the marine environment. U.S. accession to the Convention would send a clear message in support of our efforts to foster international approaches while significantly furthering our own national interests. As the lone industrialized nation not part of the Convention, we jeopardize our role as a world leader by failing to join.

The Convention has been thoroughly reviewed in Senate hearings and public forums, and U.S. accession is supported by a broad coalition of ocean interests. The Navy and Coast Guard have testified that joining the convention will strengthen our ability to defend freedoms of navigation and overflight essential to military mobility and our homeland security efforts. All major U.S. industries, including offshore energy, maritime transportation and commerce, underwater cable communications, and shipbuilding support U.S. accession to the Convention because its provisions help protect vital U.S. economic interests and provide the certainty and stability

crucial for investment in global maritime enterprises. Environmental organizations strongly support the Convention as well.

Ocean Science and Education

Growing awareness of the important economic, environmental, and aesthetic benefits that our oceans, coasts, and Great Lakes provide to our nation has spurred a greater appreciation for the need to improve our understanding and conservation of the health and productivity of these resources. We now recognize that the processes that drive these ecosystems and their interactions with the atmosphere and land are complex and interrelated. Given this knowledge, multidisciplinary science and education are frontiers that offer great potential for significantly advancing our understanding of oceans and coastal processes and provide increased opportunities to address cumulative impacts that are compromising the economic, ecologic, and social benefits they provide. As discussed earlier, major changes are needed in the existing ocean governance regime to realize the full potential that a more robust ocean research and education programs can offer. The Joint Initiative recommends that Congress focus on the following action to reform the ocean science and education enterprise.

Congress should acknowledge the two-way links between Climate Change and Oceans. Through their capacity to absorb and transport heat and carbon dioxide, oceans are a key driver of climate change processes. In addition, they are also undergoing significant short- and long-term change over both large and small areas as evidenced by the increasing acidification of the oceans, climatic shifts associated with El Nino, dramatic changes in the amount of sea ice in the Arctic Ocean, rising sea level rise, and concern about possible abrupt climatic and ecological changes, particularly associated with shifts in ocean circulation.

Unfortunately, chronic underfunding of ocean-related science has prevented us from capitalizing on new technology and innovative ideas that would help address huge information gaps and significantly advance our understanding of ocean processes. Improved understanding of these processes will greatly enhance our ability to predict, mitigate, and adapt to the economic and ecological ramifications associated with climate change. This information will be essential as Congress balances competing demands in the development of new national policies to minimize and adapt to climate changes in the coming years and decades.

Developing coherent strategies for adapting to a changing environment will be as important as efforts to address future carbon emissions. We strongly suggest that that legislation being developed in Congress include provisions that recognize and enhance ocean science, management, and education as important elements of a comprehensive approach to understanding and addressing climate change.

The Innovation and Competitiveness Initiative should be expanded to incorporate ocean science and education. The innovation and competitiveness initiative being driven by the National Academies report Rising Above the Gathering Storm has highlighted the importance of maintaining strong research and education programs. The ocean community can clearly make significant contributions towards these goals. Thus, this initiative should be expanded beyond its current focus on the physical sciences to incorporate ocean-related sciences and education. Our oceans are rich in energy resources, marine biotechnology is a rapidly growing industry that is capitalizing on the vast biological and genetic diversity of marine life, and advanced underwater vehicles are opening up an era of ocean exploration that has captured the imagination of a new generation of school-aged children. Cutting-edge research using massive oceanic and atmospheric data sets and a new focus on promoting multi-disciplinary studies in support of ocean science are laying the groundwork for technological advances and a sophisticated workforce that will allow our nation to be a leader in the global shift toward a service sector that will demand environmentally sensitive technologies and policies. The oceans offer a new frontier of economic opportunity and are capable of generating interest of young scientist from all scientific disciplines. We must capitalize on the attractions of the oceans and use it to harness the potential of the next generation.

Congress should use the Administration's Ocean Research Priorities Plan to guide its implementation of an expanded ocean science enterprise. In January, the Administration released its Ocean Research Priorities Plan and Implementation Strategy, as called for in the President's U.S. Ocean Action Plan. This strategy, developed with input from the ocean community and subject to a comprehensive review by a special National Academies review committee, identifies ocean-related research and education priorities government-wide and nation-wide. The plan, still subject to a final review by the National Academies, represents the first ever community-wide identification of ocean science priorities. It provides a clear assessment of the challenges facing the community as it struggles to integrate

across scientific disciplines and across the land, sea, and air interface. It identifies opportunities and approaches to help us understand and respond to the growing ecological and economic implications associated with a changing environment.

The plan also highlights the need to make progress towards ecosystem-based management, including the adoption of scientific approaches and policy strategies that more clearly address short- and long-term harm associated with cumulative impacts. While there has been general recognition and agreement that the global environment is changing, our lack of understanding of the underlying processes, particularly in the oceans, and their interrelationships is limiting our capacity to model this change and forecast how the system will change in coming years and decades. Thus, support is needed across the spectrum of ocean science—basic and applied research, monitoring and analysis, and modeling/forecasting—to understand how the system operates and how it will change over time, as well as to be able to more accurately evaluate the effectiveness of policies intended to modify human impact on the system. There are difficult policy choices to be made in the coming years, and they must be grounded in good science if they are to be accepted by the public and targeted at the problems that offer the greatest potential for success.

Legislation should be enacted to implement the Integrated Ocean Observing System and Ocean Observatories Initiative. The ocean and coastal community has rallied behind the implementation of an Integrated Ocean Observing System (IOOS) and Ocean Observatories Initiative (OOI). Together, this combination of research and monitoring systems offer scientists and managers a more complete view of atmospheric, terrestrial, and oceanic interactions occurring at the global, national, and regional scales. IOOS is the ocean-focused domestic element of the broader Global Earth Observing System of Systems and provides the infrastructure and tools needed to acquire data and translate science into products and services needed by decision makers. IOOS supports the hardware, software, data management, synthesis, and modeling activities that integrate the data and information generated by the research community. IOOS also helps ensure that applied research efforts are directed toward issues and questions that are limiting the capacity of decision makers to make informed policy and regulatory decisions. For example, IOOS supports activities such as the enhanced water quality monitoring system called for in the President's Ocean Action Plan, ecosystem modeling that supports multi-species management of our ocean fisheries, and forecasting and tracking harmful algal blooms. IOOS is also where disparate data sets are integrated to detect short- and long-term shifts in the health and productivity of key ecosystems and where socioeconomic trends are analyzed. This information is then synthesized and translated into products that are understandable to decision makers, who then use it to guide their decisions. The successful implementation of IOOS requires Congress to pass authorizing legislation that will guide the activities of federal agencies and the numerous regional, state, and private sector partners who are also deeply vested in the system.

OOI, which can be considered a research arm of IOOS, is an NSF initiative that will construct networks of ocean observatories. These observatories will be linked to the internet via seafloor cables or satellites, allowing scientists to develop knowledge of topical issues such as earthquake and tsunami dynamics, fisheries and coastal resource management, and natural and human influences on the ocean and climate systems. The initiative will fund three major components, including a regional observatory, several deep-sea moored buoys, and an expanded network of coastal observatories. As these efforts mature, the research-focused observatories enabled by the OOI will be networked, becoming an integral part of the proposed Integrated and Sustained Ocean Observing System. Again, a balanced system of research, monitoring and assessment, and modeling and forecasting represents the continuum of ocean science that is at the foundation of a new national ocean policy.

Congress should support an enhanced National Ocean Exploration Program. A robust exploration program that coordinates, enhances, and strengthens activities across federal agencies is a missing link in a national strategy to better understand the Earth's environment. Exploration focuses on curiosity-driven research of ocean-related processes, properties, and places that are poorly known or understood. Put into context, more than 1,500 people have climbed to the summit of Mount Everest, more than 300 have journeyed into space, and 12 have walked on the moon, but only 2 people have descended and returned in a single dive to the deepest part of the ocean, spending less than 30 minutes on the ocean bottom, 95 percent of which remains unexplored.

The opportunity is ripe to develop a multi-agency exploration initiative given the placement of NOAA, NSF, and NASA in the same Congressional appropriations subcommittee, augmented by the support and guidance provided by the Navy. Such an initiative should work across the spectrum of the biological, chemical, and geological

sciences and be guided by a competitive process coordinated by NOAA and NSF with strong guidance from the research community. It should ensure that resulting technological and scientific advances, like other basic research programs, will generate returns far in excess of their costs.

The discovery of new ecosystems and species has the potential for accelerating our understanding of the origin of life and evolutionary processes on Earth and possibly on other planets as well. An expanded national ocean exploration initiative will allow Congress and the Administration to create a legacy that will be recognized by future generations as a turning point in the development of a national ocean policy.

Congress should establish an Ecosystem Research Initiative. Such an initiative in needed to foster scientific cooperation and integration by rewarding interagency and multidisciplinary research that addresses ecosystem questions. Decision makers need information that will help them manage human activities and natural resources in a manner that provides the greatest benefit to the nation. While there is broad agreement among scientists and natural resource managers that the United States must transition toward ecosystem-based management, there is considerable confusion about what this process entails. Will specific ecosystem concerns, such as the fate or habitat needs of an endangered species, or a regime-wide phenomenon, such as climate change, take precedent over human priorities? Are we headed toward dramatic ecological regime shifts induced by human activities, or are these changes being driven by natural processes?

These are legitimate questions that require the government to develop a more coherent and broad-based research program. Such a program must be based on multidisciplinary approaches and the cooperation of scientists from differing disciplines within and outside the government. An Ecosystem Research Initiative should integrate ongoing basic and applied ecosystem research across the spectrum of federal agencies currently engaged in such research. The consolidation of ecosystem-related research activities under a broad interagency cross-cutting initiative—perhaps modeled on the Climate Change Research Program—is key to delivering usable information to managers and policy makers. For the initiative to be successful, it must be granted an appropriate level of discretionary funding authority to direct existing and new resources toward high priority research areas through a competitive process.

Education

Congress should support a National Ocean Education Strategy. Congress should mandate the development of a national ocean education and outreach strategy that coalesces and integrates the existing array of independently conceived and implemented education and outreach programs and activities. There are growing numbers of ocean-related education and outreach activities occurring at all levels of government and within the nongovernmental sector.

The lack of a coherent strategy for aligning these activities is compromising their effectiveness and limiting their capacity to generate additional funding support. Congress should work with the President to establish a governing body responsible for developing a national ocean education and outreach strategy. The strategy should enhance educational achievement in the natural and social sciences, increase ocean awareness, include a five-year plan for formal and informal activities, and facilitate links among federal, state, local, and nongovernmental programs. NOAA and NSF should be given the lead for this activity, and Congress should look for opportunities to increase support for successful programs within these and other agencies, such as the NSF Centers for Ocean Science Education Excellence.

Funding

Establish an Ocean Trust Fund in the U.S. Treasury. Both Commissions addressed the need for stable funding for implementing their recommendations, making the case that our oceans, coasts, and Great Lakes are major contributors to the U.S. economy, with half the nation's GDP generated in coastal watersheds. Maintaining the economic and ecological viability of our oceans and coasts requires decision makers at the national and state governmental levels to have access to unbiased, credible, and up-to-date information to make informed decisions. Unfortunately, chronic under-investment has left much of our ocean-related infrastructure in woefully poor condition. In addition, federal and state ocean and coastal agencies need more financial resources to meet the challenges that were so clearly documented in the reports of the two Commissions.

Given this acknowledged under-investment, each Commission was well aware of the budget implications inherent in its set of recommendations. Implementation costs outlined in the two reports arrived at similar projections—it will cost approxi-

mately $3.4 billion in new funds annually to meet the needs of a comprehensive ocean policy, a modest sum given the criticality of our oceans and Great Lakes and their resources. A portion of those funds should be allocated to all coastal states to help sustain their renewable coastal resources. The other portion should be used to support the programs and activities of the various federal agencies with ocean and coastal responsibilities. To address these needs and to demonstrate a national commitment to a new national ocean policy, each Commission recommended that an Ocean Trust Fund, composed of dedicated resources, be established in the U.S. Treasury.

The 109th Congress missed a number of opportunities to dedicate a portion of federal revenues derived from offshore activities to establish a trust fund. The Joint Initiative has noted that the 110th Congress is considering certain modifications to the offshore oil and gas royalties program that could result in additional revenues being made available to the federal government and provide an opportunity for this new Congress to dedicate a modest portion of those revenues to establish an Ocean Trust Fund. The Joint Initiative stands ready to engage the 110th Congress in an ongoing discussion about the sources and uses of such a fund. In the end, establishing a dedicated Ocean Trust Fund is one of the most important early steps Congress could take to demonstrate its commitment to a new national ocean policy.

Congress should increase base funding for core ocean and coastal programs. The loss of funding for some key ocean and coastal programs in FY 2006 and FY 2007 and the lack of enhanced funding to address high-priority challenges identified in the Commissions' reports must be reversed if we are to preserve the economic benefits derived from ocean-dependent activities and protect the health and productivity of ocean and coastal ecosystems. Congress should increase funding for ocean and coastal activities throughout the federal government in FY 2008 and beyond, with an initial focus on enhancing core base programs and support for a few broad initiatives. To this end, the Joint Initiative would like to convey our deep appreciation for the support provided for ocean-related programs in the Committee on Natural Resources' Views and Estimates letter submitted to the Budget Committee at the beginning of this month. In particular, we are heartened by the Committee's specific support for the funding numbers recommended by the Joint Initiative and for the direct reference to the Joint Initiative and its efforts on behalf of a new, comprehensive, and coordinated ocean policy. In particular, we remain hopeful that the House can overcome the growing difficulties it has experience in recent years regarding funding for the National Oceanic and Atmospheric Administration. Recent funding levels for the agency have been well below the President's request and even further below the annual enacted level of funding appropriated to the agency. While NOAA is one of many federal agencies that support ocean and coastal activities, its role as the nation's lead ocean agency merits greater support for the multitude of science, management, and education programs it carries out.

Further, Congress should direct that the Administration develop an integrated ocean budget. The lack of a coherent listing and analysis of ocean and coastal programs distributed throughout the federal government hampers the ability of Congress and the Administration to evaluate, coordinate, and integrate ocean- and coastal-related science, management, and education programs within agencies across the federal government. To address this problem, either as separate legislation or as part of an appropriations bill, Congress should direct the President to submit an integrated ocean budget, making it easier to track support for and analyze the progress of departmentally isolated but highly interactive ocean and coastal programs, and thus facilitating greater coordination among federal programs. This recommendation was first made in a letter to the head of the Office of Management and Budget by the Chairman and Ranking members of the Senate Appropriations and Budget Committees in 2005, in which they strongly urged the establishment of an ocean funding baseline to monitor progress towards fulfilling financial objectives. To date no such effort has been undertaken to our knowledge.

Conclusion

We close by commending the Committee on Natural Resources and this Subcommittee and its staff for your bipartisan commitment to making meaningful change in the way we manage our oceans and coasts. The time is ripe and the time is now for Congress to act boldly to transform a dysfunctional federal management regime into a truly effective and farsighted system for managing our magnificent oceans and coasts to benefit current and future generations.

If there was any uncertainty about the need to take bold action, we would turn your attention to the U.S. Ocean Policy Reports Card that the JOCI issued in early in 2006 and, again, at the beginning of this year. Copies of both report cards are included as attachments to this testimony. Essentially, for 2005 and 2006, we as-

sessed the nation's progress in implementing the recommendations of the two commissions in six categories:

	2005	*2006*
National Ocean Governance Reform	D+	C-
Regional and State Ocean Governance Reform	B-	A-
International Leadership	F	D-
Research, Science, and Education	D	D+
Fisheries Management Reform	C+	B+
New Funding for Ocean Policy and Programs	F	F

Although there has been some very modest improvement in most of the categories, the record in moving toward a vigorous implementation of a new comprehensive and coordinated national ocean policy as recommended by the commissions is, at best, uneven and far too slow and cautious given the state of our oceans. As we pointed out above, the most notable progress is being made in our coastal regions and states. Nevertheless, notwithstanding the importance of these local initiatives, they cannot be sustained without the support and assistance of the national government. Further, in the report card that we issued at the end of January 2007, we particularly emphasized the need to dramatically improve our understanding of the relationship between our oceans and climate change, an area of marine science neglected for far too long.

New ecosystem-based management policies; the modernization of ocean governance structures, and a renewed commitment to science, education, and research; are all built on more robust legislation and higher levels of funding. We strongly believe that dedicated levels and sources of ocean and coastal funding are critical to meeting the responsible and balanced goals set by our two Commissions. The members of the Joint Ocean Commission Initiative, in our bipartisan effort to catalyze needed ocean policy reform, stand ready to assist the Congress in every way possible to meet this formidable challenge.

Madam Chairman and Members of the Subcommittee, we appreciate the opportunity to appear before you today, look forward to working with you on addressing the ocean and coastal issues that we have raised in this hearing, and would be happy to answer any questions that you may have.

Ms. BORDALLO. I wish to thank former Congressman Panetta and the very distinguished witness, Admiral Watkins, for their very informative discussion here today. And it looks as if we have a very ambitious agenda ahead of us. Thank you very much.

And now the Chair wishes to recognize Ms. Glackin. She is here to testify on behalf of the Administration.

STATEMENT OF MARY M. GLACKIN, ASSISTANT ADMINISTRATOR FOR PROGRAM PLANNING AND INTEGRATION, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

Ms. GLACKIN. Good morning, Madame Chair and Members of the committee. Thank you for the opportunity to testify before you today.

I want to express my gratitude to the Members of this committee. Your continued support of NOAA and our programs and missions is vital to this country.

We have heard, eloquently spoken by my colleagues this morning, about the commission report and the urgency with which we have to address these issues. And in response to the commission report, the President established a Cabinet-level Committee on Ocean Policy that provides a framework to coordinate ocean and

coastal-related activities of more than 20 Federal agencies that administer more than 140 laws.

The committee conducts its operational work through an interagency subcommittee that looks at ocean science, resource management, and integration; and they, in turn, have subordinate bodies that address management specifically, and then ocean science and technology.

NOAA has a unique position within the Federal government as being the only agency that has a co-chair of both of these important subcommittees, so we are certainly central to this.

As part of his response, the President also released the U.S. Ocean Action Plan, which identifies immediate short-term and longer-term actions that are necessary to more effectively manage coastal and ocean resources.

In the two years since the plan was released, substantial progress has been made in completing our commitments, as documented in the plan. And we have an Ocean Action Plan implementation update that was released in January, and I would like to ask that this report be submitted into the record.

Significantly, 83 percent of the actions in the Ocean Action Plans have been met, and the remaining 17 percent are on schedule to be completed by their target date. NOAA is the lead or co-lead on 45 of these tasks.

I want to highlight for you this morning just a few of NOAA's many notable accomplishments in support of the plan. In June, the President designated the Northwest Hawaiian Islands as a national marine monument, encompassing nearly 140,000 square miles. On March 2, First Lady Laura Bush announced the new Hawaiian name, Papahānaumokuākea. And I did practice that, I have to tell you. For the first time in history, NOAA is playing a leading role in managing a national monument.

Improving the coordination and effectiveness of marine fisheries management is also an important part of the Ocean Action Plan. Thanks to the hard work and efforts of this committee and our friends in Congress, the Magnuson-Stevens Fisheries Conservation and Management Act was reauthorized, and is now law.

Two primary goals of the Act, ending over-fishing and increasing the use of dedicated access and limited access privilege programs, were embodied in the Ocean Action Plan.

In my role as Co-Chair of the Subcommittee on Integrated Management of Ocean Resources and a NOAA employee, one of the things I am most proud of is our work with our partners to support regional ocean governance, such as the activities with the Gulf of Mexico Alliance. In response to regional priorities articulated by the states of Alabama, Florida, Louisiana, Mississippi, and Texas, this initiative brought together 13 Federal agencies under the leadership of NOAA and EPA.

The alliance formally released the Governor's action plan for healthy and resilient coasts in March of 2006. The plan includes key actions across the alliance's priority areas that will result in healthier beaches and shellfish beds, restoration and conservation of coastal wetlands, and a regional environmental education program.

Similar regional initiatives exist elsewhere and are emerging in other areas like the South Atlantic and other coastal regions of the U.S. The Ocean Action Plan also identifies the importance of improving our understanding of ocean coasts and Great Lakes by seeking greater collaboration, coordination, cooperation, and synergies.

The plan called for the development of a research priorities and implementation strategy. This was undertaken and recently released in January of 2007. This plan provides strategic directions for future research, and it most importantly articulates priorities among the competing demands.

Improved ocean management requires an ocean-literate public, as we have heard here this morning. And to this end, NOAA is committed to advancing lifelong ocean education. We are participating with our Federal partners on the inter-agency working group on ocean education to identify opportunities and articulate priorities for enhancing ocean education, outreach, and capacity building.

Our formal and informal activities include scholarships and fellowship programs, education and research grants, and strategic partnerships with education institutions and industry.

While the Administration continues to make significant progress in implementing the Ocean Action Plan, Congress has a critical role to play, as well. In addition to providing funding and oversight, as discussed here today, we are hopeful that Congress will pass several key pieces of legislation.

The passage of the NOAA Organic Act would authorize and consolidate into one law NOAA's divergent roles and responsibilities that now reside in more than 200 separate statutes. The Act should accomplish the full spectrum of NOAA's mission, while providing the Agency flexibility in determining how to best structure itself to address current and future needs.

The Administration will transmit a proposal for such legislation to Congress shortly. We appreciate your interest in the bill, and want to work with you to pass this legislation.

Another important legislative priority is the passage of the National Offshore Aquaculture Act. This bill, unveiled by Secretary Gutierrez earlier this month, would provide the Department of Commerce the authority to regulate aquaculture in Federal waters. NOAA looks forward to working with this committee to move this legislation forward.

Also this session, we hope to see the passage of the National Marine Sanctuaries Amendments Act, which will update, strengthen, and clarify the Sanctuaries Act to allow NOAA to improve its mission in this area. We also want to work with you on reauthorization of the Coral Reef Conservation Act, to be able to promote wise management, conservation, and protection of these vital ecosystems.

Continued implementation of the President's action plan remains a priority for the Administration. The Fiscal Year 2008 budget requests $123 million in increases for NOAA to support the plan. This includes $38 million to protect and restore marine and coastal areas, including $8 million for enforcement and management in the new Northwest Hawaiian Islands monument.

Also in this request is $25 million to ensure sustainable use of ocean resources, including $6.5 million to implement the new and expanded requirements of the Magnuson-Stevens Act. This includes $16 million for the integrated ocean observing system, as mentioned earlier, and support of our new IOOS program. The components of this budget request will allow NOAA to further the responsible use and stewardship of ocean and coastal resources.

Finally, in closing, I would like to note that in 2007, NOAA is proud to be celebrating 200 years of science, service, and stewardship to our nation. From the establishment of the survey of the coast in 1807 by Thomas Jefferson to the formation of the Weather Bureau and the Commission of Fish and Fisheries in the 1870s, much of America's scientific heritage is rooted in NOAA. We will continue to honor this legacy as we follow the roadmap that the Ocean Action Plan has provided to us to foster more effective management and conservation of our coastal and ocean resources.

We look forward to continuing to work with you on this journey, and we are happy to answer any questions you may have.

[The prepared statement of Ms. Glackin follows:]

Statement of Mary Glackin, Assistant Administrator for Program Planning and Integration, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Good afternoon Chairwoman Bordallo, Congressman Brown, and Members of the Committee. I am Mary Glackin, Assistant Administrator for the Office of Program Planning and Integration at the National Oceanic and Atmospheric Administration (NOAA), in the Department of Commerce. Thank you for the opportunity to testify before you today on Ocean Policy Priorities in the United States, and NOAA's role in implementing components of the U.S. Ocean Action Plan.

On September 20, 2004, the U.S. Commission on Ocean Policy fulfilled its congressional mandate to submit recommendations for a coordinated and comprehensive national ocean policy to the President and Congress. The Commission's final report, An Ocean Blueprint for the 21st Century, contains 212 recommendations addressing a broad range of ocean and coastal topics. The U.S. Commission on Ocean Policy outlined the need for enhancing ocean leadership and coordination, developing the institutional capacity to coordinate across jurisdictional boundaries, and strengthening the agency structure in phases in order to enhance the goal of addressing management needs through an ecosystem-based approach.

In response to the Commission's findings and recommendations, the President issued Executive Order 13366, on December 17, 2004, establishing a Cabinet-level Committee on Ocean Policy, whose membership includes the Secretaries of Commerce, State, Defense, the Interior, Agriculture, Health and Human Services, Transportation, Energy, and Homeland Security, and the Attorney General. Other members of the Committee on Ocean Policy include the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Director of the National Science Foundation, and the Chairman, Joint Chiefs of Staff; and the Assistants to the President for National Security Affairs, Homeland Security, Domestic Policy, Economic Policy, and an employee of the Office of the Vice President. The Committee on Ocean Policy created a framework to coordinate the ocean and coastal related activities of over 20 federal agencies that administer over 140 laws, and facilitates coordination and support to the numerous state, tribal, and local programs with the overall goal of improved ocean governance. At the same time, the President released the U.S. Ocean Action Plan, which identifies immediate short-term and long-term actions necessary to more effectively manage coastal and ocean resources.

In the two years since the U.S. Ocean Action Plan was released, the federal agencies, together with their state, local, territorial, and tribal partners, have made substantial progress in meeting their commitments to the actions in the Plan. To identify specific areas of progress and opportunities that have led agencies to move beyond the Plan, the Committee on Ocean Policy released the U.S. Ocean Action Plan

Implementation Update in January 2007 (http://ocean.ceq.gov/oap—update012207.pdf). Given the significant progress the Administration has made in completing the commitments of the U.S. Ocean Action Plan (83% of the actions have been met, the remaining 17% are on schedule to be completed by their target dates), federal agencies are moving forward with new activities in these areas to continue to improve our management and protection of ocean resources.

Both the final report of the U.S. Commission on Ocean Policy, and the U.S. Ocean Action Plan, recognize that partnerships are vital to halting the degradation of our oceans, and to our realizing their full potential. Thus, an underlying theme of my testimony today is "partnerships are essential for success," as NOAA fully supports Executive Order 13352, Facilitation of Cooperative Conservation. There are many agencies with important ocean and coastal responsibilities with which NOAA partners, and we take great pride and place great importance in continuing to strengthen our role as the lead civilian ocean agency.

NOAA is at the center of the federal government's understanding, awareness, and stewardship of our ocean resources and has been given a lead role in carrying through on the U.S. Ocean Action Plan. Because of the size and breadth of NOAA's involvement in the implementing activities, today I will highlight just a few results from the six sections of the U.S. Ocean Action Plan. These will demonstrate how NOAA is actively working with federal, state, tribal, and international partners, as well as Congress and other stakeholders, to meet our nation's challenges with respect to the oceans. I will begin by highlighting a few of the legislative priorities that would allow NOAA to improve its effectiveness at addressing issues raised by the U.S. Commission on Ocean Policy.

NOAA'S LEGISLATIVE PRIORITIES IN THE 110TH CONGRESS

NOAA has a number of ocean-oriented legislative priorities in the 110th Congress. In addition to the priorities listed below, NOAA is also working with our interagency partners on Administration bills that address hydrographic services, marine mammal protection, and cooperative conservation.

Legislative Priority—National Offshore Aquaculture Act of 2007

On March 12, 2007, Commerce Secretary Carlos Gutierrez unveiled the Administration's National Offshore Aquaculture Act of 2007. Enactment of this bill will provide the Department of Commerce the authority to regulate aquaculture in federal waters and to establish a coordinated process among the federal agencies and affected coastal states. We envision a one-stop regulatory shop for authorization that is required from within the Department of Commerce. NOAA will coordinate the regulatory process for the Commerce Department as a part of its environmental stewardship responsibilities, working closely with the U.S. Environmental Protection Agency (EPA). NOAA looks forward to working with this Committee to move legislation forward to allow us to begin a public rulemaking process to produce a comprehensive, environmentally sound permitting and regulatory program for aquaculture in federal waters.

Legislative Priority—NOAA Organic Act

An ocean leadership priority identified in both the final report of the U.S. Commission on Ocean Policy and the U.S. Ocean Action Plan is the passage of a NOAA Organic Act. We believe it is necessary to consolidate into one authorization NOAA's myriad purposes and responsibilities, which now reside in over two hundred separate statues. It should encompass the full spectrum of NOAA's responsibilities, including programs to protect and restore the nation's fisheries, and its responsibilities to provide products that foster safe transportation on marine highways. The Administration plans to transmit a proposal for such legislation to Congress, and we are hopeful that the Members of this Committee will play an integral part in its passage. Most importantly, NOAA believes the agency must maintain its current flexibility in determining how best to structure itself to address current and future needs. In responding to the recommendations of the U.S. Commission on Ocean Policy thus far, flexibility has proved to be a vital tool for NOAA leadership. An organizational structure that serves the nation well today may not be the best structure to serve the nation in the future. We believe that specific programmatic changes should be made through authorization bills that are revisited every few years. We would be happy to work with the Committee on such bills.

Legislative Priority—National Marine Sanctuaries Amendments Act

The National Marine Sanctuaries Act (NMSA) provides for the protection of nationally significant areas of the marine environment by designating them as national marine sanctuaries. The NMSA is unique among the suite of federal laws

aimed at protecting or managing marine resources in that its primary objective is to set aside marine areas of special national significance for their protection and to conserve and manage them as ecosystems to maintain their natural biodiversity and historical and cultural heritage. Like National Parks and National Wildlife Refuges, sanctuaries are intended to endure for the benefit of current and future generations. One of our legislative priorities this Congress will be a National Marine Sanctuaries Amendments Act, which will update, strengthen, and clarify the NMSA to allow NOAA to be more effective and efficient in meeting its mandates.

Legislative Priority—Coral Reef Ecosystem Conservation Amendments Act

The Coral Reef Conservation Act (CRCA) established a national program to conduct activities to conserve coral reefs, leading to the creation of the NOAA Coral Reef Conservation Program (CRCP). The CRCA authorizes NOAA to carry out a number of activities to promote the wise management and sustainable use of coral reef ecosystems, to develop sound scientific information on the condition of coral reef ecosystems, and to assist in the preservation of coral reefs by supporting external conservation programs.

In the six years since its inception, the CRCP has worked to build capacity locally within U.S. coral jurisdictions and internationally in key areas: to map, monitor, characterize, restore, research, and assess the condition of coral reef ecosystems; provide management support; understand the threats to healthy coral reef ecosystems; and promote public awareness and education on the value of and threats to coral reef ecosystems. Another legislative priority for NOAA and our partners is the Coral Reef Ecosystem Conservation Amendments Act, which will improve the ability of NOAA's Coral Reef Conservation Program to better integrate and work more effectively with our partners in the U.S. Coral Reef Task Force, including our co-chair the Department of the Interior, to provide the most effective and efficient protection of coral reef ecosystems.

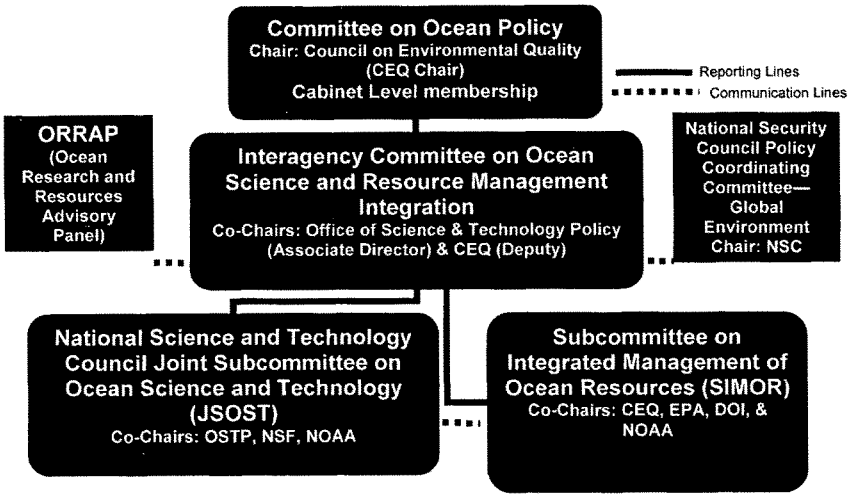
U.S. OCEAN ACTION PLAN—ENHANCING OCEAN LEADERSHIP AND COORDINATION

Coordinated Ocean Governance Structure

The Committee on Ocean Policy conducts its operational work through the Interagency Committee on Ocean Science and Resource Management Integration (ICOSRMI) and its subordinate bodies, the Subcommittee on Integrated Management of Ocean Resources (SIMOR) and the National Science and Technology Council's (NSTC) Joint Subcommittee on Ocean Science and Technology (JSOST). Within this new coordinated ocean governance structure (fig. 1), ICOSRMI is incorporating the mandate and functions of the National Oceanographic Partnership Program's National Ocean Research Leadership Council into its broader ocean and coastal policy mandate, which now includes ocean resource management. The purpose of a high-level group like the ICOSRMI is to provide oversight to the implementation of the U.S. Ocean Action Plan, and direct further actions to advance ocean science and resource management activities. The ICOSRMI is comprised of Under/Assistant Secretaries or their equivalents from the executive branch agencies and departments of the Committee on Ocean Policy, and is co-chaired by the White House's Council on Environmental Quality (CEQ) and Office of Science and Technology Policy. The White House involvement in this effort has been critical to providing the high-level guidance and support necessary to focus the group on achievable goals, and to maintain its momentum.

NOAA has taken a leadership role in both SIMOR and the JSOST, serving as co-chair on each respective group and further supporting their activities. SIMOR seeks to identify and promote opportunities for collaboration and cooperation among agencies on resource management issues, and to build partnerships among federal, state, tribal, and local authorities, the private sector, international partners, and other interested parties.

Fig. 1. Coordinated Ocean Governance Structure



SIMOR's counterpart in the new coordinated ocean governance structure is the JSOST. The principal roles of JSOST are to identify national ocean science and technology priorities and to facilitate coordination of disciplinary and interdisciplinary ocean research, ocean technology and infrastructure development, and national ocean observation programs. The JSOST was created through expansion of the former NSTC's Joint Subcommittee on Oceans in 2005 to include the issues of science and technology. Because of this evolution, the JSOST continues to report to the NSTC Committee on Science and the Committee on Environment and Natural Resources, in addition to the ICOSRMI.

ICOSRMI seeks advice from its federal advisory committee, the Ocean Research and Resource Advisory Panel, comprised of 18 members from academia, as well as the public and private sectors, with interest and expertise in ocean science and resource management. ICOSRMI also coordinates with the National Security Council's Global Environment Policy Coordinating Committee and its Subcommittee on Ocean Policy.

NOAA's Implementation of the U.S. Ocean Action Plan

The tenets of the U.S. Ocean Action Plan include developing management strategies that ensure continued conservation of our ocean, coastal, and Great Lakes' resources, while at the same time ensuring that the American public enjoys and benefits from them. It also includes employing the best science and data to inform decision-making; working toward an ecosystem-based approach to management, and, where possible, employing economic incentives over mandates.

CEQ designated NOAA as lead, or co-lead, on 45 items from the U.S. Ocean Action Plan. The diverse range of actions undertaken by NOAA to date include developing a status report on deep-sea corals in the U.S. Exclusive Economic Zone, working jointly with EPA to conduct community workshops to improve watershed protection, and improving navigation by updating the National Water Level Observation Network. NOAA also continues to emphasize the importance of local and regional leadership in ocean management, co-leading with EPA the federal working group supporting the Gulf of Mexico Alliance, participating in the Great Lakes Regional Collaboration, and joining other SIMOR members in working with interested states to move forward to new regional initiatives such as the Northeast Regional Ocean Council. These regional bodies possess the unique ability to focus discussion on areas of most need, and provide lasting commitments to the stewardship of regional resources by those most affected by them.

In my view, progress on implementing the U.S. Ocean Action Plan has been significant as highlighted below and NOAA will continue to work to enhance its partnerships in order to meet present and future challenges.

Ocean Research Priorities Plan

As outlined in the U.S. Ocean Action Plan, an important role of the JSOST within the interagency process is to improve our understanding of oceans, coasts, and Great Lakes by seeking enhanced collaboration, coordination, cooperation, and synergies. JSOST's recent efforts focused on developing an Ocean Research Priorities Plan and an Implementation Strategy. This plan provides strategic direction for future research and articulates priorities among competing demands for scientific information. These documents were prepared in an open and transparent manner with advice from the ocean research community (government, academic, industry, and other non-government entities), including SIMOR and the National Academy of Sciences. A national workshop with several hundred participants from academia, as well as the public and private sectors, convened in the spring of 2006 to solicit input, and a draft version of the documents was available to the public for review and comment from September 1-October 20, 2006. The plan, entitled Charting the Course for Ocean Science in the United States for the Next Decade, was released on January 26, 2007, and is now available at http://ocean.ceq.gov/about/sup—jsost—prioritiesplan.html.

NOAA has undertaken a number of other activities in partnership with external partners or other agencies to enhance our scientific knowledge of marine ecosystems. These have included a review of ecosystem science, integrating U.S. ocean observations, ocean and coastal mapping, coordinating ocean education, and hosting a conference on ocean literacy.

Integrating U.S. Ocean Observing Efforts

The U.S. Ocean Action Plan and the final report of the U.S. Commission on Ocean Policy endorse implementation of a sustained Integrated Ocean Observing System (IOOS). IOOS is the U.S. component of the Global Ocean Observing System, and is the key ocean component of the U.S. Integrated Earth Observation System (IEOS) now being developed. Both IOOS and IEOS will become part of GEOSS—the Global Earth Observation System of Systems. IOOS is envisioned as an interagency, end-to-end system designed to meet seven societal goals by integrating research, education, and the development of sustained ocean observing capabilities. The need to integrate data derives from NOAA's core missions. The challenges society faces today (coastal populations at risk, compromised ecosystems, climate change, increased maritime commerce) threaten jobs, revenue, and human health. Answers to these problems require access to better information. Developing IOOS is a top priority for NOAA. In December 2006, NOAA reconfirmed its commitment to IOOS by establishing an IOOS Program. The IOOS Program advances IOOS through improved organization, management, and focus. The new IOOS Program has two major functions:

- Project Management: including IOOS budget formulation, planning, and programming within NOAA's program structure; and
- Program Operations: includes IOOS office execution, outreach, and education.

The NOAA IOOS Program will not subsume other programs within NOAA, but rather coordinate and leverage capabilities found in NOAA in building the U.S. IOOS. The initial focus of the IOOS Program is to build an initial operating capability for IOOS. This will be accomplished by integrating five core IOOS variables (temperature, salinity, sea level, surface currents, and ocean color). The integration of these variables will be used in four priority NOAA models: coastal inundation, hurricane intensity, harmful algal bloom forecasts, and integrated ecosystem assessments. These models will be tested, evaluated and benchmarked for success in order to show the value of integration.

The IOOS Program will continue to support development of regional infrastructure and management to enable a fully configured and scalable U.S. IOOS. Ocean.US, the National Office for Integrated and Sustained Ocean Observations, has the lead for planning the multi-agency IOOS effort. NOAA is heavily involved in this planning, and has been designated by the Administration as the lead federal agency for administration and implementation of IOOS. Coordination between agencies continues to grow with the Interagency Working Group on Ocean Observations established under the JSOST and chaired by NOAA with vice chairs from the National Aeronautics and Space Administration (NASA), the Navy, and the National Science Foundation (NSF).

Ocean and Coastal Mapping Activities

Improved information on our ocean and coastal areas is essential to improved management and advances in ocean and coastal management and science. NOAA is working with its interagency partners to advance our nation's capabilities in this area, taking advantage of technologies such as LIDAR (Light Detection and Ranging) and autonomous underwater vehicles. Among its efforts, NOAA is working to ensure the most effective use of our fleet of vessels and aircraft by integrating our multiple program mapping requirements, developing new techniques for data acquisition, working with other agencies, and making seamless the use of our mapping missions. We are building a Geographic Information System support tool to be able to better plan and integrate mapping efforts in order to narrow the gaps between current program mapping capability, and a modern fully integrated ocean mapping system. The goal is to meet the broadest range of program needs and eliminate duplicative efforts in NOAA's ocean and coastal mapping activities. In addition, NOAA is working with other agencies to develop an inventory of coastal and ocean mapping programs, their existing data, and planned acquisitions, along with a web-based system to search and display records from the inventory. The FY 2008 Budget Request includes $8 million for NOAA—in conjunction with our interagency partners—to define the outer limits of the U.S. continental shelf (areas beyond 200 miles from the U.S. coast that meet certain geological criteria). Defining those limits will allow the U.S. to confirm its resource rights, which contain an estimated $1.2 trillion worth of resources.

Increased Ocean Education Coordination

Together, SIMOR and the JSOST have formed the joint Interagency Working Group on Ocean Education, to identify opportunities and articulate priorities for enhancing ocean education, outreach, and capacity building. Ocean management is more effective with an ocean literate public and to this end NOAA leverages many opportunities to advance ocean education in support of its mission goals. Our formal and informal activities include scholarship and fellowship programs, education and research grants, and strategic partnerships with education institutions and industry. In 2006, NOAA's Education Office provided scholarship and internship opportunities to over 230 undergraduate students. NOAA's education investment is also geared towards hiring students trained through these scholarship and internship opportunities. Through December 31, 2006, NOAA has hired 32 students trained through its Graduate Sciences Program. Also in 2006, 33 teachers participated in NOAA's Teacher at Sea Program.

To raise national attention to the need for ocean literacy, NOAA, with EPA, the Department of the Interior (DOI), NSF, NASA, and the National Marine Sanctuary Foundation, co-hosted CoOl—the Conference on Ocean Literacy—on June 7-8, 2006, in Washington, D.C., as part of the presidentially proclaimed National Oceans Week, June 4-10. The conference brought together key participants to discuss the essential principles of ocean literacy, and the current challenges and opportunities for both formal and informal education efforts in educating the public to make informed, responsible decisions about the ocean and its resources. This partnership event also identified priority next steps we can take to advance ocean literacy. The conference extended beyond Washington, D.C., through five regional workshops hosted by aquariums across the country including: Aquarium of the Pacific, Long Beach, CA; John G. Shedd Aquarium, Chicago, IL; J.L. Scott Aquarium, Ocean Springs, MS; National Aquarium in Baltimore, Baltimore, MD; and National Mississippi River Museum and Aquarium, Dubuque, IA. Each site viewed portions of the presentations via satellite and discussed regional challenges and opportunities for promoting ocean literacy principles.

Implementing the Harmful Algal Bloom and Hypoxia Research Control Act

Highlighted in the U.S. Ocean Action Plan, the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (HABHRCA) reaffirmed and expanded the mandate for NOAA to address harmful algal blooms (HABs) and hypoxia. HABs and hypoxia are two of the most scientifically complex and economically significant coastal issues facing our nation today. NOAA, in collaboration with federal, state, and academic partners, is helping coastal managers lessen or prevent the detrimental effects of these phenomena on human health and on valuable coastal resources. HABHRCA supported research was critical in helping coastal communities in the Gulf of Maine and Florida mitigate the damage of historic blooms in 2006 and ongoing research promises major advancements in other regions such as the Pacific Northwest and Great Lakes. HABHRCA research activities are also providing the foundation for NOAA's efforts to develop an operational HAB forecast system around the U.S. coast.

SIMOR Work Plan

Established as part of the Committee on Ocean Policy, SIMOR provides a strong mechanism to coordinate federal activities and respond to regional concerns, and is jointly co-chaired by NOAA, EPA, DOI, and CEQ. It has fostered mutual interest and proactive dialog among agencies in addressing difficult resource management issues that cross jurisdictional boundaries. SIMOR has developed a Work Plan with 21 actions in four priority areas that build on the U.S. Ocean Action Plan. NOAA has a leadership role in 12 of these actions and participates in nearly all of the others. Examples of the benefits of SIMOR activities include: improved understanding of an ecosystem approach to management through regional workshops; development of educational standards for resource managers; coordinated federal support to new and ongoing regional partnerships; formation of a federal/state team of resource managers to provide timely input into the JSOST's development of the Ocean Research Priorities Plan.

Implementing Coral Reef Local Action Strategies

The federal agencies, freely associated states, and seven jurisdictions (Florida, Hawaii, Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands, and the Commonwealth of the Northern Marianas Islands) that comprise the U.S. Coral Reef Task Force have developed and begun implementing Coral Reef Local Action Strategies to address key threats to coral reefs in their respective jurisdictions. The Strategies provide a framework for Task Force member agencies to identify, and collaboratively address, these threats and additional local needs, connect local priorities to national goals, and coordinate federal agency actions with local management of reef resources. This effort is a significant step forward in advancing the goal of cooperative conservation between the federal, state, territorial, and commonwealth governments. NOAA, DOI, EPA, and the Department of Agriculture have been key partners in implementing the action strategy effort and building local capacity for coral reef conservation and management. For example, agencies organized a successful Caribbean Coral Reef Grants and Funding Opportunities Workshop in August 2005 to help island jurisdictions and local partners identify and pursue funding opportunities for local action strategy support. Additional Coral Reef Grants Funding Workshops were held in June and July of 2006 in Hawaii, Guam, and the Commonwealth of the Northern Mariana Islands. A final workshop is being planned for American Samoa in August or September 2007.

Implementing the Magnuson-Stevens Fishery Conservation and Management Act

A bill reauthorizing the Magnuson-Stevens Act (MSA) was signed by the President on January 12, 2007. The MSA strengthens a number of key fisheries management provisions. Two primary goals of the MSA—ending overfishing and increasing the use of dedicated access and limited access privilege programs—are hallmark positions of the Administration and were embodied in the President's U.S. Ocean Action Plan and elsewhere. The MSA includes several hundred specific tasks and meets a number of Administration commitments in the U.S. Ocean Action Plan. The National Marine Fisheries Service is currently finalizing a detailed tracking and implementation plan for the new MSA. Implementation teams will be developed to address specific provisions or related sets of requirements. Successful implementation will require extensive interaction with our constituents and interagency partners.

Designation of the Papahānaumokuākea Marine National Monument

Recognizing the continuing need for resource protection, President Bush designated the Northwestern Hawaiian Islands as a marine national monument on June 15, 2006. Encompassing nearly 140,000 square miles, this monument is more than 100 times larger than Yosemite National Park, larger than 46 of our 50 states, and more than seven times larger than all our national marine sanctuaries combined. The designation builds upon the public sanctuary designation process, the State of Hawaii's Marine Refuge, and the National Wildlife Refuge System's 98-year presence here to provide lasting protection to this important resource. The creation of the largest fully-protected marine conservation area in the world is an exciting achievement and recognizes the value of marine resources to our nation.

On March 2, 2007, First Lady Laura Bush joined Hawaii Governor Linda Lingle, U.S. Department of the Interior Secretary Dirk Kempthorne, U.S. Department of Commerce Deputy Secretary David Sampson, and James Connaughton, Chair of the White House Council on Environmental Quality in announcing the new Hawaiian name for the Northwestern Hawaiian Islands Marine National Monument. The

name is Papahānaumokuākea, which refers to Hawaiian genealogy and the formation of the Hawaiian archipelago.

For the first time in its history, NOAA is a partner in managing a national monument. This is an exciting opportunity and one that will present many challenges. Thankfully, we have great partners in DOI and the State of Hawaii to help us co-manage this unique area.

I think President Bush said it best: "You know, in America, there's a great consensus that we have an obligation to be good stewards of the environment. Success of a generation is not defined by wealth alone. We also will be measured by the respect we give to the precious creatures of our natural world. We have great choices before us in this country. And with the designation of the Northwestern Hawaiian Island Marine National Monument, we are making a choice that will leave a precious legacy."

Coordinating and Integrating the Existing Network of Marine Managed Areas

Two national initiatives are currently working to enhance coordination among existing marine protected areas (MPAs) programs in the U.S. in order to improve their efficiency and effectiveness in protecting the nation's natural and cultural marine resources. These two efforts are the development of the national system of MPAs, led by NOAA's MPA Center, and the creation of a "Seamless Network" among three federal and one federal/state partnership MPA programs. While each initiative has its own distinct goals, the efforts complement one another and we are working together to ensure coordination.

The U.S. Ocean Action Plan calls on National Parks, National Wildlife Refuges, National Marine Sanctuaries, and National Estuarine Research Reserves to promote coordination of research, public education, and management activities at neighboring parks, refuges, sanctuaries, and estuarine reserves. Many of these sites overlap or lie adjacent to each other, and have a history of collaboration that provides a model for this expanded network. Although these sites were created under separate agency authorities and statutory mandates, they are united by their proximity and similar science and management priorities. These actions to coordinate and better integrate are referred to as the "Seamless Network" initiative. Two federal interagency agreements will help implement this effort. The first is a general agreement signed in August 2006 that enables site-based, regional, and national collaborations among the partner agencies, and is currently being implemented. The second is a separate cooperative law enforcement agreement signed in August 2005 between the National Wildlife Refuge System, National Park Service, National Marine Sanctuary Program and National Marine Fisheries Service.

As an example of the "Seamless Network" initiative, a partnership among DOI, the State of Florida, and NOAA's Florida Keys National Marine Sanctuary focuses on the management of the Dry Tortugas in the Florida Keys, and creating a unique management plan that balances conservation, research and recreational use. The Dry Tortugas National Park has established a no-take marine reserve in the park, while leaving more than half the park open to recreational fishing. The reserve, called a Research Natural Area, is 46 nm2 set aside to protect a pristine area, provide a sanctuary for species that have been affected by harvest or habitat degradation, and foster scientific research. The reserve will also offer outstanding opportunities for non-consumptive recreation and education.

U.S. OCEAN ACTION PLAN—MANAGING COASTS AND THEIR WATERSHEDS

Gulf of Mexico Alliance

One example of SIMOR's role in enhancing coordination on managing coasts and watersheds is providing an integrated federal response to support the state-led Gulf of Mexico Alliance, a regional partnership of the states of Alabama, Florida, Louisiana, Mississippi, and Texas. The Alliance formally released the Governors' Action Plan for Healthy and Resilient Coasts at the Gulf of Mexico Summit in March 2006, which includes 11 key actions—detailed by 73 specific steps—across the Alliance's five priority issues: water quality, restoration, environmental education, habitat identification for management purposes, and reductions in nutrient loadings. In order to capture local community input during the development of the Governors' Action Plan, the Gulf Alliance hosted a series of eight Community Workshops across the five Gulf States from June 2005 to February 2006. SIMOR brought together 13 federal agencies, led by NOAA and EPA, to respond to regional priorities articulated by the states in the Governors' Action Plan. Collaborating state and federal agencies have already produced several tangible outcomes as called for in the Governors' Action Plan, and have committed to continue working together on these regional

priorities. Some of the expected outcomes from this effort are healthier beaches and shellfish beds; restoration and conservation of Gulf coastal wetlands; and a regional environmental education campaign.

Cooperative Conservation Executive Order

The Administration remains committed to the tenets of Cooperative Conservation, as outlined in the Executive Order from 2004. In 2005, at the White House Conference on Cooperative Conservation, NOAA announced a new grants program to aid communities in removing small obstructions to their rivers. The goal of the Open Rivers Initiative (ORI) is to not only improve habitat for diadromous fish populations, but also foster new economic development opportunities. In addition to ORI, NOAA will continue to find new and innovative ways to advance Cooperative Conservation throughout the agency.

On June 26, 2006, the White House hosted top Administration officials, including Undersecretary of Commerce for Oceans and Atmosphere and NOAA Administrator Conrad Lautenbacher, and conservation leaders to discuss concepts for proposed cooperative conservation legislation. The meeting brought the cabinet members together with approximately 50 representatives of organizations that attended the 2005 White House Conference on Cooperative Conservation in St. Louis, Missouri. Participants included conservationists, public land users, ranchers, farmers and others.

U.S. OCEAN ACTION PLAN—SUPPORTING MARINE TRANSPORTATION

Interagency Committee on the Marine Transportation System

Consistent with the final report of the U.S. Commission on Ocean Policy, the U.S. Ocean Action Plan called for strengthening the previous federal interagency marine transportation effort—the Interagency Committee on the Marine Transportation System—and directed the creation of a Cabinet-level interagency committee on marine transportation. As a result the Committee on the Marine Transportation System (CMTS), chaired by the Secretary of Transportation with membership from 14 other federal agencies, was established in April 2005. I am proud to say that the Department of Commerce, with strong representation by NOAA, is a charter member of the CMTS, and actively supports its mission. NOAA currently chairs the Coordinating Board, which is the chief policy advisory board to the CMTS. The purpose of the CMTS is to promote a partnership of federal agencies with responsibility for the Marine Transportation System (MTS)—waterways, ports, and their intermodal connections—to ensure the development and implementation of national MTS policies, and to communicate to the President its views and recommendations for improving the MTS.

The CMTS is executing a work plan that will provide a comprehensive assessment of the MTS; development of an MTS national strategy; improved collection and management of MTS data; and development of a decision making matrix for improved coordination and response to natural disasters affecting the nation's MTS.

U.S. OCEAN ACTION PLAN—ADVANCING INTERNATIONAL OCEAN POLICY AND SCIENCE

Advancing the Use of Large Marine Ecosystems

The U.S. Ocean Action Plan included a chapter on implementing international efforts. Several of the action items in the U.S. Ocean Action Plan include international components. However, as many of today's challenges to our oceans and coasts are transboundary and international in nature and scope, the U.S. Ocean Action Plan also includes a section that addresses the advancement of international ocean policy and science. One example of these efforts is a recent partnership that has been developed to link the United Nations Environment Programme Regional Seas Programme and the use of the NOAA-originated concept of Large Marine Ecosystems (LMEs). This partnership facilitates the management of an ecosystem that crosses national boundaries. This effort has attracted funding from the Global Environmental Facility and various donor countries, specifically focusing on capacity building in the developing world. NOAA has contributed in-kind technical expertise to assist the planning and implementation of the related programs.

Protecting Vulnerable Marine Ecosystems from Destructive Fishing Practices

The United States has taken significant steps to protect vulnerable marine ecosystems (VMEs), including seamounts, hydrothermal vents, and cold-water corals, from destructive fishing practices within our domestic waters. For example, in July 2006, NOAA established the Aleutian Islands Habitat Conservation Area, more than 950,000 km2 in size, protecting deep corals, sponges and other sensitive features

that are slow to recover from disturbance. The United States is a leader in promoting the need for similar conservation and management measures internationally, through various for a including the United Nations (UN) and the Food and Agriculture Organization (FAO). In October 2006, President Bush issued a memorandum to Secretary of State Rice and Secretary of Commerce Gutierrez, which promoted the sustainable management of global fisheries resources and called for an end to destructive fishing practices on the high seas. The U.S. delegation to the 2006 UN General Assembly fisheries resolution negotiations promoted the position as outlined in the Presidential Memo, specifically urging nations to prohibit their vessels from engaging in destructive fishing practices on the high seas until applicable conservation and management measures, or a Regional Fisheries management Organization (RFMO), are in place. The ultimate consensus-based language of the resolution includes management provisions for not RFMOs and States to prevent bottom fishing from causing harm to VMEs and calls upon the FAO for further management guidance. At the recent session of the FAO Committee on Fisheries, held March 5-9, 2007 in Rome, Italy, a major topic of discussion was the role of the FAO in implementing the UN General Assembly resolution. Among the requests made of FAO, a priority for the U.S. was the development of standards and criteria for use by States and RFMOs in identifying VMEs and the impacts of fishing on such ecosystems. As a result, the FAO plans to develop technical guidelines for the management of deep sea fisheries on the high seas by early 2008.

2008 BUDGET PRIORITIES

The President's Budget for FY 2008 includes a $143 million for NOAA, DOI, and NSF to support the U.S. Ocean Action Plan, and to build on the successes in implementing the Plan thus far. Of the $143 million total, $123 million in increases is requested for NOAA oceans programs. NOAA's portion of this initiative includes $38 million to protect and restore marine and coastal areas, including $8 million for enforcement and management activities in the Papahānaumokuākea Marine National Monument. Also in this request is $25 million to ensure sustainable use of ocean resources, including $6.5 million to implement the new and expanded requirements of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Lastly, this oceans initiative dedicates $60 million to advance ocean science and research, which includes $16 million for IOOS. The components of the request will allow NOAA to further the responsible use and stewardship of ocean and coastal resources as identified in the U.S. Ocean Action Plan.

The overall FY 2008 President's Budget for NOAA supports NOAA's priority to advance mission-critical services and is $3.815 billion, which represents a $131 million or 3.4% increase over the FY 2007 request.

NOAA and its partner agencies appreciate your continued support for our programs as we execute our responsibilities under the U.S. Ocean Action Plan and work together to improve our products and services for the American people. These resources are vital to meeting the challenges facing our nation's oceans.

Conclusion

In conclusion, I would like to reiterate the importance of the efforts of the U.S. Commission on Ocean Policy, and stress that NOAA is strongly committed to continued implementation of the related recommendations of the U.S. Ocean Action Plan. NOAA will continue to work with its partners in a collaborative and systematic fashion, as we believe collaboration is critical to make our ocean, coasts, and Great Lakes cleaner, healthier and more productive. We look forward to continuing to work with the Members of the Committee in raising the bar for the long-term conservation and management of our coastal and ocean resources.

Thank you again for your time and I am happy to answer any questions that the Members of the Committee may have.

Ms. BORDALLO. Thank you very much, Mrs. Glackin. And again, thank you all for your testimony.

The Ranking Member of this Subcommittee, Mr. Brown, the gentleman from South Carolina, has just arrived, so I am asking him if he has any opening statements to make.

Mr. BROWN. Thank you, Madame Chairman. And I certainly would like to apologize to the presenters for my lack of being here, but I was called away on a very special meeting. And so I apologize for being late.

But Madame Chairman, thank you very much for allowing all three members of the panel to make their presentation at one time. I think that will expedite things, particularly since we have a vote coming up pretty shortly, that instead of I guess delivering my opening statement, I would like to just submit it for the record.

Ms. BORDALLO. Without objection.

[The prepared statement of Mr. Brown follows:]

Statement of The Honorable Henry E. Brown, Jr., Ranking Republican Member, Subcommittee on Fisheries, Wildlife and Oceans

Madam Chairwoman, I would like to compliment you for inviting Admiral James Walkins and former California Congressman Leon Panetta to give us their prospective on how the Congress should implement an ocean policy for this nation.

As the representative of the 1st Congressional District in South Carolina, I have long recognized the vital importance of the Atlantic Ocean and its tremendous impact on my constituents. As a lifelong resident of Charleston, which we affectionately call the Holy City, I appreciate the fact that coastal communities provide over 27 million jobs nation-wide, 14 million Americans visit South Carolina beaches each year and $740 billion dollars is directly related to waterborne commerce nationwide. Charleston is one of the nation's top container seaports in North America and we provide some of the finest seafood in the world that is enjoyed by millions of Americans.

While this is our second ocean-related hearing this year, this is not the beginning of the story. In fact, during the last Congress, this Subcommittee conducted more than a dozen hearings on various chapters contained within the "Ocean Blueprint for the 21st Century". More importantly, the 109th Congress enacted a number of significant ocean related bills.

At the top of that list was the comprehensive reauthorization and modernization of the Magnuson-Stevens Fishery Conservation and Management Act. This was the first time in a decade that this preeminent conservation law was extended.

In addition, the President signed into law the Marine Debris, Research, Prevention and Reduction Act, the Tsunami Warning and Education Act, the implementing legislation for the U.S.-Russia Polar Bear Treaty, the International Monitoring and Compliance Act to end illegal, unreported and unregulated international fishing and nearly a dozen reauthorizations of important fishery statutes including the Atlantic Striped Bass Conservation Act.

While this may not represent every recommendation contained within the Blueprint, this was a remarkable effort and it occurred in one-third less time than the Commission used to finalize their recommendations.

Let me also state for the record that the recommendations of the U.S. Commission on Ocean Policy were just that: recommendations. For some reason, these have become mandates on Congress and the President. While I don't want to belittle the Commission's work, I want to remind my colleagues that these are recommendations for us to deliberate and debate. We should not blindly accept everything that has been recommended without a thorough discussion.

Many here will use the Stratton Commission as the example to be held aloft and revered. For all of the good things that came out of that Commission, were all of the recommendations followed?

The Commission also noted that the structure and overlapping jurisdictions for Congressional Committees and the Federal agencies make it difficult to implement new oceans policy or to make meaningful changes to existing policies. The wheels of government grind slowly.

Finally the costs of the recommendations are not trivial—close to $4 billion per year. While the Commission recommends using oil and gas revenues derived from the outer continental shelf, I believe these revenues are already funding other Federal programs. To move these funds to new uses would require an offset—an offset of up to $4 billion per year. This alone may be the biggest hurdle to implementing many of the Commission's recommendations.

In terms of today's hearing, I am disappointed that the head of the President's Council on Environmental Quality, James Connaughton, who is also the Chair of the Committee on Ocean Policy, was unable to attend this hearing. This hearing is a perfect platform for the Administration to outline how they have used the Commission's recommendations to develop ocean policies and forge greater coordination between Federal agencies at the highest levels within the Administration.

Nevertheless, I am pleased that Ms. Mary Glackin is here today to testify for the National Oceanic and Atmospheric Administration. We all are aware of NOAA's commitment to the oceans. I look forward to hearing from our three witnesses today. Thank you, Madam Chairwoman.

Mr. BROWN. And also, Congressman Don Young would like also to submit an opening statement, too. So if I could just have unanimous consent to submit it.

Ms. BORDALLO. Without objection.

[The prepared statement of Mr. Young follows:]

Statement of The Honorable Don Young, Ranking Full Committee Member, Subcommittee on Fisheries, Wildlife and Oceans

Madam Chairwoman, thank you for holding today's hearing on ocean policy priorities in the United States. It is a timely hearing which will allow us to highlight how Congress has responded to the U.S. Commission on Ocean Policy report.

As the representative for All of Alaska, I am a huge supporter of the oceans. Many, if not all, of my constituents rely on the oceans for some part of their needs, be it the shipment of goods, or for fishing for subsistence or commercial needs.

I want to thank Admiral Watkins and Mr. Panetta for being with us today and commend them for all of the hard work they put into their respective Commissions. These two gentlemen traveled around the country to hear from individuals affected by our nation's ocean policies. Having been Chairman of two separate committees, I understand the difficulty in getting members to unanimously support bills or reports. These gentlemen were able to guide their respective Commission members in the development of recommendations to Congress and the nation.

I appreciate your efforts and congratulate you on how successful you were in your duties. It is now up to Congress, the Administration, and the States to follow up on the Commission recommendations with careful deliberations to determine how and which recommendations should be implemented.

The U.S. Commission on Ocean Policy released its report in September, 2004. In the two years after its release, Congress passed a number of recommended initiatives. The biggest achievement for ocean issues in the 109th Congress was the passage of the Magnuson-Stevens Act reauthorization.

As we all remember, the bill was passed in the last few hours of session. Many were betting that it would not pass, but it did pass and it included at least 18 of the Commission recommendations for fisheries management.

However, even after this major action, the Joint Ocean Commission Initiative issued a grade of B+ for fisheries management. The reasoning given for the B+ grade was due to the lack of implementing regulations. If you review the time line of when the bill was signed into law, the Administration would have had 3 weeks to develop these regulations.

In an earlier stage of my life, I was a school teacher. Teachers have many tools available to them, one of which is the use of a report card. As we all know, having received report cards at some stage of our life, report cards hold a certain level of mystique. So I can understand the temptation to use such a tool with respect to keeping attention to ocean issues. However, to what end will the report card be used?

In the case of the Magnuson-Stevens Act reauthorization, I think the Commission was mixing apples and oranges. The Commission report issues recommendations for Congress and others for the Administration and the states. I do not think it is appropriate to tie the action of one branch of the Federal government to another. In addition, while I can relate to the importance of report cards in the school system, I do not think it is appropriate to issue a report card for followup on recommendations. In this case, the report card is subjective and diminishes the actions that were completed.

I will raise one other issue recommended in the Commission report. I have very strong concerns about the regional governance recommendation that is being promoted. I do not agree that more federal bureaucracy is necessary when it comes to ocean issues. In the worst case scenario, I have heard that the federal government should dictate what should be occurring at the regional level. There are a handful of regional initiatives moving forward to create better coordination on the west coast, the Great Lakes, and in the Gulf of Mexico. These regional efforts should continue and not be stymied by people within the beltway that think they know better.

In closing, Madame Chair, I would to thank Ms. Mary Glackin, the representative from NOAA for taking the time to be with us today. While I have had issues with the ocean agency from time-to-time, it is clear that NOAA is dedicated to its mission of promoting and supporting ocean issues, as was originally envisioned by the Stratton Commission.

However, as the ocean Commissions have noted, ocean issues go beyond NOAA and involve many agencies and departments in the Administration. This hearing was the perfect opportunity for the Administration to send James Connaughton, the Chairman of the Council on Environmental Quality, who is also the Chair of the Committee on Ocean Policy, to highlight how he is leading all of the effected ocean agencies in a coordinated fashion. I believe the Administration missed the boat. This hearing was the perfect forum for the Administration to highlight all of its ocean-related efforts, not just those within NOAA.

Thank you, Madam Chairwoman. I look forward to hearing from our three witnesses today.

Ms. BORDALLO. Thank you very much. And now, consistent with Committee Rule 3[c], the Chairwoman will now recognize Members for any questions they may wish to ask the witnesses, alternating between the majority and the minority, and allowing five minutes each for each Member.

Should the Members need more time, we do have a second round of questions. However, I think there is a vote coming up, and I do have one question. We will see how long we can proceed, and then we will recess until Members return.

My first question is for Mr. Panetta or Admiral Watkins. In response to the recommendations of the U.S. Commission on Ocean Policy, the Administration established by Executive Order a Committee on Ocean Policy to coordinate the ocean-related activities of various Executive Branch departments and agencies.

You advocate the need to codify this committee and enhance its status and its responsibilities. Yet it sounds like the Administration thinks we have all the coordination we need.

Do you feel progress has been made in the area of inter-governmental coordination? And what, if any, additional legislation or policy changes are necessary to ensure that the coordination you think is needed is occurring?

Mr. PANETTA. Madame Chair, I think the Administration has taken an important step in trying to provide some degree of coordination on ocean policy, as both commissions determined. Prior to the establishment of that committee, there literally was nowhere, nowhere in the Administration was there any effort to try to coordinate all of the different policies. And as you know, ocean policies are spread out among a number of departments and agencies.

And so this was a very important step to do that, and I commend the Administration for taking that step.

The reason that we suggest codifying it is because in my experience, although this was established by Executive Order, there is no binding responsibility on future presidents to continue this. And so it would seem to me that because of our concern about the oceans and the need to coordinate policies, that the Congress ought to legislate and codify this committee so that it is ongoing, and so that it has the proper staffing and support that is necessary for this committee to be able to do the kind of work that we think is important in bringing these policies together. And that is why we support codifying the existence of that committee.

Ms. BORDALLO. Are there any remarks, Admiral, that you would like to make?

Admiral WATKINS. Yes. I think one of the key elements of that is that my experience as Secretary of Energy was that you would visit the White House on important issues. An advisor to the President is critically important. We have kind of relegated the advisor to the President for science and technology to third string. He is no longer called the advisor to the President for that. But we lose something in the science and technology coordination through the Office of Management and Budget Process.

We do the same thing here. It is OK to have this organizational setup, and I have told Mr. Connaughton of CEQ that I give him an A-minus for planning. But the execution, doing more than we have done in the past, hasn't happened yet. Even with the Administration's $134 million that Ms. Glackin talked about here a minute ago, that is a fine initiative, but the total budget is $100 million less than last year's appropriated. We have been in status quo for three years.

So if there is a Committee on Ocean Policy doing something, it is hard to see it in terms of new initiatives, along the lines of our recommendations. So that is another reason why we think it is important to codify, and that they come forward with an integrated ocean budget each year. This can be in guidance from the Office of Management and Budget to the agencies that are funding agencies. They can come up with their individual recommendations, but somebody needs to horizontally integrate those. And that could be done at the White House level with this Committee on Ocean Policy.

So the groundwork is laid. But I think to codify it and to give it strength and meaning from president to president right now is extremely important. And I don't think that would go over well with the Administration, but nevertheless, we have recommended that as being an absolutely positive step. And I think that in your H.R. 21 you try to do that.

Ms. BORDALLO. Thank you very much, Admiral. Point well taken.

I would like to call on the Ranking Member now to ask a question. There is a vote ongoing, but we will try to keep the committee going if we can stagger our votes, hopefully. Otherwise we will take a short recess. But for now, Mr. Brown.

Mr. BROWN. Thank you, Madame Chairman. This question would be to the Admiral or Mr. Panetta.

Would you consider the Joint Ocean Commission Initiative an advocacy group?

Mr. PANETTA. I think we are advocates for the reports that both of our commissions came forward with. I mean, the reason we developed the joint initiative effort was because both commissions pretty much came to the same findings and same conclusions, and we felt it was important to bring both commissions together to try to push for their recommendations to be acted on by the Congress.

Mr. BROWN. And could you tell me how the commission is funded?

Mr. PANETTA. The Meridian Institute is the institute that supports the joint initiative effort. And they, in turn, I believe receive some grants as well to help support in that funding.

But the Meridian Institute is an institute that has been involved in bringing together opposing parties on a number of environmental issues, and bringing them together to try to find consensus. And so we thought it was a good fit to try to bring both of these commissions together on a bipartisan basis, to try to advocate.

Mr. BROWN. And so it does qualify for some Federal—were those Federal grants you were talking about?

Mr. PANETTA. I don't believe so. I don't believe we received any Federal grants, no.

Mr. BROWN. So there is no Federal funds involved at all? Or is any Federal government staff working for the joint committee?

Mr. PANETTA. No.

Mr. BROWN. OK. All right, thank you, Madame Chairman.

Ms. BORDALLO. Thank you.

Mr. BROWN. Do you want me to go vote now, and then come back?

Ms. BORDALLO. Yes, please. Thank you very much, Mr. Brown. And the Chair now recognizes Mr. Pallone.

Mr. PALLONE. Thank you, Madame Chairwoman. I wanted to ask both the Admiral and also Congressman Panetta about the global warming issue. You know, I think, Admiral, you said that the sea level rise and the issues of global warming as they affect the oceans and the coasts hasn't received enough attention, and I would agree.

But I will tell you that in my home state of New Jersey, it has received a lot of attention. I think there is more focus on that aspect than on any other aspect of global warming.

But just give me an idea. I mean, what do you think the most serious impacts will be? Is it just sea level rise? And I am not denigrating that, but I mean, give us some indication of what the impacts would be on the oceans, the coasts, and marine life.

Admiral WATKINS. Well, I think, Mr. Pallone, there are many things that Leon brought up earlier in his oral testimony that summarized some of these issues.

Oceans and human health has not gotten much attention. One-degree temperature rise off of Bangladesh, for example, is directly correlative with malaria shore. We have huge problems that have come out of the El Nino event, that we have learned about worldwide.

If we are interested in Third World developing nations and our foreign policy, then we ought to be interested in their survival. There is no clean water for a billion people in the world. We have the melting in the Arctic; that is a freshening of the water that changes the thermohaline driving force for the so-called belt that gives us the climate around the world, bringing the coal water down in the oceans, under the Atlantic Ocean into the Indian Ocean, over into the Southwest Pacific and back to the Arctic.

If you change that pattern, as we have 8,000 and 10,000 years ago the geologists tell us, you can stop it. Now, it doesn't stop tomorrow; it is not that kind of a thing. But we are talking in decadal terms here. And we have to worry a lot about what is going on out there. This is why we want the integrated ocean observing system. As part of the climate change understanding, we have to

understand the oceans. We are making decisions based on data that could be faulty.

Scientists agree that we need to move in that direction. So we have oceans and human health. We have the bleaching of the reefs, which is the nurturing grounds for our fisheries. We have the pollution that we have been talking about. The oceans can no longer be considered to be the cesspool of mankind that are going to be able to recover themselves. Today we are showing that they can't recover, unless we do something about it.

So all of these issues are related to climate change. And we don't have the understanding that we need.

For example, if I tell you that one of the most important things is to have a virtual common database bringing disparate data, thousands of different databases together at a place generating good products for people like you in decision-making roles, this is a very important element of our recommendations.

Is that sexy politically? No.

Mr. PALLONE. I will tell you, though, this, because I did want to ask another question, and I have to go vote. But I will tell you, the whole issue of ocean exploration and research, you know, I know both of you have stressed that, it really is important. And it gets a lot of attention again, I would say, in New Jersey. You know, people talk about the need to expand that and more funding for it.

So I want you to be optimistic about your impact out there on the public. I mean, particularly young people are very concerned. And I even know of my own kids, you know, they talk to me about exploration and research issues.

But I have to get in my question about CZMA to the two of you. I notice that Ms. Glackin did not mention reauthorization of CZMA. I hope that doesn't mean you don't want to do it, but I am concerned that you didn't mention it. But the two others, Leon and the Admiral, did mention reauthorizing the CZMA.

What do you think we need to do legislatively to strengthen this law? I would like to see it reauthorized. It is very important to New Jersey, and I think nationwide. If you wanted to talk about that briefly.

Mr. PANETTA. Well, it is very important, and we do urge that CZMA be reauthorized.

I think one of the ways it could be strengthened is to incorporate the kind of elements that we advocated in terms of regional approach into the CZMA. For example, ecosystem planning. We were able to get ecosystem planning built into Magnuson-Stevens. We think it ought to be part of some of the reauthorized bills, like the Clean Water bill and other bills, to emphasize the relationship between the land the sea.

New Jersey has been very good at developing approaches that recognize that relationship. Because, you know, as the Chesapeake Bay plant makes very clear, the streams that flow into the ocean, the streams that flow into the Chesapeake Bay, if we don't deal with those it can impact on our fisheries.

So I would recommend strongly supporting ecosystem planning, supporting and encouraging regional governance that encourages everyone working at the table, and developing a plan to deal with

the oceans. CZMA I think could be very effective at promoting that kind of effort.

Admiral WATKINS. And I think another important contribution you could make would be to set up this regulatory regime that we talked about earlier for emerging new uses in Federal waters.

The states have made it very clear, as we went around the country listening to them, that they want to be involved in the offshore waters. Even though they are not in control of those Federal waters, they are very germane to the coastal management that they are responsible for.

So again, I would encourage the upgrading of CZMA, the reauthorization, to include the provisions that set up the regulatory regime for new and emerging uses of the Federal waters, such as in bioprospecting, and deep water aquaculture. And make sure—and to the energy generation, such as the wind farms. And to make sure that those revenue streams are identified the way Congress thinks they should be identified, and roll into this trust fund we are talking about to carry out these various provisions.

Unless there is some kind of a stable requirement and law by the Congress to set up such a fund, it is not going to happen. We simply have to have such a fund. And therefore, I think that CZMA, which is such a powerful tool, is the very, very important reauthorization opportunity to carry out many of these provisions that we talked about, and what Leon emphasized here in the regional council approach and their involvement. So that we, at the Federal level, can get the feeling of what they want to do out there.

And each region is different. Each region has its own priorities. New Jersey has different priorities than others. They need to be recognized. And so it has to be a flexible system; it can't be rigid.

And the Governors have made it very clear to us, they don't want unfunded mandates. They want to be a partner.

Ms. GLACKIN. Just to clarify——

Mr. PALLONE. I am just going to, I apologize that I have to go run for the vote. But I was hoping we could have a second round, because I wanted to follow up again. I apologize.

Mr. PANETTA. As a former Chair of the Budget Committee, I urge you to go vote.

[Laughter.]

Ms. GLACKIN. If I could just introduce, just for the record here, to make the statement that the Administration is working. We have a partnership activity going on now with Coastal States Organization that is visioning what the future Coastal Zone Management Act should look like. We have had a document out for public comment, and we have been taking in that comments and having a number of workshops. So we are interested in reauthorizing this, but not in a position to promise that legislation in the short term.

Ms. BORDALLO. Thank you very much. One small advantage of being a representative from a territory is we only vote the committee as a whole. And so I can keep this going.

[Laughter.]

Ms. BORDALLO. I told the Members to get back as quickly as possible after their vote.

I have a couple of questions here on funding. The Joint Ocean Commission is very specific in outlining the new funding that you

believe is necessary to truly advance the national interest in managing our ocean and our coastal resources.

At the same time, the President's proposed budget for NOAA actually cuts the agency budget from 2007 appropriated levels.

As you both understand, and I am speaking to Mr. Watkins and Mr. Panetta, in these tight budgetary times, important tradeoffs must be made as Congress decides where funding should be directed. Why do you think funding for the oceans should be made a priority for Congress? And do you feel the budget the President has requested is sufficient to address the needs you have identified?

Admiral WATKINS. Madame Chair, obviously——

Ms. BORDALLO. I am sorry, I guess there is an amendment that I have to vote on.

Mr. PANETTA. Well, God bless you, you are going to have a role to play.

[Laughter.]

Ms. BORDALLO. So the committee stands recessed for about 10 minutes.

[Recess.]

Ms. BORDALLO. We will now resume this hearing. We will return to my question, but at this time the Chair wishes to recognize Congresswoman Lois Capps from California.

Ms. CAPPS. I wasn't aware I was going to be right up front. That is great, I am happy to have the opportunity.

Thank you first, Madame Chairwoman, for holding this hearing. And it is one that many of us have anticipated for a very long time.

I am sorry, would you like to go across the aisle?

Ms. BORDALLO. Congresswoman, you go ahead.

Ms. CAPPS. Oh, I am happy to wait. All right, I will proceed.

It is hard to know where to start on asking questions. This is a wonderfully big topic. And as you said, Mr. Panetta, it is life itself.

I live in an area, many of us are here out of our personal experiences with the coastline, 200 miles-plus that I am so honored to represent in Congress on the central coast of California.

And we know that even of my constituents, people love the ocean, but they don't always understand what goes on beneath its surface. These threats, including pollution, over-fishing, even the impacts of global warming. Your commissions did excellent work to identify these challenges, and now I think we have a responsibility to begin to implement and work out.

I am pleased that both of you, all three of you I should say, are engaged in the public dialogue through the Joint Ocean Commission Initiative. There are so many issues to discuss, as I said. But one issue that I am going to focus on is NOAA's budget.

A budget, of course—and we are dealing with budget on the Floor of the House today—is a blueprint of priorities. And of course, I was disappointed with the President's request for NOAA. I believe it provides inadequate funding levels, and is inconsistent with the recommendations of the Joint Ocean Commission.

For example, the overarching commission recommendation is that the United States needs to implement ecosystem-based protections for our oceans. Arguably, the existing NOAA program that best exemplifies this approach is the National Marine Sanctuary

Program. Unfortunately, for the past few years the program has seen its budget fall from approximately $51 million in 2005 to $36 million in 2006 and 2007.

In 2008, the President requested $44 million, with $8 million of this dedicated to the Northwestern Hawaiian Islands Marine National Monument. So I believe, I hope we can all agree that increased funding is critical for the management of the monument.

However, I am concerned about the funding needs for the 13 remaining sanctuaries, which the President's budget leaves level-funded. I know I just posed a question. I will start with you, Hon. Leon Panetta. Doesn't this seem contradictory to a principal Joint Ocean Commission recommendation?

Mr. PANETTA. Well, obviously, as we pointed out in our testimony, we are very concerned about the level of funding in the ocean area. I mean, the last two years have literally been a disaster in terms of retreating on the funding levels that are essential for dealing with some of the ocean issues that we talked about.

And let me just for a moment put on my former hat, both as a Chair of the Budget Committee and also as Director of OMB, I know what the tradeoffs are. I know that there are some tough tradeoffs. And I know what, you know, the decisions that have to be made; Appropriations Committees has to make these decisions, everyone has to make the decisions.

But you also have to decide what are the priorities that you have to invest in for the sake of the country. I mean, at the toughest time in the first Clinton budget, where we cut almost $500 billion in the budget—actually, $250 billion on the spending side—we made some very difficult cuts on a lot of programs.

And yet at the same time, we were able to invest in some of the President's priorities. We invested in education, we invested in R and D, we invested in healthcare, we invested in student loans, we invested in some of the areas that the President identified. Those are the kinds of decisions that have to be made.

This is a priority. This is a priority. This is about whether or not our oceans are going to be around for the future. And the damage that is being done is something that, you know, we just simply cannot afford.

And let me tell you something. When it comes to our oceans, I think our oceans generate about $138 billion in income and economic activity to this country: $138 billion. Now, it seems to me $750 million is not a bad investment for the return you get from our oceans. We are talking about jobs, we are talking about economic activity. This is an investment that is worthwhile.

Ms. CAPPS. Are there some specific priorities you would recommend to us? I know we have to make the tough decisions, as you did. But as we consider reauthorization of the National Marine Sanctuaries Act, should we—and I know I see the red light on, but maybe real briefly you would respond to one or two, or however many—what shall we put at the top of our list?

Mr. PANETTA. Admiral, what should we identify as the key areas?

Admiral WATKINS. We have a detailed listing of what that $750 million, which is a one-year augmentation that we would hope would continue until we reached the $3.9 billion that we said were

necessary to augment the current expenditure, which is around $9 billion for all matters connected with the oceans from all agencies. And that includes the operational fleet: the NOAA fleet and other fleets for deep seabed research.

So we know exactly what that $3.9 billion that we are asking to add over the next five to seven years, at $750 million a year, will do. It is not just throwing money at researchers. It is specifically targeted to the kinds of things we think are the highest priorities that we have laid out in our Sea to Shining Sea report to the Senate last year. And those are still valid, except for Magnuson-Stevens reauthorization, which was passed. And that is a commendable thing for the Congress.

There are some questions raised on our report card. Well, why didn't you give more than a B-plus? Well, it is not just the Congress we are voting on. We are voting on the Administration, the Congress, the states. Are we carrying it out?

We are in the implementation strategy side of this thing now. We are trying to say we love the rhetoric, we love the planning; you get an A-minus for planning, that is terrific. Now let us do it. And we haven't done it yet. We haven't moved off top dead center. We are still at, in NOAA, a $3.9 billion. And even then, with the President's good initiative, $134 million, it is still $100 million under last year's appropriation.

But all we have done all the time up here is fight over the Senate to restore the $500 million that was cut out by Congress, by the Appropriations Committee here in the House last year. So we have to add a billion bucks on the other side to come out with just a status quo win.

Everybody says gee, you ought to be thankful for that. We are not thankful for that. We are not getting anywhere. So we have to move out. And the $750 million is well identified in our statement as to what you are going to do with that.

And that doesn't come from just Leon and me; it comes from a body of science advisors, a body of the National Academy, the other national academies of the world. We read what is going on in the European Union, the IPCC work of the U.N. This is good stuff. We just need to do it now.

And so that is why we are in this. And so $750 million is the start. And we have told the Senate Appropriations Committee last year we want to approach a top line for you, NOAA, $4.4 billion for NOAA, not $3.9 billion. That is $500 million of the $750 million would go to NOAA new activities, in education, in ocean observing system.

And one of the worst things that has happened is we have cut $500 million out of NASA's earth sciences budget. What are we doing? That is essential to the earth's observing system. How are we going to make good decisions if we don't have the data flowing in that can then be converted by analysts into useful tools for decision makers like you? We have to have that money.

So we can't be trading off like this. We either believe this is a high priority for the future of our country, or we don't. We think it is, and that is why we are staying in the game. We don't get anything out of it, except the satisfaction that you are listening this morning. We haven't had that before, and so we are——

Ms. CAPPS. I know I have gone way over my time.

Mr. PANETTA. Lois, if I could, for the record, and we will submit this for the record, we basically lay out how the $750 million ought to be spend: $85 million for governance and coastal management, $299 million for ocean science and research, $289 million for monitoring, observing, and mapping, and $42 million for ocean education and outreach. And we actually break that down into specific programmatic areas, if you will look at that.

Ms. CAPPS. Excellent, and that will be part of the record, Madame Chairwoman.

Ms. BORDALLO. Thank you. Thank you very much. And the Chair would like to also tell the Members that we will halve possibly a second round if you have further questions.

The Chair now recognizes the gentleman from Idaho, Congressman Sali.

Mr. SALI. Thank you, Madame Chairman. Mr. Panetta, one of the appendices in the U.S. Oceans Commission Report lists all the Congressional committees which will have ocean or coastal jurisdiction. I understand that there are 8 of the full committees and 22 subcommittees.

If we are going to implement your recommendation to create this new off-budget trust fund, do you have any idea how many committees would get jurisdiction? And specifically within that, what will be the role of this Subcommittee and the full committee?

Mr. PANETTA. Too many, if you want to know the truth. I mean, I think part of the problem, we talk in both of our reports about how you coordinate ocean policy. And it is not only split up obviously within the Administration and the departments and agencies.

If you look at Capitol Hill, almost all of the committees up here in one way or another have some relationship to ocean issues. And there has to be a way—when I was here, and I believe you are a new Member to the Congress—when I was in the Congress, there was a committee that dealt with fisheries. And Merchant Marine Fisheries Committee was the name of that committee. And basically all ocean policy came under their jurisdiction, and it made a lot of sense.

At some point it just seems to me, in order to deal with the various aspects of what we are recommending here, it may make sense for the institution of the Congress to develop a more coordinated committee that has——

Mr. SALI. Isn't that really the answer to the Admiral's question of when are we going to do something, is that we have to have a process in place in this institution to be able to actually deal with that. There really would be some kind of a first step. And best wishes to both of you to bring that about, I guess.

Talking about financing some of this, how much do we have paid in annually for offshore oil and gas activities at this point? Do you know how much that is?

Mr. PANETTA. Our staff indicates it is about $8 billion to $9 billion that flow in as a result of that.

Mr. SALI. And do you know where that revenue ends up? In which pot within the Federal Treasury?

Mr. PANETTA. Part of it goes into Land and Water, and part of it now, I think as a result of legislation last year, goes to the Gulf States.

Mr. SALI. Is there something that is coming in the future that would cause those revenues to increase at all?

Admiral WATKINS. Well, one of the things that we are promoting, and we talked about it this morning, is the fact that there are new and emerging things happening in Federal waters, such as wind farms, bioprospecting, deep water aquaculture, none of which have a regulatory regime. So we don't know what the revenue stream will be, if any. It needs to be balanced, and it needs to be somewhat based on the experience we have had with the oil and gas revenue streams.

And that should be, we know it has to be appropriated. There is about a billion dollars that are now set aside out of this $8 billion to $9 billion that comes in from the oil and gas revenue stream, that go into land and water conservation and historic preservation.

OK, that is fine. Leave that alone. But we are saying it makes sense to set up a trust fund that has to be appropriated by the Congress each year, that really allocates some of these dollars back to carry out the very things we are talking about that emanate from the coastal regions of the states.

Mr. SALI. Thank you, Admiral. Mr. Panetta, does the Pew Commission have a position that you advocate on offshore oil and gas activities with respect to this, the oceans?

Mr. PANETTA. No. It was something we decided to stay away from because it was controversial within the commission. We actually focused on four areas. One was dealing with life under the oceans, dealing with coastal development, dealing with the issue of fisheries, and then also the issue of governance. Those were the areas we focused on.

Mr. SALI. So if there are new leases that are put in place, if there is new exploration, new production within the oceans for oil and gas, the Pew Commission would not have any problem with any of that?

Mr. PANETTA. Well, what we would recommend—I mean, obviously those are decisions that are going to be made by the Administration, and obviously in part by the Congress.

But revenues we think, and we have recommended, and others, I think the U.S. Commission recommended as well that revenues ought to be put into a trust fund in which money is then used for ocean areas.

Mr. SALI. Well, we have a pretty good fight going on over on the House Floor right now over the budget, and you know, whether we are going to have enough money to——

Mr. PANETTA. I know.

Mr. SALI.—pay for our Federal government. I know you have been through that.

I guess my point is, if we divert some of this revenue into this trust fund, isn't that just going to increase the deficit? Where are we going to come up with the money to pay for the suggestions that you are making?

Mr. PANETTA. Well, look, I think that a trust fund developed where funds flow into that from those kinds of activities makes a

lot of sense. If people are going to be able to use our offshore areas for whatever reason, those areas are owned by the Federal government. They ought to pay for it, and frankly that is one of the ways to pay for some of the mitigation that has to take place as a result of those activities.

Mr. SALI. And if it results in deficit spending to finance the rest of the Federal——

Mr. PANETTA. That is not deficit spending. If the money that is coming in from those operations that is being spent for mitigation in those areas, that is the way you balance the budget. That is not the way you got into deficits.

Mr. SALI. Well, your explanation of where the money ends up, I think all that money is being appropriated and used today. And so at some point, if you want money that we have today put into a trust fund, it is going to have to be made up somewhere else, it would seem to me. Maybe I don't understand all of the math that is involved in the Federal budget like you do.

But I know that that fight that is going on over on the House Floor right now is not going to cease any time soon, and this is going to be an ongoing concern, it would seem to me.

Mr. PANETTA. No, listen, you are absolutely right. And the one thing I learned in all of my budget experience is that there is no simple answer, or no magic answer when dealing with that.

If you care about the deficit, you are going to have to cut spending or raise taxes, or both.

Mr. SALI. Thank you, Madame Chair.

Ms. BORDALLO. Thank you. I thank the gentleman from Idaho, Mr. Sali.

And now the Chair recognizes Mr. Sam Farr from the State of California.

Mr. FARR. Thank you, Madame Chair. Mr. Sali, none of us want to get into a discussion like this with Leon Panetta. Not only was he Chairman of the Budget Committee for a record number of years—nobody had a tenure as long in the Budget Committee—but he was also Director of OMB. So he understands his budget better than anybody in the entire building. Maybe in the entire city.

I want to ask Mary Glackin a question about, do you support the codification of NOAA?

Ms. GLACKIN. I very much support, and the Administration supports, the passage of an organic act for NOAA. We introduced one in the last Congress, and we will introduce one in this one, as well.

Mr. FARR. OK. Well, the reason I ask that is because you recognize that things have to be codified; yet in your testimony, you point out that 83 percent of the actions have been met. Of course, those were the actions that the Administration set up. They weren't good enough, at least for our Senate colleagues and a lot of our former colleagues here.

I mean, Jim Greenwood authored the bill that I have introduced called H.R. 21 this session. Curt Weldon was very active in it, obviously Senator Lugar has been very outspoken, Olympia Snow. Ted Stevens signed this letter asking the Joint Commission to prioritize. John Sununu.

I mean, the Senate asked you two to come back with the report you have given us today, isn't that correct? The letter to the Sen-

ate? No, I am talking now to Leon and Admiral Watkins. The letter to the Joint Oceans Commission Initiative to both of you, signed here in your report. It is saying give us the priorities, 10 actions Congress should take, highest priorities for funding. And that is what you have come back with in this report that is the Sea to Shining Sea.

And I would just, I really appreciate your recommendations on here. I would just say that all of them, except for the convention of the sea, the integrated oceans observing systems, which Mr. Allen is introducing today, Mr. Saxton introduced the National Ocean Exploration Program. And I would hope Mr. Sali is still here, because he is one of the few people we haven't yet gotten as a co-sponsor of H.R. 21. But all of your recommendations otherwise are in H.R. 21.

And what I would like to just ask you, I think the most difficult part of this legislation is the—and you had it, as well—is the legislation dealing with regional governance. We have taken your recommendations in here, but I just wanted you to express what, how important it is to have that governance structure that you recommended. You could have just skipped it, because it does get to the political hot ball. But you pointed out that it is really necessary to have the interaction, although we have a new word. It is called interoperability.

And I just thought you might share with us what your thoughts were on how important this governance provision is.

Mr. PANETTA. Well, look. The problem, as you know, is that, you know, and I think it is both commissions looked at these issues, that if you look at the issues that are impacting on the oceans and on the fisheries, whether it is coastal development, whether it is pollution, whether it is runoff, whether it is invasive species, whether it is all of these elements that are impacting on the ocean, you have to bring together the issues of the land and the sea together in order to be able to deal with those issues.

I mean, the best example we had of that was in the Chesapeake Bay, where you had six or seven states that were involved. And the Chesapeake Bay was basically being totally wiped out as a result of pollution. So they put together a compact in which you brought together the Federal, state, and local governments, developed common targets, developed common goals, and they all were working together in order to achieve a restoration of some of the fisheries in the Chesapeake Bay.

We have seen that in the Northeast, up in Maine, the states have come together to try to bring together again Federal, state, and local authorities to try to deal with ocean issues. We are seeing California—California, Washington, Oregon—coming together to deal with common issues involving the oceans off their coastline.

We see the Gulf States doing the same thing, coming together to deal with common issues in their area.

So the best way to deal with this is when you have everybody at the table. And you know, they are going to have different views. Nobody says that there is some kind of boilerplate approach to dealing with these issues. You are going to have fishermen at the table, you are going to have stakeholders at the table, you are going to have people, conservationists, scientists. All of them need

to be at the table in order to develop the kind of plans in which everybody says OK, now let us do what we have said we have to do.

That needs to be encouraged. That needs to be promoted.

Now, as I said, look, there are a lot of very good efforts that are taking place out there in the states. What we need to do is to have the Federal government, to have the Congress basically say to the Federal government you play a role in this, and encourage these kinds of regional efforts. Because by doing that, that is the best way to deal with the problems facing our oceans.

Ms. GLACKIN. And let me just follow on that, and just make the point that the Administration really agrees and encourages, and is supporting these regional ocean governances. As I have just alluded to in my testimony, the Gulf of Mexico is probably the most mature, but we are working in the Northeast.

I, myself, met with my Federal partners in the states of Washington, Oregon, and California last week on plans that we expect to be rolled out in the fall.

So I think it is the idea of maintaining flexibility that we address the problems we have on the scales that the problems impact, and not dictate solutions one size fitting all.

Mr. FARR. I think there needs to be some statutory glue to keep it together.

Ms. BORDALLO. I thank the gentleman from California. And now the Chair recognizes Congressman Allen from the State of Maine.

Mr. ALLEN. Thank you, Madame Chair. I appreciate the opportunity to be with this committee, and to participate in the questioning. And I do want to thank all the members of the panel for their very good work in these areas.

I thought I would concentrate—I will soon be reintroducing an integrated ocean observing bill like the one they introduced last year. It is being, we are working with this committee, and also with the Science Committee, to make sure we have as much input as possible before we do that.

But the GoMOOS, the Gulf of Maine Ocean Observing System in the Gulf of Maine, has been an enormous success. And it is having commercial value, it has scientific value. And we, in Maine at least, think of that as the model for all the other efforts that should be integrated. It is one of the top 10 Congressional priorities highlighted in the Sea to Shining Sea report. And it is also an important theme in the Administration's plans, as well.

So given what I take to be a broad bipartisan consensus for an integrated ocean observing system, the question really is, can you talk in some detail about the benefits from such a system, and how those benefits relate to other recommendations of the committee?

Admiral WATKINS. Congressman Allen, this is probably the most important single program that I think, if it were to be implemented properly, authorized by the Congress, funded to the extent we have recommended in our report, it will be one of the most important things we can do for future decision making.

From that observation system, which is a system of systems, the Administration has sponsored, proposed, went back to Europe to reinvigorate the global earth observing system of systems. OK.

This means that we integrate land, atmosphere, and oceans together.

The land and atmosphere side have been fairly well researched, and are in pretty good shape. The oceans are not. We are not even in the game yet. And so part of the emphasis on science and technology in our report was to let NOAA do the kind of referral out to industry, to get the Boeings and the Lockheed Martins and the others really interested in this, and to move out, because we need architectural design that makes some sense. We need to integrate it internationally. We need to have a common data center, where we can take disparate databases and pull them together. We need to have at those centers an analyst who can respond to the regional needs, as well as other needs.

It is not just researchers, it is not just education. It is what do the counties need, what do the local officials need. They need a lot of understanding, too, and they are crying for information we can't provide them today.

So the integrated research package, for example, that we are saying let us collaborate with the fishermen, let us have their database and the NOAA database come together in better harmony. We better listen to the fishermen. They are saying sometimes when they get out there, we don't see, the model is not reflecting what we are seeing out here. So we need their input. Those are all inputs into a system. The system has to have protocols. We have to deal with the issue of royalties and property rights, intellectual property; who owns the property.

But those can all be ironed out. There are things that can be done. So it is part of the integrated ocean observing system. To build something that is in real time giving us information on acidification, what is the health of the phytoplankton, the zooplankton out there. What is happening in the strategic algal blooms around the world? What about dead zones? We can monitor life in the water column if we put the research into the RNA- or DNA-related bases that they need to do on sophisticated buoys such a NOAA has in the Argo floats.

This needs to all be coordinated. And it is extremely important that we have a mechanism set up to allow decision makers to receive information they need, and they are all different.

When you look at the authority that local governments have, counties have, state governments, it is amazing to see the display on one of NOAA's boards over there as to who has got responsibility. Who are the stakeholders in all these.

And as Leon says, these have to be brought together in some way, and we need to let the regions design their systems to be regionally organized in a way that they feel meet their priorities. And we should be flexible enough to receive that.

So all of these things are involved in the integrated ocean observing system. And I would say if we did that, we would probably cover somewhere around 75 percent to 80 percent of our recommendations, just in that one major program alone. It is the glue—if you want glue to bind us together, then put us together into that database. Put us together into the analysis of that database.

My experience in the Navy is how we recently won the Cold War is because we did that. We had all sorts of information flowing in to analysts. They gave us good information in the fleet that we needed. We didn't want the raw data; we wanted to have analysts say this is what it means, these are the risks, this is, you know, if we take the high end of the uncertainty bar every time and say we are going to flood the world to 20 feet, OK. But take it easy. That is not what the scientists are saying. They are saying here is the range of uncertainty that we have.

The ocean observing system can help us monitor that. This is why I am such a nut on the subject of keeping NASA's satellite system going, their NPO satellites and others. They have been underfunded badly. In fact, NASA themselves did not get in the ocean research priority plan that the President put in in January. They were out of it. Can you imagine? We desperately need them in. They are a key part of an integrated ocean observing system. And to underfund earth sciences there is a grave mistake.

And so I think, you know, if you can move this thing through the Congress, it will probably be one of the most important initiatives since the Stratton Commission, in my opinion, just that one program. Because it covers so much of what we are talking about. The analysis of the fisheries population, it is all in there. Everything is there. The pollution monitoring, what is happening in the Arctic and what does it mean to world circulation.

All of these things are part of this observing system, which needs to be built, architecturally designed properly, the database integrated, and that will pull so many of these entities together. It will force them together, just as you have done with the Gulf of Maine Ocean Observing System, the California Ocean Observing System. Now the Gulf Alliance is putting in a Gulf Ocean Observing System. We are coming alive, but it is happening out there because they are really worried about the fact the feds aren't doing their job back here to make sure the coupling and the collaborative effort is organized to the point where this all makes sense.

Mr. ALLEN. Thank you. After that ringing endorsement, I hesitate to ask anybody else if they——

[Laughter.]

Admiral WATKINS. Take that and go home.

Mr. ALLEN. They can take that and go home. Thank you very much.

Ms. BORDALLO. I thank the gentlemen. Our Ranking Member has returned. Do you have any questions before we conclude?

Mr. BROWN. Thank you, Madame Chairman. I do have some questions to submit for the record for, Mr. Saxton is it? Yes.

Ms. BORDALLO. All right, without objection.

Mr. BROWN. OK, thank you. And I also have some questions to submit to Madame Chairwoman. I know we are going to be voting pretty shortly, and so we will, I guess we will just submit the questions.

Ms. BORDALLO. For the record. I want to thank all of the Members here for their questions. Oh, I am sorry, Mr. Pallone. I would like to recognize Mr. Pallone. This can be the second round. Mr. Kennedy.

Mr. KENNEDY. Thank you. Again, I thank you all for being here. I notice some questions were asked about the money, and I know about that because I am on the Appropriations Committee, and we went through this when the NOAA administrator was in before our committee a week ago.

And you are absolutely right. The budget is so short we asked the administrator where the budget was when OMB was marking it up. If this is such a priority, why isn't it reflected in the President's budget?

And if I could, I would like to ask the question, where are we going to be in 20 years if we don't, if this budget continues along the lines that it is? Anemic and falling very short of where it should be. Where are we going to be? What are going to be the costs of us not fully funding these recommendations? Just if you could, how are we going to be paying for it? What ways are we going to be paying for the lack of investment?

Mr. PANETTA. Well, Congressman, as you know probably better than anyone, if we have, you know, if our body is affected in some way, and we don't have the investment in technology and knowledge and science and skills to deal with that problem, then we will never begin the healing process.

And the same thing is true for our planet. We know that there is a crisis affecting our oceans. But if we don't make the investment in technology and science and knowledge and skills to deal with it, we will never heal our oceans.

And we are seeing the consequences of it now. I mean, my goodness, 90 percent of the big fish in the ocean are gone. Ninety percent of the big fish in the ocean are gone. You know, look at National Geographic, this last edition, and it basically shows that.

Now, when 90 percent of those fish are gone, when we lose those fisheries; and if we are not in the process of trying to restore them, if we are not doing things to figure out what is going on; there is a real possibility we could lose all of our wild fisheries. And that is a real possibility.

And it just seems to me that is a hell of a legacy to leave our children. So that is why it is important to try and make that investment now, to try to see if we can begin the healing process.

And we can. I mean, I think the good news here is it can be done. It is going to take a lot of work and a lot of effort, but it can be done. But if we walk away from it, if we don't make the investment, if we don't develop the skills and the science we need, make no mistake about it, our children will be asking the question where were we.

Ms. BORDALLO. I wish to thank the Congressman from Rhode Island.

Congressman Pallone.

Mr. PALLONE. Thank you, Madame Chairwoman. I just wanted to, first of all I had to apologize to Ms. Glackin, because I had to vote, as Leon said, on the budget resolutions. But I did, my staffperson did relate to me what you said, so thank you for your response.

But I wanted to follow up on the CZMA question again, and just get a little more detail. The big issue—well, not really—it really is the biggest issue, I think, facing New Jersey along the coast now

is the overdevelopment issue. And I know when you talked about the regional plans, Congressman Panetta, you were talking about that as part of it.

And then the other issue is this whole issue of the consistency determination. New Jersey always wants to, you know, exercise this consistency to say that they are not necessarily happy with Federal developments along the coast or out in the ocean.

In terms of the reauthorization of CZMA, if you would just address that: you know, the overdevelopment issue, and how maybe those regional plans relate to that. And whether you have any suggestions with regard to that Federal-state relationship in terms of consistency.

And I mean, you may not. I am just asking.

Mr. PANETTA. Well, you know, it is interesting. When you were asking your last question on CZMA, I recall that Bill Hughes—he used to sit on the Committee on, well, he chaired the Committee on Merchant Marine and Fisheries—was concerned at the time because there was medical waste that was washing up on the New Jersey coastline as a result of dumping off coast.

And it brought home the fact that if we are not coordinating these efforts between the Federal government and the state government, we will never be able to deal with those kinds of problems. The Federal government will say it is OK to dump whatever you want out there, and the states will have to deal with the consequences of that when it washes up on shore. That is the very reason we need to have that relationship.

CZMA, when it was established, I thought was a very, I mean, it is a very good working law that allows for the development of a coordinated approach. The problem is it doesn't have a hell of a lot of teeth. And so what you have to do is provide the funding and provide the support systems to make sure that it can be a viable approach, and that plans can be developed that everybody has to abide by. I mean, that is the key, it seems to me. That if you are going to develop plans, if you are going to develop an approach between the Federal and state governments, that you need to have, either through funding or through some kind of support system, a way to ensure that it is getting done. That is what I would really——

Mr. PALLONE. No, I appreciate that. Thank you. And then I was going to ask Admiral Watkins again, when you answered my question before you talked about, you know, energy-related uses offshore. And of course, one of the big issues now of course is the windmills; I think you specifically mentioned that.

Do you have an opinion on the Mineral Management Service's ongoing work to develop regulations governing these alternative energy-related uses of offshore on the Outer Continental Shelf. Do you think those are sufficient, or do we need to do more? If you want to comment. I think you got into it a little bit.

Admiral WATKINS. Not at all sufficient, Mr. Pallone. We are relying on old laws with very little framework to them, and we are beginning to make moves in the Federal waters which are very significant. And the wind farms are one. And I am for wind generation. When I was Secretary of Energy we pushed alternative fuels, alternative means of generating energy a great deal. We spent hun-

dreds of millions of dollars each year to investigate and move into hybrid cars and so forth. So I am all for that.

But on the other hand, having said that, I think to commence these offshore activities without some kind of regulatory framework which the Congress has put together and said this makes sense based on our experience with oil and gas over the last 50 years, we do a great deal to lay the framework that would allow, then, the Coastal Zone Management Act to be linked somehow with a new offshore regime which captured these things, which addressed the revenue streams that would come in and go back into conservation and other practices that are very important that we have recommended here, and so forth.

So I really think that you are focusing on an extremely important issue. And I think the reauthorization of coastal zone management is probably one of the key pieces of legislation, and we would certainly be willing to work with you in any way we can to bring our members, our expertise, our outreach to the scientific community and to the business community.

We have been hooked up locally across the nation. In fact, we put our emphasis there because we saw so little activity at the Federal level; we decided we had better go work with the Governors a lot more. And we have done that. Did it in New Jersey. We have held some wonderful sessions up there at Monmouth University and so forth. And I know the work that Rutgers has done, fabulous stuff offshore, on remote vehicles, autonomous vehicles and the like, getting information that would again feed the ocean observing system kind of mechanism.

So all of these things, every time we talk about these things they cry for this cross-cutting pollenization between the activities that are going on out there and the Federal government, and call for this ecosystem-based approach which we have all accepted, and the Administration has accepted. But you just can't accept that in rhetoric and not do something. That is a very major course change for governance in this country.

We don't take advantage of the IT world we live in today to bring groups together that are so disconnected today. And we can do that.

So all of that really gets right down into this regional councils, the Coastal Zone Management Act, and everything else, and the coupling at the Washington level that makes them sensitive that we are all partners in this together.

Mr. PALLONE. Well, thank you. Thank you, Madame Chairwoman.

Ms. BORDALLO. I thank Mr. Pallone, the gentleman from New Jersey. And the Chair now recognizes the Ranking Member, Congressman Brown.

Mr. BROWN. Thank you, Madame Chairman. Admiral, following through on that same line of thought, there has been much discussion about harvesting other resources at the floor of the ocean, and particularly natural gas, where there is an abundant supply of alcoves. And recognizing the significance of 62 percent of our energy being imported from foreign countries, have you been able to use the model down in the Gulf and other parts of the nation, the nega-

tive impact of fisheries and other ecosystems out in the ocean, the impact of natural gas drilling?

Admiral WATKINS. We didn't, in our commission work, we were carrying out the edict under Ocean Act 2000, which more or less we had to walk carefully on the energy generation issue, as opposed to other issues regarding the ocean. And Ocean Act 2000 basically kept us out of the energy business.

Because I was Secretary of Energy, I kept trying to get in it, but all my commissioners said stay away. Because if you get into that, you are into a whole other regime. And so we didn't get into that.

But we looked at what had been done over the last, let us say the year since the blowout at Santa Barbara or Exxon Valdez and all those other things, not because we were into that, but we wanted to know the impact of those kinds of things. Where was the oil coming from that is in the ocean, for example?

The National Academy of Science has done a fantastic study of that——

Mr. BROWN. I was just asking a question on natural gas.

Admiral WATKINS. On natural gas? Natural gas is good.

[Laughter.]

Admiral WATKINS. And we love it, and we were delighted to see the recent action off in the Gulf Coast on the new dome that is going to be allowed beyond the 200-mile EEZ. We think it makes sense. Obviously we are on the side of anything that is non-polluting on the front end of the greenhouse gas mitigation. And that is a tremendous source.

And now that we have gone into the utility business with natural gas, and with the natural gas prices that are 10 times higher than they were when I was Secretary of Energy 15 years ago, they really boomed up there, that is a deterrent unless there is support for it. And the utilities are actually closing down some gas-fired plants because they are too expensive to operate. And that shifts over back into coal-fired plants and whatever is left of the nuclear game, which is about 105 plants.

So gas is very important, a very important element. And I applaud what is going on in the Gulf. They are sensitive. We have gone to hearings down there. They are very sensitive to the environmental issues. You can't take a rig out of the Gulf today, because they are sanctuaries for a lot of live animals in the ocean. So you have to get approval from the Federal government and everybody else if you want to even take out a rig, let alone put in a rig.

And so I think that what we are seeing now is a more rational approach to extracting those kinds of resources. And the Gulf Coast should be given great credit for what they do for this country, giving us one-third of our oil and gas side of the energy equation.

So I think we haven't taken—the trouble is, we get into this old mode of thinking that past is prologue. Well, what about Exxon Valdez, or what about this, or aren't they going to do—we have 25 years of research and technology that have given us much better approaches than this. And we know how to stop a blowout. We know how to do those things today. And we ought to get realistic about it, because we want to move toward a much less dependent energy sector than we have had.

Mr. BROWN. And that raises a real question to me. I mean, we have these mega oil tankers plying our oceans holding as much as 3 million barrels of oil. That is much larger than, you know, the Valdez.

And so, anyway, I don't have much time left.

Admiral WATKINS. They carry ballast water which are filled with invasive species, which are doing great damage in all of our estuaries and our bays, like Chesapeake Bay. The Great Lakes are greatly infected by it. These are serious issues. So there are many related issues to that shipping that we needed to worry about in our ports.

Ms. BORDALLO. I thank the Ranking Member, and I will call on the gentleman from Rhode Island, Mr. Kennedy.

Mr. KENNEDY. Thank you. I just wanted to follow up with Mr. Pallone's comment to Admiral Watkins regarding the wind turbines. And the comment you made, as I took your comments, you are basically reemphasizing this whole idea of governance of the oceans and the coastal zone ought to be in place before we go down this road of siting these wind turbines all over the place. We ought to be putting in place our energy policy, and it ought to be consistent, so that it is not a hodgepodge of various approaches. Am I correct?

Admiral WATKINS. You are absolutely right, Mr. Kennedy.

Mr. KENNEDY. So I appreciate that. I agree that it——

Admiral WATKINS. You know, I think that one of the things when we talk about governance, people say well, if that is all you are going to do, is that going to solve the problem, the answer is of course not.

If the only thing you are going to do is throw money at research, is that going to solve the problem? No.

So when people say well, what is the one key thing, Admiral, that you want to see accomplished, we want to see all of these elements—there are about four or five different principles that need to be applied here. We have to go on education, science education as well as ocean education. We are an ocean-illiterate nation, and we have proven that. Even the White House has held conferences on it.

We need to have more science and technology involvement. We need to have these regional councils that now can interface better through the Committee on Ocean Policy, and the Congress of the United States, so when we are drafting these things up we bring in the right stakeholders.

We know how to gather those stakeholders together. We have done it now for five years, so we are ready to help in any way we can. And we want to be, we want to take our experience in this area over these many years of study, and help you all at this point in saying governance needs to be there, too. So it is one of the essential ingredients.

Otherwise, I think we are going to continue the piecemealing, and that is not going to get us to the kind of results that we want for our kids and grandchildren in the next 20 to 25 years.

Ms. BORDALLO. OK. I thank the gentleman from Rhode Island. And the Chair now recognizes Mr. Allen from the State of Maine.

Mr. ALLEN. Thank you, Madame Chair. I have a question. I think the best thing to do would be just to submit this for the record, but let me say what it is.

Whenever you list the things that need to be done, you always list having a national oceans policy first. And so the question would be if you can explain why that is so important, and talk a little bit about that.

But we do have a vote. I am happy to have——

Mr. PANETTA. Let me keep this short. I think the problem is that, you know, look, there are lots of laws out there. There is CZMA, there is NOAA, there is other pieces.

But what we have never done as a nation is made a commitment that we have a responsibility to protect our oceans. And I think that needs to be done in national policy. We do that, we say we care about our air, we care about, you know, our water, we care about protecting our land. We have not done that with our oceans. And it just seems to me that this country has to make a clear statement that we are committed, as a national trust, to protecting our oceans.

And what that will do is it will give you the leverage then to begin to push these other pieces of legislation that are so important to ocean governance. That is why we keep emphasizing that.

Mr. ALLEN. Thank you.

Ms. BORDALLO. I thank the gentleman. I thank all the Members for their questions. And Members of the Subcommittee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. The hearing record will be open for 10 days for these responses.

And I wish to take this opportunity to thank Ms. Glackin for her testimony today, and in particular Admiral Watkins and Hon. Panetta for their passionate interest in our oceans and its resources.

If there is no further business before the Subcommittee, the Chairwoman again thanks the Members of the Subcommittee and our witnesses, the Subcommittee stands adjourned.

[Whereupon, at 12:30 p.m., the Subcommittee was adjourned.]

NOTE: The following documents submitted for the record have been retained in the Committee's official files:

- Joint Ocean Commission Initiative: U.S. Ocean Policy Report Card 2006
- Joint Ocean Commission Initiative: From Sea to Shining Sea, Report to the United States Senate, June 2006
- U.S. Ocean Action Plan Implementation Update prepared by The Committee on Ocean Policy, January 2007
- Scientific Consensus Statement on Marine Ecosystem-Based Management, prepared by scientists and policy experts to provide information about coasts and oceans to U.S. policymakers, released on March 21, 2005

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LEGISLATIVE HEARING ON H.R. 21, THE OCEANS CONSERVATION, EDUCATION, AND NATIONAL STRATEGY FOR THE 21ST CENTURY ACT

Thursday, April 26, 2007
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife and Oceans
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:05 a.m. in Room 1324, Longworth House Office Building, Hon. Madeleine Z. Bordallo [Chairman of the Subcommittee] presiding.

Present: Representatives Bordallo, Brown, Faleomavaega, Pallone, Kennedy, Capps, Saxton, and Gilchrest.

STATEMENT OF THE HON. MADELEINE Z. BORDALLO, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

Ms. BORDALLO. The legislative hearing as the Subcommittee on Fisheries, Wildlife and Oceans will come to order. The Subcommittee is meeting today to hear testimony on H.R. 21, the Oceans Conservation, Education and National Strategy for the 21st Century Act. Pursuant to Committee Rule 4(g) the Chairman and the Ranking Minority Member will make opening statements. If any other members have statement I invite you to submit them for the record.

This morning's hearing will focus on H.R. 21, the Oceans Conservation, Education and National Strategy for the 21st Century Act. This forward looking legislation seeks to establish a comprehensive national ocean policy in the United States in full Federal agency coordination with respect to our ocean resources, encourage and support regional ocean governance, codify the functions of the National Oceanic and Atmospheric Administration in law, and establish an open trust fund to support improved conservation and management of our oceans.

During a hearing that we held in March, this Subcommittee heard about priorities for ocean policy reform in the United States from former Congressman, Director of the Office of Management and Budget, and White House Chief of Staff Leon Panetta and former Secretary of Energy, Admiral James Watkins, the Chairs of the Pew Oceans Commission and the U.S. Commission on Ocean Policy respectively.

Determined to ensure that the recommendations of their two commissions do not simply collect dust on a shelf, they have joined forces to establish the Joint Ocean Commission Initiative, and together they offered significant evidence and justification for action on the part of Congress to reform and improve the management and the conservation of our oceans.

The United States is the custodian of over 13,000 miles of coastline and 3.4 million square nautical miles of ocean. Sixty thousand square nautical miles of ocean surround my home district of Guam alone, and according to the National Ocean Economics Program our ocean economy generated $138 billion and 2.3 million jobs in 2004. While providing these many benefits, our oceans also face many threats in the form of pollution, over fishing, coastal development, oil and gas development, and climate change.

Addressing these threats is complicated by the fact that we manage our oceans under a patchwork of uncoordinated laws and policies implemented by numerous Federal and state agencies. So it is time for us to formally recognize the importance of the ocean to this nation's economic, environmental, and social well-being by implementing legislation to reform the shortcomings of our current management system.

It is our duty as representatives of the American people to ensure that the ocean and its resources will be managed in a way that allows for their continued use and enjoyment for all the generations to come. H.R. 21 is an important step forward in that effort, and I do look forward to hearing from its sponsors and our other witnesses here today. The Chairwoman now recognizes Mr. Brown, the Ranking Republican Member, for any statement that he may have.

[The prepared statement of Ms. Bordallo follows:]

Statement of Madeleine Z. Bordallo, a Delegate in Congress from Guam

This morning's hearing will focus on H.R. 21, the Oceans Conservation, Education, and National Strategy for the 21st Century Act. This forward looking legislation seeks to establish a comprehensive national ocean policy in the U.S.; improve federal agency coordination with respect to our ocean resources; encourage and support regional ocean governance; codify the functions of the National Oceanic and Atmospheric Administration in law; and establish an ocean trust fund to support improved conservation and management of our ocean resources.

During a hearing we held in March, this Subcommittee heard about priorities for ocean policy reform in the United States from former Congressman, Director of the Office of Management and Budget and White House Chief of Staff, Leon Panetta, and former Secretary of Energy Admiral James Watkins—the chairs of the Pew Oceans Commission and the U.S. Commission on Ocean Policy respectively. Determined to ensure that the recommendations of their two commissions do not simply collect dust on a shelf, they have joined forces to establish the Joint Ocean Commission Initiative. Together, they offered significant evidence and justification for action on the part of Congress to reform and improve the management and conservation of our oceans.

The U.S. is the custodian of over 13,000 miles of coastline and 3.4 million square nautical miles of ocean—60,000 square nautical miles of ocean surround my home district of Guam alone. According to the National Ocean Economics Program, our ocean economy generated 138 billion dollars and 2.3 million jobs in 2004.

While providing these many benefits, our oceans also face many threats in the form of pollution, over-fishing, coastal development, oil and gas development and climate change. Addressing these threats is complicated by the fact that we manage our oceans under a patch-work of uncoordinated laws and policies implemented by numerous Federal and state agencies.

It is time for us to formally recognize the importance of the ocean to this nation's economic, environmental, and social well-being by implementing legislation to re-

form the shortcomings of our current management system. It is our duty as Representatives of the American people to ensure that the ocean and its resources will be managed in a way that allows for their continued use and enjoyment for generations to come. H.R. 21 is an important step forward in that effort, and I look forward to hearing from its sponsors and our other witnesses hear today.

STATEMENT OF THE HON. HENRY E. BROWN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. BROWN. Thank you, Madam Chairman. We are here today to discuss H.R. 21, the Ocean Conservation, Education National Strategy for the 21st Century Act which was sponsored by our colleague, Congressman Sam Farr, from California. While better coordination is certainly needed with regard to the management of our ocean and its vital resources, H.R. 21 mandates far too many regulatory requirements in one piece of legislature. One area of concern is the creation of the national ocean policy and standards. The national policy and standards would apply to any Federal action authorized including the issuance of Federal licenses and permits, carried out and funded by a Federal agency affecting U.S. waters.

Even if there are existing legislature authorizing the Federal agency action, H.R. 21 would require the Federal agency to certify that action and question would be conducted in a manner that is consistent with the protection, maintenance and restoration of healthy ecosystems. In addition, the bill requires administration of the National Oceanic and Atmospheric Administration to make a determination on the action, including a detailed assessment of the effects the action will have on the marine environment and recommendations to remedy any identical deficiencies.

We currently have a law governing environmental impacts of Federal actions on the environment, the National Environmental Policy Act. I find it unnecessary to create an overreaching new law which would duplicate existing statutes. I support better coordination to ensure the conservation and best management practice of our coastal areas, the ocean and its resources, but we should be able to do so without creating a newly overly burdensome process.

Another area of concern with H.R. 21 deals with the creation of an Ocean and Great Lakes Conservation Trust Fund. While I find the creation of a special stamp an instant way to add public assured support for ocean conservation activities based on the outcome of previous semipostal still it will not generate enough revenue to support even some of the myriad of activities prescribed in H.R. 21.

The author of the bill must also recognize this limitation since the bill would direct the Secretary of Treasury to deposit $1.3 billion in general revenue every year after Fiscal Year 2007 into the trust fund. General revenue in the Treasury are allocated to existing programs. As well know, the House reinstated the pay-as-you-go rule this Congress which will require a budget offset for the use of these general revenues.

Existing programs would have to be reduced or the American taxpayers would be hit with a staggering new tax bills to raise the money to be transferred to the Ocean Trust Fund. Madam Chairman, I do not agree with the approach taken in H.R. 21 which is

objectively over prescriptive. Instead I would recommend looking at each chapter of the Ocean Commission Report and the specific piece of legislation it references to develop specific changes to each law instead of creating a new overreaching bill that supersedes existing authorities.

Congress initiated a review of our ocean policies when we passed the Ocean Act of 2000. The U.S. Commission on Ocean Policy released its report in September 2004, and the Congress started its deliberation on the recommendations in the 109th Congress. I would be pleased to work with you, Madam Chairwoman, as we develop ocean legislation that will benefit your constituents in Guam and mine in South Carolina and the nation.

I look forward to hearing from our witnesses today and deliberating further on what action Congress should take with regards to the Ocean Commission recommendation, and I thank you, Madam Chairwoman, for conducting this hearing today, and I really look forward to listening to the witnesses. Thank you very much.

Ms. BORDALLO. The Chair thanks Mr. Brown, the gentleman from South Carolina. And now I would like to recognize Mr. Saxton, an original cosponsor of this legislation for a brief opening statement. Mr. Saxton.

STATEMENT OF HON. JIM SAXTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. SAXTON. Thank you very much, Madam Chairman. First let me welcome our great friends and colleagues, Mr. Farr and Mr. Allen, this morning as our first witnesses, and I must say as you just said, Madam Chairlady, I am very proud to have been able to join with these two gentlemen and a few others in cosponsoring this legislation, and thank you, Madam Chairlady, for holding this hearing today. I think it is a great start.

Various versions of the Oceans 21 bill have been introduced in each Congress since the 108th Congress. As a Co-Chair of the House Oceans Caucus and as someone with a great interest in the health of our coastal and ocean areas, I have been pleased to work with the other Co-Chairs of the Caucus in drafting and refining the legislation that is the subject of our hearing today.

We do need to make progress on the big picture, Madam Chairlady. Reforms highlighted by the U.S. Commission on Ocean Policy, establishing a national ocean policy for Federal coordinated framework, passing a NOAA Organic Act, and supporting regional governance initiatives are extremely important. This bill I must say—like every other bill that comes before this committee—may not be perfect but that is why the committee is here to work the imperfections and to make them as good as we can.

I remain concerned about the effect of a number of provisions contained in the bill but let us work on it. I do believe that the Oceans 21 represents a very good starting point for discussions and will help us make progress implementing much needed reforms. Let me just make one other comment, Madam Chairlady. I am working on another related project, and maybe it can become part of this project.

The gentleman to my right represents much of the beautiful eastern short of Maryland which borders on the Chesapeake Bay, and

I prefer to look at the ocean, its tributaries and the estuarine areas as one system, and to the extent that we can deal with issues like those that confront my colleague from Maryland and the Chesapeake Bay, recognizing that the issues involved in these subjects are extremely important, we can make real progress.

So I look forward to working with you, Madam Chairlady, the other cosponsors of the bill and with interested parties to bring this bill to the Floor. I think it is high time we did so, and I hope that we can do it in a coordinated, amicable way. Thank you, Madam Chairlady.

[The prepared statement of Mr. Saxton follows:]

Statement of The Honorable Jim Saxton, a Representative in Congress from the State of New Jersey

Thank you Madam Chairman. And thank you for holding this hearing today. Versions of the OCEANS-21 bill have been introduced each Congress since the 108th. As a co-chair of the House Oceans Caucus—and as someone with a real interest in the health of our coastal and ocean areas—I have been pleased to work with the other co-chairs of the Caucus in crafting and refining the legislation that is the subject of our hearing today.

We do need to make progress on "big picture" reforms highlighted by the U.S. Commission on Ocean Policy—establishing a national ocean policy and federal coordination framework, passing a NOAA Organic Act and supporting regional governance initiatives. I have joined with Mr. Farr and my colleagues in the leadership of the House Ocean Caucus as an original sponsor of OCEANS-21 to get the discussion moving and make progress.

The bill is still not perfect. I remain concerned about the effect of a number of provisions contained in the bill. But I do believe OCEANS-21 represents a very good starting point for discussions—and will help us make progress implementing much-needed reforms. Thank you.

Ms. BORDALLO. Thank you, Mr. Saxton. I would now like to recognize our witnesses, and our first panel includes members who have asked to testify on the legislation and includes the lead sponsors of the bill but before I do that, I would like to welcome the gentlelady from California, Mrs. Capps, and also Mr. Wayne Gilchrest from the State of Maryland.

And before I do that, I have one special guest in the audience. I would like to take just a moment to recognize Sedoni Bexton. Sedoni is a senior of Georgetown Visitation High School. She is shadowing me today as part of a program sponsored by the Women's Caucus, the Women's Policy Incorporated, Girls Incorporated and the National Capitol Console of the Girl Scouts of the United States of America. Would you please stand, Ms. Bexton?

Ms. CAPPS. May I do the same? I apologize to request going out of order but I also have a daughter here today, and her name is Micki, and she is a part of the Take Your Daughters to Work, and I want to thank our Chairwoman for acknowledging this wonderful program and the sponsoring organizations, and the fact that we have two budding leaders in our audience should make our witnesses do even a better job of testifying today.

Ms. BORDALLO. It just further proves women's power. Now it is my great distinction to be able to introduce The Honorable Sam Farr, Congressman from the 17th District of California, and The Honorable Tom Allen, from the 1st District of the lovely State of Maine. The Chairwoman now recognized Congressman Farr to testify for five minutes.

STATEMENT OF THE HON. SAM FARR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. FARR. I am delighted to be here with you and the committee and the Ranking Member, Mr. Brown, as a representative of a team effort. There are two of us sitting at this table, and there are two members of this team sitting on the dais who are all the co-sponsors of this bill. This bill that you are reviewing today started here in this committee in year 2000 with the creation of an Oceans Commission, for the same reasons that Mr. Brown talked about is that there is sort of chaos in the sea, and what we were learning in Congress is that the oceans are dying, and have been dying for years because we dump everything that we do not want on land into the oceans, and that is having a consequential effect.

When you try to solve the problems, they become very complex because the U.S. Government has created a multiplicity of agencies and jurisdictions more so than in any other area, and when you think about it on land and in the air, we have created a governance system with the air traffic control so that we can at least have some coordination of what is going up into the air, and on land we have created a national transportation program that integrates national, state and local policy and road building.

When it comes to the seas, it is just a chaos between the responsibilities of the Federal government, the responsibilities of state government and local government, and many times conflicts that hurt the economic well-being of those users of the sea. So how do you put all this together? This committee, along with the Senate, created a Commission, which you mentioned that Admiral Watkins—not only a former head of Naval Operations but Secretary of Energy—was the Chair of. That bill was signed into law by President Clinton. The members of that Commission were appointed by President Bush.

That Commission worked alongside of a private commission called a Pew Charitable Trust that had the original chair was Christie Todd Whitman, former Governor. She had to resign when she became head of EPA. Leon Panetta, former Chief of Staff, took over and chaired it, and you have had the co-chairs of both of those Commissions present their collective report.

This bill is that product, and for all of us who are lawmakers, I have to say that I do not think in my lifetime I have ever seen a piece of legislation that has had more national scrutiny because these Commissions held hearings all over the United States from all aspects and put together their collective interests in what they thought would address the concerns of having a national ocean policy.

So we are very fortunate that a lot of that work that usually has to be done here has been done, and we were able to glean and we did this by using a bipartisan process created in an Oceans Caucus that all the participants in that caucus and their staffs gleaned through these reports, pulled out what they thought would be appropriate legislation.

What is not in this bill is the issues relating to fisheries. That is in the Magnuson Act, and our Congress updated the reenactment of the Magnuson Act last year. What is not in this bill is marine mammal protection but what is in this bill is an ability to cre-

ate at the regional level, at the local level, not top down but a bottoms up that meets a national policy standard. That is very, very exciting because it brings certainty which is what we do not have now. Brings certainty to the governance of the sea, and this country has the responsibility for all the waters around it and the Great Lakes. The waters of the sea as you know in Guam out to 200 miles.

And the only way we are ever going to be able to create a national policy on that is to adopt legislation such as this. I commend you. This bill has been introduced by Jim Greenwood many years ago. We worked on that. Never got a hearing. Later by Curt Weldon. Never got a hearing because it was not the priority of this committee in the past.

It is the priority of the Nation right now, and I congratulate you for allowing us to have this hearing, and I congratulate all my copartners that are in this room today for the hard work that they have done in bringing this legislation to you, and with that the other cosponsor of this bill, Tom Allen from Maine who represents a fishing state.

[The prepared statement of Mr. Farr follows:]

Statement of The Honorable Sam Farr, a Representative in Congress from the State of California

Madam Chairwoman, Ranking Member Brown, and distinguished Members of this Subcommittee, thank you for holding this hearing on H.R. 21, the "Oceans Conservation, Education, and National Strategy for the 21st Century Act" (also known as "OCEANS-21").

H.R. 21 is the product of years of work from a wide range of people. Before I address the content of the bill, I want to describe the process leading up to today, because I believe this will demonstrate the dire need and public support for action on this issue.

In June of 1998, the White House held its first National Oceans Conference in my district in Monterey. President Clinton and Vice President Gore spoke, and three Cabinet members attended. This event provoked Congress to pass the Oceans Act of 2000. The Oceans Act created the U.S. Commission on Ocean Policy to review this nation's management of the oceans, coasts, and Great Lakes, which had not been done since the Stratton Commission in 1965.

The Commission was tasked with making recommendations for a coordinated and comprehensive national ocean policy. At the same time, the Pew Charitable Trust founded the Pew Ocean Commission to independently review this nation's ocean policy. Both commissions were comprised of highly respected scientists, politicians, corporate executives, and coastal community representatives. Between these two commissions, they visited more than forty cities around the country and took comments from thousands of citizens.

These reports were conducted simultaneously, but independently. The Pew Ocean Commission released their report in May of 2003 and the U.S. Commission on Ocean Policy in July of 2004. Both reports highlight the importance of the oceanic, coastal, and Great Lake resources to the U.S. economy, the degraded state of these resources and the ecosystems that support them, and the need to change the way we manage these resources. The reports and recommendations were so similar, the Chairs of both commissions agreed to form the Joint Ocean Commission Initiative in 2005 to advocate the adoption of a consolidated version of their commissions' recommendations. The report entitled "Sea to Shining Sea" was released in June 2006.

As the commissions were finishing their reports, I worked with Mr. Allen and Mr. Saxton and the commissions' staff to author a bill that would implement their recommendations. That first version was introduced jointly by several co-chairs of the House Oceans Caucus shortly after the U.S. Commission released their report. The bill that is before you now is the third time we've introduced it, and I am the third Member of Congress to carry it.

H.R. 21 was significantly revised before it was introduced this year. Most importantly, we removed the ocean science, education, and exploration components and focused on ocean governance. All that remains now is a meaningful national ocean

policy and the governance structures necessary to implement it. Some highlights of the bill are:

Title I: Establishment of a National Oceans Policy

- Establishes a national oceans policy "...to protect, maintain, and restore the health of marine ecosystems...",
- Establishes standards for applying this policy to federal activities that impact the oceans and coasts, and
- Includes an implementation mechanism to ensure that the standards are met.

Title II: NOAA Organic Act

- Establishes NOAA as an agency within the Department of Commerce,
- Includes a section on resource management, and
- Adds Education to NOAA's mission.

Title III: National Ocean Leadership and Coordination

- Creates a system to advise the President on ocean issues and coordinate Federal agency activities that effect the ocean, and
- Codifies the Committee on Ocean Policy, which has been authorized by executive order.

Title IV: Regional Coordination and Ecosystem Planning

- Establishes a system of regional partnerships for coordinating federal activities that impact the ocean, and
- Establishes a network to share information about the ocean ecosystem in each region.

Title V: Ocean and Great Lakes Conservation Trust Fund

- Creates a pool of money to fund the activities required by this act, and
- Authorizes the money to come from General Revenue, an Ocean Stamp, money that hasn't been spent in previous years, and interest.

Title VI: Administration Funding

- Authorizes NOAA to receive appropriated funds, and
- Allows those funds to be available until they have been spent.

In closing, thank you again for holding this hearing today. I look forward to continuing to work with the committee, nongovernmental partners, federal agencies and others to pass this bill this Congress.

Ms. BORDALLO. The Chair thanks The Honorable Mr. Farr for his testimony, and your entire statement will be entered into the record. I now recognize our colleague from Maine, Mr. Tom Allen.

STATEMENT OF THE HON. THOMAS H. ALLEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. ALLEN. Thank you, Madam Chair. I want to thank you and Ranking Member Brown for holding this hearing. It is a pleasure to be here with my friend, Sam Farr, who along with Mr. Saxton and Mr. Gilchrest have been working on this legislation for some period of time, and now we have a product, and as I think Mr. Saxton said, it may not be perfect but it can be made better by this committee.

Madam Chair, my home state of Maine is a coastal state, and our way of life is profoundly connected to the ocean. Many of my constituents depend directly on the ocean for their livelihoods through ocean related industries such as commercial and recreational fishing, aquaculture, tourism, transportation, and other industries. However, all Americans from Maine to Oklahoma to Alaska—not forgetting Guam, Madam Chair—are connected to the oceans in many additional ways.

We depend on the oceans for food, transportation and protection. The oceans are closely connected to weather and the effects of oceanographic fluctuations are felt from the farmlands in our interior to the coastal plains. We need to understand oceanographic

patterns in order to understand, predict, and protect ourselves from weather patterns, ocean related natural disasters, and climate change.

The U.S. ocean economy is valued at over $115 billion per year and supports over 28 million jobs. Oceans are culturally important to Americans in ways that simply cannot be easily quantified. There is a critical need to effectively coordinate use of the oceans by all the diverse interest groups that depend on them, from fishermen to oil and gas companies to those in the tourism industry. At the same time, it is critical that we keep our oceans health and protect the marine ecosystems upon which we all depend.

This bill, H.R. 21, is an important first step. It will do several things but I want to mention four. One, it will establish a national ocean policy and standards for management of U.S. oceans and coasts. It is critical that we have a comprehensive management plan for this valuable resource. Two, it will promote ecosystem based regional ocean governance. Every region has specific economic and ecological needs and management must be responsive to those needs. This regional structure will be collaborative and facilitate communication among Federal, state and local management agencies.

Three, it will enhance national oceans governance structure by strengthening important existing functions and facilitating communication at the national level. This includes codification of the National Oceanographic and Atmospheric Administration. Four, it will establish an Oceans and Great Lakes Conservation Trust Fund. This fiscally responsible step will help to fund local, state and Federal efforts to develop and implement this Act.

I believe that this bill will be good for my home state of Maine, and obviously for all other states but for Maine, just to give an example, it will first sanction, lend credibility, and provide structure and consistent funding for the Gulf of Maine Council. Second, it will help us to accomplish state goals that require a regional response. And third, it will make the Federal government more responsive to and focused on regional needs.

The bottom line is that cooperation and coordination are essential in order for us to protect our ocean resources and also for us to profit from them. Our own economic well-being and the health of our oceans depend on our ability to successfully share these resources. H.R. 21 is the first step toward securing for present and future generations the full range of benefits of healthy marine ecosystems.

And I just want to congratulate all those who have been involved in this bill. We look forward to hearing the results of this hearing. I yield back my time. Thank you very much, Madam Chair.

[The prepared statement of Mr. Allen follows:]

Statement of The Honorable Thomas H. Allen, a Representative in Congress from the State of Maine

My home state of Maine is a coastal state, and is deeply connected to the Ocean. Many of my constituents depend directly on the Oceans for their livelihoods through ocean-related industries such as commercial and recreational fishing, aquaculture, tourism, transportation, and other industries.

However, all Americans, from Maine to Oklahoma to Alaska, are connected to the Oceans in many additional ways.

1. We depend on the Oceans for directly for food, transportation, and protection.

2. The Oceans are closely connected to weather, and the effects of oceanographic fluctuations are felt from the farmlands in our interior to the coastal plains.
3. We need to understand oceanographic patterns, in order to understand, predict, and protect ourselves from weather patterns, ocean-related natural disasters, and climate change.
4. The U.S. Ocean Economy is valued at over $115 billion per year, and supports over 28 million jobs.
5. Oceans are culturally important to Americans in ways that cannot be easily quantified.

There is a critical need to effectively coordinate use of the Oceans by all the diverse interest groups that depend on them, from fishermen to oil and gas companies to those in the tourism industry. At the same time, it is critical that we keep our oceans healthy and protect the marine ecosystems upon which we all depend.

This bill, H.R. 21, is an important first step. It will:

1. Establish a National Ocean Policy and standards for management of U.S. Coasts and Oceans. It is critical that we have a comprehensive management plan for this valuable resource.
2. Promote ecosystem-based, regional ocean governance. Every region has specific economic and ecological needs, and management must be responsive to those needs. This regional structure will be collaborative and facilitate communication among federal, state, and local management entities.
3. Enhance national oceans governance structure by strengthening important existing functions and facilitating communication at the national level. This includes codification of the National Oceanographic and Atmospheric Administration (NOAA).
4. Establish an Oceans and Great Lakes Conservation Trust Fund. This fiscally responsible step will help to fund local, state, and federal efforts to develop and implement this Act.

I believe that this bill will be good for my home state of Maine. For example, it will:

1. Sanction, lend credibility, and provide structure and consistent funding for the Gulf of Maine Council
2. Help us to accomplish State goals that require a regional response
3. Make the federal government more responsive to and focused on regional needs

The bottom line is that cooperation and coordination are essential in order for us to protect our ocean resources, and also for us to profit from them. Our own economic well-being and the health of our oceans depend on our ability to successfully share those resources. H.R. 21 is the first step toward securing, for present and future generations, the full range of benefits of healthy marine ecosystems.

Ms. BORDALLO. I would like to thank my two colleagues for their testimony and to give them an A plus. They stayed within the five-minute limit. And I would like to invite you to be here on the dais for the remainder of the hearing, and ask unanimous consent from my colleagues that they be allowed to do so. Hearing no objection, so ordered.

The Chairwoman now recognizes our second panel of witnesses, and before that I would like to recognize the representative from my sister territory, American Samoa, The Honorable Eni Faleomavaega, who has joined us.

STATEMENT OF THE HON. ENI FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM THE TERRITORY OF AMERICAN SAMOA

Mr. FALEOMAVAEGA. Thank you, Madam Chair, and I certainly want to thank you for your initiative, and certainly with our Ranking Member, the gentleman from South Carolina, for having this hearing this morning. I think the last 100 years that I have been member of this committee I do not know how much more I need to say about the value of oceans. As I have always complained over the years, our national interest involving oceans or marine resources, the tremendous potential as it is demonstrated already in terms of how much our economy depends so much on the oceans

and the coastal states that provide for that need, whether it be for commercial purposes or whether it be for conservation.

As you know, we both live in the largest ocean in the world. You are in the northern Pacific, and I am in the South Pacific. My little jurisdiction is about 2,400 miles directly south of Hawaii, and I seem to notice that there is a lot of question marks and some of the people there in the audience are saying where in the world is this guy from?

But as I have said, Madam Chair, I have always said that if it was possible for the Congress and if you want to know the priorities of our country, look in the budget, and I have the utmost respect of the fact that each year we allocate about a billion dollars for the needs of our land grant colleges and institutions because in those days as it is true the value of agriculture, the mainstay and the heart and soul of one of our economic bases, and my question is: Why can we not provide the same kind of resources to develop and conserve what we have out there in the oceans?

And I think this is a direct interest not only for all our coastal states but those of us who live right in the middle of the ocean. Now we have said that coral reef is the farm or I say the ocean is our farm, and so I want to thank my good friend from California and the gentleman from Maine for their sponsorship of this legislation.

My only disappointed, Madam Chair, is that my name is not on it as an original cosponsor of this legislation. As I totally agree with my good friend, Mr. Saxton, it is a good start. The only concern that I may have is that if we might be overlapping or duplicating some other aspects of other councils and other organizations that still deal also with marine resources, conservation of our oceans, and this is something that I think our Subcommittee has to look at very carefully. Thank you, Madam Chair.

Ms. BORDALLO. Thank you. Thank you very much, Mr. Faleomavaega, and the Chair also welcomes another member to the committee, and that is Mr. Frank Pallone. And now our witnesses on this second panel include Mr. Jack Dunnigan, Assistant Administrator for Oceans Services and Coastal Zone Management at the National Oceanic and Atmospheric Administration, and Ms. Kathleen Leyden, Chair of the Regional Ocean Governance Work Group for the Coastal State Organization and Director of the Main Coastal Program.

I would like now to recognize Mr. Dunnigan to testify for five minutes, and I would note for all witnesses that the red timing light on the table will indicate when your time has concluded, and we would appreciate your cooperation in complying with the limits that have been set as we have many witnesses to hear from today. So be assured that your full written statement will be submitted for the hearing record, and now Mr. Dunnigan.

STATEMENT OF JACK DUNNIGAN, NOAA ASSISTANT ADMINISTRATOR FOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT

Mr. DUNNIGAN. Thank you, Madam Chair. Good morning members of the Subcommittee. I am Jack Dunnigan from NOAA. I am in that great title that the Chairlady recognized. That makes me

the Director of the National Oceans Service, and I have a great opportunity to work with many wonderful people who are passionately concerned about the oceans and about protecting the heritage that they represent.

Madam Chair, since you indicate that the statement will be included in the record, I think I would just like to highlight a couple of important ideas that we think are in the Administration's testimony. I think if you read the testimony you can tell that there are some major concerns that the Administration has with many provisions of this legislation.

I think, however, you should not take that to indicate that we do not share much of the passion and the goals that the sponsors of this legislation would like to see us move toward, and from our standpoint we would certainly look forward to continuing to have the opportunity to talk to the committee and talk to your staff about these important issues of the oceans and the environmental and economic security that they imply for our country. So we look forward to continuing to have those discussions.

Over the past three years, the Administration has been working to address many of the priority areas that are contained in H.R. 21 and that have been identified by the U.S. Commission on Ocean Policy, the Pew Oceans Commission, and the Joint Ocean Commission Initiative. Through the President's ocean action plan and the existing Committee on Ocean Policy, the Administration has taken significant steps to improve the effective management of our nation's ocean and coastal resources.

The Administration has also supported strengthening NOAA, and taking better steps to coordinate all of our programs regionally with a broad array of our partners. H.R. 21 seeks to implement many of the U.S. Ocean Commission's recommendations by establishing a national oceans policy and national standards for actions that affect U.S. ocean waters and ocean resources. The concerns that we have with the approach as proposed in the bill as it currently stands are that it may actually create some conflicts with a vast array of legislation that Congress has passed and that we already administer.

Congress did a lot of work last year to get the Magnuson-Stevens Act reauthorized, and we are working very hard to implement that. We think that the best way to see the statutes get coordinated is for those parts of the agencies that have that responsibility to sit down and work these things out. We are not sure that the way the bill approaches it to establish a lot of structure around that is really the best way for us to go forward.

At the same time that the President released his ocean action plan which identifies many actions which are needed to more effectively ocean and coastal resources, NOAA was designated the lead by the Council on Environmental Quality or the co-lead on 45 different items, and we have been working very hard under the ocean action plan to address those items. As of today, 36 of them have been completed, and we are still working on nine. So there is very much that is ongoing on the part of the Administration in following up on the report of the U.S. Commission and on implementing the President's oceans action plan.

H.R. 21 would reestablish NOAA, stipulating its mission and functions through an Organic Act. NOAA has long believed and the Administration has long believed that there should be organic legislation for establishing NOAA. We had legislation that was proposed in the 109th Congress, and the Administration will shortly be delivering legislation to you for the 110th Congress that will do much the same as we proposed. So we would like to make sure we have the opportunity to discuss those issues when that bill is available from the Administration.

This bill would do a lot for regional collaboration. You should know that NOAA has been spending tremendous efforts to help support the Gulf of Mexico Alliance, the Governors' Initiative in the Northeast, the Three Governors' Initiative along the West Coast, California, Washington and Oregon. We think there is a lot of energy that is in the system that has really percolated up from the bottom that is giving us an opportunity to move forward in the same direction that the bill would like to take us.

Madam Chair, the last point that I will make here in my oral testimony has to do with an integrated ocean observing system which is referred to in the legislation. It has long been a priority of NOAA and of the Administration to integrate our ocean observing systems and have agencies working more collaboratively with each other, with stakeholders, with regional partners, in order to make better use of the data that is available and to fill gaps, and we appreciate the opportunity to work with you and with your staff on legislation that can get that done.

[The prepared statement of Mr. Dunnigan follows:]

Statement of John H. Dunnigan, Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Good afternoon Chairwoman Bordallo, Congressman Brown, and Members of the Committee. I am John H. Dunnigan, Assistant Administrator for Ocean Services and Coastal Zone Management at the National Oceanic and Atmospheric Administration (NOAA), in the Department of Commerce. Thank you for the opportunity to testify before you today on H.R. 21: the Oceans Conservation, Education, And National Strategy For The 21st Century Act.

In 2007, NOAA is very proud to be celebrating 200 years of science, service and stewardship to our nation. Much of America's scientific heritage is rooted in NOAA and its predecessor agencies—from the establishment of the Survey of the Coast in 1807 by Thomas Jefferson, to the formation of the Weather Bureau and the Commission of Fish and Fisheries in the 1870s. We continue to honor this legacy as we work with federal, state, tribal, and international partners, as well as Congress and other stakeholders, to fulfill our mission to conserve, manage, and protect our nation's ocean, coastal, and Great Lakes' resources. Understanding the linkages between the oceans and atmosphere regarding climate, weather, and ocean, coastal, and Great Lakes' processes is necessary for NOAA to meet the interests of the nation

While we acknowledge and appreciate the intent of the Committee to formulate a bill that provides guidance on ocean policy and governance, the Administration has serious concerns with H.R. 21 and therefore must oppose it in its current form. Over the past few years the Administration, including NOAA, has worked hard to address each of the priority areas contained within H.R. 21. We are committed to continuing these efforts and look forward to working with Congress to provide, amend, or reauthorize statutory authorities as appropriate to further these purposes. Many of the provisions in this bill are inconsistent with the President's Ocean Action Plan, are impractical, or are inconsistent with existing laws, some of which are quite recently enacted or amended.

In particular, the Administration opposes the provisions to create a national ocean policy that over reaches on ocean stewardship, possibly to the detriment of other significant national interests. The Administration also objects to the creation of a

Ocean, Coastal, and Great Lakes Trust Fund, which circumvents the annual process to evaluate and make trade offs among different priorities for funding on an annual basis. In addition, Title III of H.R. 21 would statutorily create a number of positions and mechanisms within the Administration to provide high-level guidance and coordination for ocean issues. While the Administration supports the goals of these provisions, we believe there are effective mechanisms currently in place to achieve these purposes. Therefore the Administration objects to Title III, because it would limit and interfere with the President's flexibility to pursue these goals, because it would statutorily establish entities in the Executive Office of the President, and because it would statutorily establish a new Council of Advisors on Oceans Policy. Finally, while we support the passage of a NOAA Organic Act, we have strong concerns with the provisions in H.R. 21 that would constrain the agency's ability to best organize itself to meet current mission priorities. The Administration supports many of the principles embodied in this bill—such as, ecosystem-based approaches to management, the need for a strengthened NOAA, and regional ocean governance—however, our concerns with the specific provisions in H.R. 21 are serious enough that we would oppose its passage in its current form.

The Administration has too many comments to discuss each one in detail in this statement, but we look forward to working with you, Chairwoman Bordallo, other Members of the Committee, and the sponsors of this legislation, to fashion a bill that addresses our mutual desire for ocean conservation and appropriate use of our oceans and coasts. I would like to review each of the main purposes of the bill and highlight key efforts the Administration has already undertaken, and continues to conduct, to advance our nation's ocean programs, policy, governance, and structure.

Establish in Law a National Policy Framework for Our Oceans

The bill, H.R. 21, seeks to establish a national oceans policy and national standards for actions affecting U.S. ocean waters or ocean resources. On September 20, 2004, the U.S. Commission on Ocean Policy fulfilled its congressional mandate by submitting recommendations for a coordinated and comprehensive national ocean policy to the President and Congress. The Commission's final report, An Ocean Blueprint for the 21st Century, contained 212 recommendations addressing a broad range of ocean and coastal topics. The U.S. Commission on Ocean Policy further outlined the need for enhancing ocean leadership and coordination, developing the institutional capacity to coordinate across jurisdictional boundaries, and strengthening the multi-agency structure in phases in order to enhance the goal of addressing management needs through an ecosystem-based approach to ocean and coastal resources.

In response to the Commission's findings and recommendations, the President issued Executive Order 13366 on December 17, 2004, establishing a Cabinet-level Committee on Ocean Policy, whose membership includes the Secretaries of Commerce, State, Defense, the Interior, Agriculture, Health and Human Services, Transportation, Energy, and Homeland Security, and the Attorney General. Other members of the Committee on Ocean Policy include the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Director of the National Science Foundation, and the Chairman, Joint Chiefs of Staff; and the Assistants to the President for National Security Affairs, Homeland Security, Domestic Policy, Economic Policy, and an employee of the United States designated by the Vice President.

Executive Order 13366 also provides the following guidance: "It shall be the policy of the United States to

A) coordinate the activities of executive departments and agencies regarding ocean-related matters in an integrated and effective manner to advance the environmental, economic, and security interests of present and future generations of Americans; and
B) facilitate, as appropriate, coordination and consultation regarding ocean-related matters among Federal, State, tribal, local governments, the private sector, foreign governments, and international organizations."

At the same time, President Bush released the U.S. Ocean Action Plan, which identifies immediate short-term and medium-term actions necessary to more effectively manage coastal and ocean resources. The U.S. Ocean Action Plan includes a set of Guiding Principles (in the introduction) that set the stage for activities of the Committee on Ocean Policy. To summarize, these principles include:

- Balancing continued conservation with public use,
- Employing the best science to inform decision-making,

- Continuing to work towards an ecosystem-based approach to management that does not erode local and state authorities,
- Encouraging innovation and employing economic incentives over mandates where possible, and
- Establishing strong partnerships between federal, state, tribal, and local governments, the private sector, international partners, and other interests.

The U.S. Ocean Action Plan additionally identifies six National Ocean Priorities:

1) Enhancing Ocean Leadership and Coordination,
2) Advancing Understanding of Oceans, Coasts, and Great Lakes,
3) Enhancing the Use and Conservation of Ocean, Coastal and Great Lakes Resources,
4) Managing Coasts and Their Watersheds,
5) Supporting Maritime Transportation, and
6) Advancing International Ocean Science and Policy.

The Administration believes these are bold steps in the right direction toward the intent of the Commissions' recommendation, and these steps have had a broad impact on how NOAA operates. There are many agencies with important ocean and coastal responsibilities with which NOAA partners, and we take great pride and place great importance in continuing to strengthen our role as the lead civilian ocean agency. In the two years since the U.S. Ocean Action Plan (the Plan) was released, the federal agencies, together with their state, local, territorial, and tribal and private sector partners have made substantial progress in meeting their commitments to the actions in the Plan. Examples of the progress made in a banner year for oceans conservation include:

- The recent release of the report *Charting the Course for Ocean Science in the United States in the Next Decade: An Ocean Research Priorities Plan and Implementation Strategy,* discussed in more detail below, which presents research priorities that focus on the most compelling issues in key areas of interaction between society and the ocean;
- Creation of the Papahānaumokuākea Marine National Monument—the largest single conservation area in our Nation's history and the largest fully-protected marine area in the world;
- Reauthorization the Magnuson-Stevens Fishery Conservation and Management Act;
- Support of state-led regional management partnerships, including the Gulf of Mexico Alliance, the Northeast, Northeast regional ocean council, Great Lakes Regional Collaboration, West Coast Regional Effort;
- Finalization of a conservation plan with the State of Florida for the Dry Tortugas in the Florida Keys; and
- Enhancement of ocean literacy initiatives and interagency cooperation, including a national Conference on Ocean Literacy during National Oceans Week.

For a complete list of elements of progress and opportunities beyond the Plan, the Committee on Ocean Policy released the U.S. Ocean Action Plan Implementation Update in January 2007 (http://ocean.ceq.gov/oap—update012207.pdf). I am happy to report that the Administration has made significant progress in completing the commitments of the U.S. Ocean Action Plan (83% of the actions have been met, the remaining 17% are on schedule to be completed by their target dates), and that federal agencies are moving forward with new activities in these areas to continue to improve our management and protection of ocean resources.

In addition to codifying the Committee on Ocean Policy structure within the Administration, H.R. 21 would also impose an ecosystem-based mechanism to review impending management actions. The standards proposed in H.R. 21 would require that no federal action, including federally permitted and federally funded actions, that may significantly affect U.S. ocean waters or ocean resources proceed until a determination is made that it will not significantly harm the health of marine ecosystems. It would also have to be determined that it is not likely to significantly impede restoration of the health of any marine ecosystem.

Within a year of enactment, NOAA would be required to issue regulations that implement the new national standards, in consultation with the newly authorized Committee on Ocean Policy. Within 180 days prior to taking action that may significantly affect U.S. ocean waters or ocean resources, an agency would be required to certify, in consultation with NOAA, whether such actions comply with the national oceans policy and national standards and submit the certification to NOAA for review. NOAA would be required to determine whether it concurs with the agency's finding and provide a written analysis within 90 days.

These standards differ significantly from, and may conflict with, the national standards in many regulatory authorities, such as the recently reauthorized Magnuson-Stevens Fishery Conservation and Management Reauthorization Act and the

Energy Policy Act. The review could delay urgent actions. Requiring federal agencies to certify that federal actions are consistent with this National Ocean Policy and then requiring NOAA to issue written opinions on each of these federal actions would overwhelm the federal system, delay urgent actions, and reduce NOAA's and other agencies' abilities to meet existing mandates. In addition, the Administration does not support vesting the sole authority to regulate all ocean-activities with any one agency. In short, these provisions may actually weaken our ability to manage ocean, coastal, and Great Lakes resources.

We believe that any new mandates should be consistent with existing federal laws and regulations and international law, as well as consider competing interests including freedom of navigation, on which the global economy depends, homeland security and national defense. The Administration supports a framework for regional collaboration among agencies, states, and tribes that would allow for coordination of mandates under various legislative structures and that would provide a basis to assess research priorities, share information, and allow for coordinated management actions. NOAA has taken steps to coordinate its various science and management actions in 10 regions of the country and we believe this to be a valuable model if extended government-wide.

Strengthen NOAA: A NOAA Organic Act

A priority identified in both the final report of the U.S. Commission on Ocean Policy and the Ocean Action Plan is the passage of a NOAA Organic Act. H.R. 21 seeks to reestablish NOAA, stipulating its mission and functions and requiring a plan for NOAA's reorganization within 18 months of enactment. We believe it is necessary to consolidate NOAA's many responsibilities, which now reside in over two hundred separate statues, into one authorization. An Organic Act should encompass the full spectrum of NOAA's responsibilities, for example including programs to protect and restore the nation's fisheries, and its responsibilities to provide products that foster safe transportation on marine highways. The Administration transmitted a proposal for such legislation to the 109th Congress and will be doing so again in the 110th. We are hopeful that the Members of this Committee will play an integral part in its passage.

Most importantly, the Administration believes that NOAA must maintain its current flexibility in determining how best to structure itself to address current and future needs. In responding to the recommendations of the U.S. Commission on Ocean Policy thus far, flexibility has proved to be a vital tool for NOAA leadership. This will continue to be the case as state and regional initiatives continue to evolve, and as science and management matures to address existing mandates for ecosystem based management. An organizational structure that serves the nation well today, or in 18 months, may not be the best structure to serve the nation in the future. We believe that specific programmatic changes should be made through current authorization bills that are revisited every few years.

Establish a National Governance Structure

Title III of H.R. 21 would statutorily create a number of positions and mechanisms within the Administration to provide high-level guidance and coordination for ocean issues. The Administration believes in enhancing coordination of the ocean-related activities of the Federal Government and has placed a high importance on providing advice to the President on ocean issues. We believe there are effective mechanisms currently in place to achieve these purposes. The Administration objects to Title III, because it would limit and interfere with the President's flexibility to pursue these goals, because it would statutorily establish entities in the Executive Office of the President, and because it would statutorily establish a new Council of Advisors on Oceans Policy.

For example, H.R. 21 authorizes a Committee on Ocean Policy to succeed the Committee on Ocean Policy established under Executive Order 13366. The existing Committee on Ocean Policy created a framework to coordinate the ocean and coastal related activities of over 20 federal agencies that administer over 140 laws. While still young, the coordinated ocean governance structure under the existing Committee on Ocean Policy has demonstrated significant progress in enhancing ocean leadership and coordination, developing the institutional capacity to coordinate across jurisdictional boundaries, and strengthening the agency structure in phases in order to enhance the goal of addressing management needs through an ecosystem-based approach.

The existing committee conducts its operational work through the Interagency Committee on Ocean Science and Resource Management Integration (ICOSRMI) and its subordinate bodies, the Subcommittee on Integrated Management of Ocean Resources (SIMOR) and the National Science and Technology Council's (NSTC) Joint Subcommittee on Ocean Science and Technology (JSOST). Within this new co-

ordinated ocean governance structure, ICOSRMI is incorporating the mandate and functions of the National Oceanographic Partnership Program's National Ocean Research Leadership Council into its broader ocean and coastal policy mandate, which now includes ocean resource management. The ICOSRMI is comprised of Under/Assistant Secretaries or their equivalents from the executive branch agencies and departments of the Committee on Ocean Policy, and is co-chaired by the White House's Council on Environmental Quality (CEQ) and Office of Science and Technology Policy. The White House has continued to demonstrate leadership and support in this effort, which has been critical to providing the high-level guidance and support necessary to focus the group on achievable goals, and to maintain its momentum. NOAA has taken a leadership role in both SIMOR and the JSOST, serving as co-chair on each respective group and further supporting their activities.

SIMOR seeks to identify and promote opportunities for collaboration and cooperation among agencies on resource management issues, and to build partnerships among federal, state, tribal, and local authorities, the private sector, international partners, and other interested parties. SIMOR's counterpart in the new coordinated ocean governance structure is the JSOST. The JSOST seeks to identify national ocean science and technology priorities and to facilitate coordination of disciplinary and interdisciplinary ocean research, ocean technology and infrastructure development, and national ocean observation programs.

The role of the JSOST is exemplified in the recently released report Charting the Course for Ocean Science in the United States in the Next Decade: An Ocean Research Priorities Plan and Implementation Strategy. Reflecting input from a diverse group of federal agencies, state and local governments, academic researchers, nongovernmental organizations and private citizens who share interest and responsibility for ocean science and management, Charting the Course for Ocean Science identified 20 national ocean research priorities, which are oriented round the most compelling scientific challenges and opportunities we face, including stewardship of natural and cultural resources, increasing resilience to natural hazards, enabling marine operations, understanding the ocean's role in climate, improving ecosystem health, and enhancing human health.

Most importantly, JSOST accomplished the exceedingly difficult task of identifying among the full range of opportunities, four critical research areas where the need is highest and potential benefits greatest. These four areas constitute the near-term opportunities which will be pursued vigorously over the next few years, and it is these areas that the President is supporting in his FY08 Budget Request to Congress, including:

1. Response of Coastal Ecosystems to Persistent Forcing and Extreme events. This topic focuses on improving forecasts of coastal response to a variety of natural events and human influenced processes.
2. Comparative Analysis of Marine Ecosystem Organization. This area focuses on understanding complex marine ecosystems in ways that will allow us to improve resource management.
3. Sensors for Marine Ecosystems. This area focuses on the development of new data collection tools and technologies to better understand various biological and chemical processes.
4. Meridional Overturning Variability. This area emphasizes the importance of improving our ability to observe, understand and predict changes in Atlantic ocean circulation, a key driver of climate variability and potentially of rapid climate change.

The JSOST was created through expansion of the former NSTC's Joint Subcommittee on Oceans in 2005 to include the issues of science and technology. Because of this evolution, the JSOST continues to report to the NSTC Committee on Science and the Committee on Environment and Natural Resources, in addition to the ICOSRMI. This dual reporting mechanism ensures that actions undertaken by JSOST are both influenced by and influence broader agency actions involving environmental and natural resource policy; thus strengthening ties with programs designed to address land use, fresh water quality and quantity, and air quality.

ICOSRMI seeks advice from its federal advisory committee, the Ocean Research and Resource Advisory Panel, comprised of 18 members from academia, as well as the public and private sectors, with interest and expertise in ocean science and resource management. ICOSRMI also coordinates with the National Security Council's Global Environment Policy Coordinating Committee and its Subcommittee on Ocean Policy.

Establish a Regional Governance Structure

H.R. 21 instructs NOAA and appropriate states to establish nine Regional Ocean Partnerships comprised of federal, state, tribal, international, Regional Fisheries

Management Council, and local government representatives; and it ensures that each Partnership contains an equal number of non-federal voting representatives on each Partnership. There are several concerns with the partnerships as proposed in the bill. For example, the strategic plans could create significant overlap with existing management plans. It is unclear how these existing activities would be taken into consideration and how the transition will be made to the proposed strategic plans.

The Administration recognizes that regional bodies possess the unique ability to focus discussion on areas of most need, and provide lasting commitments to the stewardship of regional resources by those most affected by them. Through existing authorities, the Administration is currently supporting the formation of regional collaborative partnerships to advance region-specific science and management needs, including the West Coast Governors' Partnership for Healthy Oceans, Northeast Regional Ocean Council, Gulf of Mexico Alliance, and Great Lakes Regional Collaboration. Using the coordinated ocean governance structure of the existing Committee on Ocean Policy, SIMOR has led the development of regional teams to serve as the federal mechanism to engage the state and regional initiatives. In addition, SIMOR and JSOST have jointly gained from federal-state task teams that provide linkages on specific issues, such as identifying regional science priorities for the Charting the Course for Ocean Science in the United States for the Next Decade: An Ocean Research Priorities Plan and Implementation Strategy.

As an example of the success currently possible under Executive Order 13366 and existing authorities, the Gulf of Mexico Alliance is a state/federal collaboration made up of the Governors of the five Gulf States and supported by the Gulf of Mexico Federal Work Group (a sub-group of the Subcommittee on Integrated Management of Ocean Resources), consisting of 13 agencies/departments. The Alliance, working in partnership with the Federal Work Group, developed the Governors' Action Plan for Healthy and Resilient Coasts. This Plan, released in March 2006, identifies five regionally significant issues. These priorities represent an initial focus for action through the Alliance: water quality for healthy beaches and shellfish beds, wetland and coastal conservation and restoration, environmental education, identification and characterization of Gulf habitats, and reductions in nutrient inputs to coastal ecosystems. Work is underway to implement the Action Plan. The Federal Work Group will continue to support the Gulf States in several specific areas including: increasing federal participation where appropriate; addressing interagency coordination and identifying opportunities to streamline intra- and inter-agency functions; promoting opportunities for bilateral coordination with, and participation by, Mexico and its Gulf Coast states; and promoting regional collaboration including identifying needs for observations and management tools that could be forwarded to the JSOST.

In addition to supporting the formation of regional collaborative partnerships, NOAA is expanding on previous regional capabilities in order to provide a framework that will draw together NOAA capabilities to better respond to customer needs in the field. Regional Teams were recently established under this initiative to provide a NOAA-wide mechanism for addressing geographically-specific, multi-line office, multi-disciplinary environmental problems that the agency has been asked to address (Integrated Ecosystem Assessments, Integrated Water Resource Services, and Hazard Resilient Coastal Communities). In addition, each regional team will assess NOAA activities in the context of existing regionally-distinct priorities. In this regard, NOAA should be well prepared to address priorities identified at the regional level.

The Administration's position, articulated in the U.S. Ocean Action Plan, supports regional collaboration and supports continued movement towards ecosystem-based management approaches. Of particular importance is the respect for initiatives that are state-led and focus on state/regional priorities, in the spirit of cooperative conservation, and allow for flexibility in approaches to development of the initiatives and in the allocation of funding. The Administration supports the concept that regional ocean partnerships should be a forum for coordination. We believe that several of the principles outlined in the National Governors Association policy statement on ocean and coastal policy are closer to our position than that of H.R. 21. Specific examples include:

- Regional ocean partnerships should be voluntary, flexible, and state-driven,
- Regional ocean partnerships should be a forum for coordination, not a new large bureaucracy, and
- There should be an open and transparent process for stakeholder and citizen participation.

Promote Ecosystem-Based Management

H.R. 21 would require the use of ecosystem-based approaches to management, which has been an operating model for NOAA under its various mandates for a number of years. The use of ecosystem-based management is a principal that the Administration supports. Most recently, the Administration has taken significant steps to protect vulnerable marine ecosystems, including coral reefs, seamounts, hydrothermal vents, and cold-water corals, from fishing and other impacts within our domestic waters within existing and expanded authorities. In June 2006, President Bush designated the Papahānaumokuākea Marine National Monument (in the Northwestern Hawaiian Islands), which is a fully protected marine area co-managed by NOAA, the U.S. Fish and Wildlife Service, and the State of Hawaii. Encompassing nearly 140,000 square miles, this monument is more than 100 times larger than Yosemite National Park, larger than 46 of our 50 states, and more than seven times larger than all our national marine sanctuaries combined.

The reauthorization of the Magnuson-Stevens Act provided new authorities for NOAA to implement ecosystem approaches to management through the identification and protection, as appropriate, of unique deep coral habitats, the ability to provide incentives to reduce seabird interactions under federal fishery management plans, and the authority to provide technical advice and assistance, including grants, to fisheries management councils for the development and design of regional ecosystem pilot projects. These initiatives are important expansions of existing authorities necessary to realize the goal of ecosystem-based management. Coordination of these efforts with NOAA and interagency authorities is an important additional step.

The United States is also a leader in promoting the need for similar conservation and management measures internationally, including through the United Nations (UN) and its Food and Agriculture Organization (FAO). In October 2006, President Bush issued a memorandum to Secretary of State Rice and Secretary of Commerce Gutierrez, which promoted the sustainable management of global fisheries resources and called for an end to destructive fishing practices on the high seas. The U.S. delegation to the 2006 UN General Assembly fisheries resolution negotiations promoted the position as outlined in the Presidential Memorandum, specifically urging nations to prohibit their vessels from engaging in destructive fishing practices on the high seas until applicable conservation and management measures, authorized by a competent Regional Fisheries Management Organization (RFMO), are in place. The ultimate consensus-based language of the resolution includes management provisions for RFMOs and nations to prevent bottom fishing from causing harm to vulnerable marine ecosystems (VMEs) and calls upon the FAO to develop further management guidance. At the recent session of the FAO Committee on Fisheries, held March 5-9, 2007 in Rome, Italy, a major topic of discussion was the role of the FAO in implementing the UN General Assembly resolution. Among the requests made of FAO, a priority for the U.S. was the development of standards and criteria for use by nations and RFMOs in identifying VMEs and the impacts of fishing on such ecosystems. As a result, the FAO plans to develop technical guidelines for the management of deep-sea fisheries on the high seas by early 2008.

Because H.R. 21 would require an ecosystem-based approach to the management of fisheries, marine mammals, protected species, coral reefs, and protection and management of ocean and coastal areas, it could affect many regulatory programs currently administered by federal agencies and would create an additional regional layer of ecosystem administration. The steps to enable cross-legislative and cross-agency collaboration, consistent with ecosystem-based approaches to management, are not detailed in the bill. We believe that a non-mandatory, nonstatutory regional consultative mechanism can accomplish much of the intent of the bill, without delaying necessary management actions required under existing law, and is the preferable approach. Consideration should be given to reconciling any new consultation process with the requirements for interagency consultation pursuant with existing mandates.

The additional layer of regulatory review proposed by this bill could significantly distract us from our goal. We suggest that any bill designed to promote ecosystem-based management follow a more step-wise approach—one based on expanding the mission, enhancing capabilities to provide technical advice and collaboration, and encouraging discretionary development of pilot projects.

The *U.S. Ocean Action Plan* and the final report of the U.S. Commission on Ocean Policy endorse implementation of a sustained Integrated Ocean Observing System (IOOS). IOOS is the U.S. component of the Global Ocean Observing System, and is the key ocean component of the U.S. Integrated Earth Observation System (IEOS) now being developed. Both IOOS and IEOS will become part of GEOSS—the Global Earth Observation System of Systems. IOOS is envisioned as an interagency, end-

to-end system designed to meet seven societal goals by integrating research, education, and the development of sustained ocean observing capabilities. The need to integrate data derives from NOAA's core missions. The challenges society faces today (coastal populations at risk, compromised ecosystems, climate change, increased maritime commerce) threaten jobs, revenue, and human health. Answers to these problems require access to better information.

Developing IOOS is a top priority for NOAA. In December 2006, NOAA reconfirmed its commitment to IOOS by establishing a NOAA IOOS Program. Responsibilities of the new NOAA IOOS Program include serving as the central focal point for the administration of NOAA's IOOS activities, interface to regional partners, establishing an initial operating capability for data integration, requirements definition, conducting system acquisition and closely coordinating and collaborating with federal partners through the National Office for Integrated and Sustained Ocean Observations (Ocean.US). The NOAA IOOS Program and Ocean.US will be co-located to improve communication, coordination, and information exchange.

Capacity that can contribute to a U.S. IOOS currently exists within NOAA. This capacity includes observing platforms, communications lines, computers and people that manipulate and distribute data, and people that develop data products. The IOOS Program will focus on identifying this internal capacity and coordinating this capability through an Initial Operating Capability for data integration to serve U.S. IOOS goals. The initial focus will be integration of five core IOOS variables (temperature, salinity, sea level, surface currents, and ocean color). These integrated data will be accessible in useful formats for ingest into four priority NOAA data products: coastal inundation, hurricane intensity, harmful algal bloom forecasts, and integrated ecosystem assessments. These data products will be tested and evaluated to measure improvements to baseline conditions resulting from access and ingest of integrated data. Once improvements are demonstrated, product enhancements will be benchmarked for operational use.

The NOAA IOOS Program will continue to support development of infrastructure and management to enable a fully configured and scalable U.S. IOOS. NOAA recognizes it is nationally important to have infrastructure in place to characterize, understand, predict and monitor changes in coastal-ocean environments and ecosystems. This infrastructure is necessary to help states and regions more efficiently and effectively manage resources and meet federal environmental and natural resources compliance requirements. This infrastructure is also critical to understanding and mitigating the effects of severe weather, global-to-regional climate variability, and natural hazards. NOAA intends to continue supporting the development and integration of the regional coastal components of IOOS. This includes supporting effective regional management structures required to achieve development and integration of operational regional coastal ocean observing systems. NOAA's goal is to demonstrate value in this integration, and extend this integrated data capability across the country by enabling our regional partners to contribute their data, and also access the full suite of existing integrated data through distributed and coordinated data integration and communication networks.

The National Office for Integrated and Sustained Ocean Observations (Ocean.US) has the lead for planning the multi-agency IOOS effort. NOAA is heavily involved in this planning, and has been designated by the Administration as the lead federal agency for administration and implementation of IOOS. Coordination among all contributing agencies continues to grow through participation in the Interagency Working Group on Ocean Observations established under the JSOST and chaired by NOAA with vice chairs from the National Aeronautics and Space Administration (NASA), the Navy, and the National Science Foundation (NSF).

Ocean Stewardship Through Education

The Administration supports efforts to enhance responsible ocean stewardship through ocean education and outreach, information collection, and citizen involvement. Ocean education is an important component of the President's U.S. Ocean Action Plan and together, SIMOR and the JSOST have formed the joint Interagency Working Group on Ocean Education, to identify opportunities and articulate priorities for enhancing ocean education, outreach, and capacity building. Ocean management is more effective with an ocean literate public, and to this end, NOAA leverages many opportunities to advance ocean education in support of its mission goals. Our formal and informal activities include scholarship and fellowship programs, education and research grants, and strategic partnerships with education institutions and industry. In 2006, NOAA's Education Office provided scholarship and internship opportunities to over 230 undergraduate students. NOAA's education investment is also geared towards hiring students trained through these scholarship and internship opportunities. Through December 31, 2006, NOAA has hired 32 stu-

dents trained through its Graduate Sciences Program. Also in 2006, 33 teachers participated in NOAA's Teacher at Sea Program.

To raise national attention to the need for ocean literacy, NOAA, EPA, the Department of the Interior, NSF, NASA, and the National Marine Sanctuary Foundation, co-hosted CoOl—the Conference on Ocean Literacy—on June 7-8, 2006, in Washington, D.C., as part of the presidentially proclaimed National Oceans Week. The conference brought together key participants to discuss the essential principles of ocean literacy, and the current challenges and opportunities for both formal and informal education efforts in educating the public to make informed, responsible decisions about the ocean and its resources. The conference extended beyond Washington, D.C., through five regional workshops hosted by aquariums across the country including: Aquarium of the Pacific, Long Beach, CA; John G. Shedd Aquarium, Chicago, IL; J.L. Scott Aquarium, Ocean Springs, MS; National Aquarium in Baltimore, Baltimore, MD; and National Mississippi River Museum and Aquarium, Dubuque, IA. The conference resulted in a Conference on Ocean Literacy Report, which makes recommendations for future efforts in formal education, informal education, and for creating diversity in the ocean workforce.

Funding

Finally, H.R. 21 would provide significant new funding, particularly to coastal states through the Ocean, Coastal, and Great Lakes Trust Fund. We recognize the important role states, tribes, and local governments play in managing these important resources. Through ICOSRMI, the Administration is finding ways to partner more effectively with our state, tribal, and local partners so that the significant federal and non-federal resources that are already devoted to ocean and coastal issues are used more efficiently and produce better outcomes. Any additional resources for ocean and coastal issues should be considered within the full context of the different priorities for federal spending. As such, we strongly oppose the establishment of an Ocean, Coastal, and Great Lakes Trust Fund that would circumvent the Administration's and Congress's ability to evaluate and modify federal funding priorities on an annual basis.

Conclusion

In conclusion, I would like to reiterate the importance of the efforts of the U.S. Commission on Ocean Policy, and stress that the Administration is strongly committed to continued implementation of the recommendations of the U.S. Ocean Action Plan and sound ocean stewardship. The federal agencies involved in ocean and coastal conservation management activities will continue to work with its partners in a collaborative and systematic fashion, as we believe collaboration is critical to make our ocean, coasts, and Great Lakes cleaner, healthier and more productive. We look forward to continuing to work with the Members of the Committee in raising the bar for the long-term conservation and management of our coastal and ocean resources.

Thank you again for your time and I am happy to answer any questions that the Members of the Committee may have.

Ms. BORDALLO. Thank you, Mr. Dunnigan, and now the Chair would like to recognize Ms. Leyden.

STATEMENT OF KATHLEEN LEYDEN, CHAIR, COASTAL STATES ORGANIZATION REGIONAL OCEAN GOVERNANCE WORK GROUP AND DIRECTOR, MAINE COASTAL PROGRAM

Ms. LEYDEN. Madam Chair, Ranking Member Brown and distinguished members of the Subcommittee, my name is Kathleen Leyden, and I am here today representing the Coastal States Organization. CSO, as Coastal States Organization is known, represents the 35 states and territories in Washington D.C. relative to issues of ocean policy and legislation that affects the coast. With my written testimony in the record and this being the first time that I am doing this, I am going to pray that I meet the five-minute mark and therefore just focus on a few things.

I would like to begin by thanking Representative Farr and Representatives Allen, Gilchrest and Saxton for their leadership in putting forward such a comprehensive approach as is reflected in

Oceans 21. My colleague from CSO, our current chair Brian Baird from California, could not be here today but he wanted to make sure that I recognized the early efforts of Mr. Farr in California when as a State Assemblyman he was responsible for developing the California Ocean Resources Management Act which launched comprehensive ocean management in that state. So thank you for your ongoing commitment to the oceans, and we are thrilled that a national dialogue has begun on Oceans 21.

So what is the problem? I am not here today to reiterate the things that you have already heard in recent weeks about the crisis in the health of our oceans and coasts but what I would like to say, as Representative Allen said, is that ocean and coastal resources are the lifeblood of coastal states, and degradation of them affects local people in very real ways. At the state level we are facing increasingly complex coastal challenges, and we cannot deal with them on our own, and we need a new way of working together to accomplish results.

If I had to choose three phrases to describe our current ocean management regime I would choose fragmented, reactive, and largely lacking an opportunity for real cooperative management between Federal, state and local entities in effectively managing resources. So what is the solution? If the states were to design a solution ourselves, I know that we agree that the components as reflected in Oceans 21 are the key things. That is a structure for regional ocean governance, a statement of national ocean policy, improved coordination of Federal action, a coordinated management regime for Federal waters, and a much needed ocean and coastal trust fund.

These types of things really lay the groundwork for us to begin to actually do ecosystem based management which we talk about a lot but need to really advance our efforts in. Our concerns about Oceans 21 track two general themes that we think are solvable through additional conversations, and those are the need for flexibility and the need to build on work that is already being done.

CSO remains committed to working with the bill's sponsors and other interested parties over the coming months to resolve the differences. First, the regional ocean governance piece of the bill. The coastal states have been working together through the work group that I chair to develop a proposal for regional ocean governance legislation, and this work is grounded in a policy statement that the National Governors' Association put forward in 2007 which is attached to my written testimony.

In short, we agree that a national framework is needed to develop and implement integrated ecosystem plans. In fact, 20 states are already involved in these efforts. Some of them were mentioned by Jack Dunnigan. We need to recognize and build off the success of these voluntary state-led efforts and avoid being overly prescriptive and creating new bureaucracies.

We think that regional plans should be action oriented and directed toward achieving shared goals and priorities, but that the requirements for them need to be realistic and phased and perhaps greater requirements could be phased in over time. We agree that we need more information to improve the management of our coasts and oceans, and we agree that a mechanism is needed to de-

velop, fund, and implement regional plans. If funding is accompanied by other incentives, states will do this work without additional requirements to do so.

Second, the statement of national ocean policy while we think that one is needed we have some concerns about the way this provision is currently drafted and look forward to working together to resolve it. In terms of the funding, as you can tell from our comments we need new funding to be able to do this, and I think there are several pieces of Oceans 21 that need to work hand-in-hand. It is all coordinated.

With two seconds remaining, I will thank you for your leadership on these issues and for inviting me to testify. Again, we look forward to resolving any outstanding differences or concerns on this bill, and I would be happy to answer any questions you have.

[The prepared statement of Ms. Leyden follows:]

Statement of Kathleen Leyden, State of Maine's Delegate to the Coastal States Organization and Chair to the Coastal States Organization Ocean Governance Work Group and Director of the Coastal Program, Maine State Planning Office

Chairwoman Bordallo, Ranking Member Brown, and distinguished members of the subcommittee, my name is Kathleen Leyden and I am here today on behalf of the Coastal States Organization, usually referred to as CSO. Since 1970, CSO has represented the interests of the Governors of the 35 coastal states and territories in Washington, DC on legislative and policy issues relating to the sound management of coastal, Great Lakes, and ocean resources. Thank you for the opportunity to testify to the issues of improved ocean governance and please include my written testimony in the record.

I would like to begin by thanking Representative Farr and Representatives Allen, Gilchrest and Saxton for taking up the charge of improved ocean and coastal governance and for their leadership putting forward the comprehensive approach reflected in Oceans 21. Ocean governance reform is critically needed and I commend you all for your hard work. CSO's Chair, Brian Baird from California, could not be here today, but he wanted to acknowledge the long-standing commitment of Congressman Farr on this issue. As a state Assemblyman, Mr. Farr authored the California Ocean Resources Management Act, which launched comprehensive management in California. Thank you for your ongoing commitment to the oceans.

As you are well aware, there is a crisis in health of our nations' coastal and ocean waters and the sustainability of the species they support. Experts around the country agree that aggressive actions, including reforms in governance, can help solve the complex coastal and ocean challenges before us.

Our current management of our nation's coast and oceans, is characterized as (1) fragmented—dominated by sector-by-sector management authorities, (2) reactive in its response to ocean development, and (3) largely lacking in opportunity for federal-state cooperative resource management. A national framework for improved governance, as envisioned by Oceans 21, will allow both federal and state partners to be better positioned to respond to the numerous emerging uses of our public trust resources.

The coastal states have been actively discussing opportunities for improved ocean and coastal management, and these discussions continue. In addition, the nations' Governors are on record as supporting reforms in ocean and coastal governance, including a strengthened and reauthorized Coastal Zone Management Act, renewed attention to coastal non point pollution, implementation of an ocean science strategy, development of a robust ocean observing system, and targeted support for ocean literacy.

In my time this morning, I'll highlight areas where coastal states have reached consensus on Oceans 21's approach, and touch on areas where states have recommendations that they believe will make the legislation stronger. Some themes you will hear throughout my testimony are the need for flexibility, the desire to build on work that has already been done, and acknowledgment that ocean management should include all of the relevant government agencies and stakeholders.

The coastal states believe that Oceans 21 has the components needed to reform ocean governance and improve the health of our oceans and coasts, namely a structure for regional ocean governance, a statement of national ocean policy, improved

coordination of federal action, a NOAA Organic Act, a coordinated management regime for our federal waters, and a much-needed ocean and coastal trust fund. Also, overall, the bill would help reorient government to formalize the practice of ecosystem-based management. The specific issues I will address today include regional ocean governance, a trust fund, a statement of national ocean policy, and improved coordination of federal action.

I. Regional Ocean Governance

Over the last number of months, the coastal states have been working to develop a proposal for regional ocean governance legislation; this work is grounded on a series of principles agreed to by the National Governors Association in their February 2007 policy statement on Ocean and Coastal Zone Management (NR-10) which I've attached to my testimony and request to be put into the public record.

The states agree with much of Title IV of Oceans 21, the regional governance section of the bill. We agree that:

- A national framework is needed to advance and support regional efforts by the state and federal governments to develop and implement integrated ecosystem-based plans;
- Regionally-based plans should be action-oriented and directed toward achieving shared goals and priorities;
- There should be significant opportunities for public input and involvement;
- More information is needed to improve management of our oceans and coasts, and
- A mechanism is needed to develop, fund and implement regional plans.

There are areas, however, where we would like to work together to craft changes that we think will improve the legislation—these include seven broad categories of comments as follows:

A. Acknowledge and Support Existing Efforts

As acknowledged by the recent Policy Report Card issued by the Joint Ocean Commission Initiative, states are leading the way in regional ocean governance. According to a recent accounting, twenty states have launched state initiatives or participated in regional alliances to protect the significant economic and natural resources of coasts, oceans and Great Lakes. Across the nation, states have been fostering collaborative relationships to tackle transboundary issues, such as the longstanding Gulf of Maine Council, Chesapeake Bay and Long Island Sound efforts, as well as the recent efforts of the Northeast Regional Ocean Council, the Gulf of Mexico Alliance, Great Lakes Regional Collaboration Strategy, and the West Coast Governors' Agreement on Ocean Health.

- Oceans 21 can add value to these existing efforts by building off of their successes, creating a national framework that supports them and by creating long-term, consistent funding for them. It should be noted that some of these efforts, although they are subregional in scope, contribute to broader management goals for large marine ecosystems.

B. Establish Stronger State Involvement

Both the states and the federal government share sovereignty for our ocean and coastal resources, and we are responsible for the wise management of this public trust. The states believe that management will best be accomplished through a partnership between the states and federal agencies using processes that provide for stakeholder input and involvement.

- Ocean's 21 should articulate a strong and meaningful partnership with states, acknowledging states as owners of submerged lands and managers of the public trust.

C. Support Voluntary Partnerships

We believe regional ocean partnerships should be voluntary, flexible and state-driven. We do not believe you can "mandate" collaborative partnerships, and we do not believe a uniform, one-size-fits-all approach to regional governance is the best way to proceed. We think that it is best to enable robust partnerships around common goals and then let them flourish, each in its own way.

- Ocean's 21 should include a voluntary, rather than mandatory approach to establishment of regional partnerships and should clarify that these partnerships will not supplant existing legal authorities.

D. Avoid Creation of New Bureaucracy When Establishing Regional Partnerships

We believe regional ocean partnerships should perform primarily a coordination function and not create a new large bureaucracy. Each member of the partnership should be enabled to pursue the common goals of the region under existing legal authorities.

- Ocean's 21 should increase the flexibility for the membership and the formation of partnerships. While some structure is key, existing regional efforts have demonstrated that new bureaucracy may drain resources. Regional Ocean Partnerships should facilitate, not unnecessarily burden, federal, state and other players.

F. Avoid Overly Prescribing the Requirements for Regional Strategic Plans

The purpose of the regional ocean planning processes should be to: reach agreement on regional priorities; create strategic plans to solve priority problems; develop implementation plans that identify specific steps to be taken to address those priorities; and assign responsibility for action.

- Ocean's 21 should utilize a less prescriptive approach to establishment of regional strategic plans, allowing for the early identification of key priority issues, actionable items and a movement towards implementation. As partnerships mature, expectations might be increased.
- While ensuring that federal funds are well spent, the federal approval process for regional plans should be minimized. A partnership approach to the plans' development, involving both governmental and stakeholders throughout, calls for a streamlined approval process.

G. Provide Funding and Incentives to Reach Goals

While federal agencies have been extremely responsive to new partnerships with regional efforts, these approaches have proceeded with minimal federal resources, relying with a few exceptions, on in-kind support from federal agency staff with no new dedicated funds. In addition to basic support, including targeted in-kind assistance from federal staff and long-term and consistent new funding for regional efforts, other incentives for the state participation in regional ocean councils should be created. Examples of these incentives might include:

- Streamlined federal processes;
- Federal assistance for the development of integrated ecosystem assessments;
- Application of federal research and monitoring capabilities to regional needs;
- Federal-state co-management of resources;
- Advance identification (and resolution) of state/federal conflicts; and
- A new joint approach to siting of energy and other emerging uses.

H. Employ Reasonable Accountability Measures

The States support the inclusion of accountability measures and benchmarks for success in Oceans 21. These accountability measures could include benchmarks for implementation of individual projects as well as overall success of regional partnerships.

- Oceans 21 should recognize the different stages of partnership building, with accountability measurable for each stage and realistic timeframes for each.

II. Ocean and Great Lakes Trust Fund

Oceans 21 proposes to create a trust fund to provide resources for ocean and coastal protection. The coastal states strongly support a trust fund to improve the management of ocean, coastal and Great Lakes resources. The U.S. Commission recognized that we are at a crisis stage for our oceans and fixing these problems will require more resources. We do have a suggestion for improvement of this section of the bill. Many of the threats facing our oceans start on the land, such as nonpoint pollution. We believe the trust fund should recognize this fact. The coastal states, therefore, would recommend changing the title to explicitly include "coastal" in the title and to include coastal management activities as an appropriate use of the funds.

III. Statement of National Ocean Policy

The coastal states believe it is important for Congress to enact a statement of national ocean policy. We do have questions, however, about the intent and impact of the language currently in the bill. For example, requiring that the NOAA Administrator approve all covered federal actions of the agencies (as defined in the bill) has the potential to create a serious bottleneck for government action. The coastal states look forward to working with the sponsors so we can better understand the intent of this section of the bill and offer some potential alternatives.

IV. Improve coordination of the federal government

The coastal states also agree that legislative provisions would be helpful to improve coordination of the federal agencies. As the U.S. Ocean Commission recognized in its final report, the management of our ocean resources is badly fragmented. Currently, the uses of our ocean are all regulated separately, fisheries in one agency, energy in another, sediment management in another, shipping and maritime activities in yet another. No government agency or body is charged with look-

ing across the stovepipes of programs to see how all of the different uses of our oceans fit together. If we want to improve the health of our oceans this needs to change, and Oceans 21 takes this challenge on.

We do have some suggestions for possible improvement for your consideration. Since the U.S. Commission report was released, the federal government has taken steps to improve federal interagency coordination, such as the creation of Subcommittee on Integrated Management of Ocean Resources (SIMOR) and the Interagency Committee on Ocean Science and Resource Management Integration (ICOSRMI). We recommend that federal legislation incorporate and build on this existing structure. As included in Oceans 21, we support the inclusion of a state presence on these interagency bodies.

V. Complement existing legal structures

As you continue to work on improving the management of our oceans, I would like to acknowledge that there are many pieces to the puzzle that currently forms our coastal and ocean management framework. As we reform governance, we need to ensure that these existing laws are well integrated and complementary to any new structure that is established. The primary example I have in mind is the Coastal Zone Management Act. For over 30 years, this Act has been the primary state/federal partnership for managing our country's coastal resources. Ecosystem-based approaches to governance should acknowledge the interrelationship between coastal watersheds and the ocean, which means new ocean governance mechanisms like Oceans 21 need to fit "hand in glove" with existing structures like the CZMA.

Closing

In closing, thank you again for your leadership on these issues and for inviting me to testify today. The coastal states look forward with enthusiasm to continued work with committee staff, nongovernmental partners, federal agencies and others to improve this bill to ensure healthy oceans in the future. I'd be happy to answer any questions you may have.

[NOTE: Attachments to Ms. Leyden's statement have been retained in the Committee's official files.]

Response to questions submitted for the record by Kathleen Leyden

QUESTIONS FROM THE HON. MADELEINE BORDALLO, CHAIRWOMAN

Improving regional governance

Your testimony states that Title IV of the bill can be improved by articulating a strong and meaningful partnership with the states in ocean governance. At the same time, you argue that regional partnerships should be voluntary and cannot supplant any existing legal authorities.

1. Has it been the experience of the states thus far that the federal government has treated them as equal partners in the management of our ocean resources?

RESPONSE: Whether a federal agency treats the states as a partner often depends on the agency, the circumstances, and the decisionmaking and consultation processes established in law. The coastal states believe that because they are sovereign governments, the federal agencies should nearly always see the states as partners. The coastal states believe that effective management of our ocean resources will only be accomplished through a partnership with the federal agencies.

2. Do you really expect to be treated as partners without some sort of requirement that this be the case?

RESPONSE: The coastal states believe that Congress should express its intent that the federal government should work with the states as equal partners in managing ocean resources. Without such a statement from Congress, the state/federal partnership will continue to be variable. Some federal agencies incorrectly place states in the "stakeholder" category. The states are not "stakeholders"; the states are sovereign governments and should be treated as full partners in decision making.

Incentives to improve governance

You mention several incentives—other than just money—to encourage state participation in regional governance. One, is a joint approach to the siting of energy projects and other emerging uses of the ocean.

3. Can you elaborate on how this might work? Would the states want the responsibility for planning the siting of such projects in federal waters off their coasts? How do you envision this would fit with the federal responsibilities?

RESPONSE: In state jurisdictions, the states and federal government should share the responsibility for energy siting, and states should always maintain decision-making authority over the siting of facilities and their associated infrastructure within their jurisdictions. In federal waters, the primary responsibility should rest with the federal government but the federal government should be required to partner with the states on identification of areas the states believe are most appropriate for siting of energy facilities and infrastructure. Working hand in hand with states earlier in the energy siting process will improve decisionmaking.

4. The Administration seems to be of the opinion that we have all the coordination and partnerships that we need. Do you agree?

RESPONSE: While we have many robust partnerships and opportunities for coordination, these need greater federal support, additional resources, and continuity over time, especially at the regional level. The U.S. Commission on Ocean Policy clearly and comprehensively described the crisis facing our marine resources. The nation cannot expect to fix the problems facing our oceans without additional laws and resources.

QUESTIONS FROM THE HON. HENRY BROWN, MINORITY RANKING MEMBER

1. Much of your testimony relates back to the issue of funding. While many in Congress support additional funds for ocean programs, Federal funds are spread across many programs. Have the states come up with recommendations on where the money should come from for the Trust Fund?

RESPONSE: While the coastal states do support a trust fund, we have not developed specific proposals for the sources of funding for such a trust fund.

2. What are the existing funding requirements of the states? Do these funding needs justify $1 billion as authorized in H.R. 21?

RESPONSE: Participation in existing regional entities has been maintained using existing funds and shifting responsibilities between existing staff. Cutbacks in coastal program funding and the lack of specific funding for regional activities has limited the extent to which states can develop and implement robust regional plans. H.R. 21 funding for Regional Ocean Partnerships should be at a level commensurate with the requirements of the act. For example, ecoregional assessments and development of ecosystem indicators and large scale implementation projects (i.e. landscape scale restoration) are anticipated to be high cost items.

3. How are the coastal states funding state ocean programs?

RESPONSE: Each state is different in how it funds its ocean programs. Some states fund some activities with state dollars; some fund activities with a mix of federal and state dollars.

4. Can you elaborate on accountability measures for the different stages of partnership building that you refer to in you testimony? What specifically would you like included in the bill and what specific benchmark successes would you require?

RESPONSE: Building in meaningful accountability provisions will be one of the more challenging aspects of developing ocean governance structures. Each region is uniquely different and their plans will include a variety of priority actions. Thus the accountability measures will be based largely on the specifics of each regional plan.

Ocean governance needs to be accomplished through a partnership between the state and federal governments but large inter-agency efforts can need to clearly assign responsibility for outcomes to ensure success. The coastal states believe that regional plans should be developed with actionable items that identify which regional partnership member is responsible for that project or section so that agency or agencies can be held accountable for results

The experience of states that are already working in regional partnerships is that there are stages of development and maturity of these efforts and reasonable accountability measures should be cognizant of that. Appropriate measures that reflect stages of progress might include a) convening initial state and federal representatives b) formalizing the ROCs through Governors' agreements, c) completing a public participation effort, d) scoping and agreeing on priorities, e) creating a regional plan, f) receiving approval of the plan, g)implementing an ongoing monitoring program, and h) documenting progress on selected environmental indicators.

5. You mention in your written testimony that current management of our nation's coasts and oceans is lacking in opportunity for federal-state-cooperative resource management. Are there specific laws that you can cite that have hindered this type of cooperation? Any that have supported or promoted cooperation?

RESPONSE: The U.S. Ocean Commission identified many examples of overlapping and confusing jurisdictions and legal authorities. The real crux of the problem

is not that any one or two laws impede management but that no agency or regional body is responsible for coordinating all of the government activity in the ocean.

One of the major impediments to efficient management is the restrictions put on how federal agencies are impeded from transferring money between them. For example, recently the USDA had conservation money it wanted to transfer to the USCOE to implement a habitat restoration project. However, transferring the money from USDA to USCOE has proven to be impossible. So we are left with the circumstance of one agency having the funding, the other agency having the expertise and willingness to perform the work but the two cannot be put together. For inter-agency ocean governance to be effective and efficient, new mechanisms for funding need to be explored.

The interstate fisheries commissions (established in the 1940's) are an example of excellent federal state cooperative resource management. While the mandates of the Pacific, Atlantic and Gulf state commissions vary, they all involve cooperation across jurisdictions and all levels of government on a large scale. Each provides a forum for development of interstate catch statistics and fisheries management plans.

6. You suggest adding land-based or "coastal" measures to the list of activities that could receive funding from the Trust Fund. Isn't that part of the existing funding problem for oceans, funds getting redirected for other activities, even if they would have a beneficial effect on the ocean? How are the states currently funding coastal land-based management activities?

RESPONSE: As the U.S. Commission on Ocean Policy recognized, many of the problems in the oceans are caused by land-based activities, such as nonpoint source pollution and coastal development. We cannot divorce the land from the ocean and the funding should recognize that fact so we can address the priority problems facing our oceans, wherever their source.

7. What proactive management measures are the states taking with regard to land-based activities to prevent adverse affects on coastal waters?

RESPONSE: While each state program for preventing land-based sources of pollution may differ, some common efforts include: land conservation and development restrictions in sensitive areas such as stream corridors, and watersheds of shellfish growing areas; grant programs for coastal municipalities to develop and implement creative rules for new community designs; using education and outreach with a variety of potential polluters to inform them about practices they can use; working with the marine trades industry to reduce or eliminate discharges to coastal waters through incentive programs such as the Clean Marina certification; (2) working with towns on new solutions to stormwater management such as innovative financing methods; and working with volunteers on enhanced water quality monitoring and watershed surveys.

8. While the bill's main goal is to provide for better management of the ocean and its resources, many of the definitions in the bill, including the ecosystem-based management definition, reach far inland due to the impacts inland activities could have on the ocean. In your assessment what areas would not fall under the jurisdiction of this legislation?

RESPONSE: The legislation should primarily help state, federal, local and tribal governments to better address priority problems that affect our oceans, wherever they occur. The states do not believe, however, that this bill should be used to expand the regulatory reach of the federal government, but enable the federal and state government to address problems with their current legal authorities. The inland extent should be determined by individual states within a Regional Ocean Partnership.

9. The bill charges NOAA with reporting on the status of ocean ecosystems and resources two years after enactment of the bill and every three years thereafter. The Regional Ocean Partnerships are also required to develop regional ocean strategic plans which will include an assessment of its ocean region. What changes can we make to the bill to ensure there is limited duplication between the two reports? Can you also make recommendation on how to limit duplication in other areas of the bill?

RESPONSE: The states believe that the bill probably requires that NOAA prepare too many reports too frequently. We would defer to NOAA on the appropriate scope and frequency of the reporting.

10. At the oversight hearing on renewable energy opportunities and issues on the Outer Continental Shelf, Ted Diers, the Coastal State Organization representative said "I am not sure I am in favor of any new bureaucracies." Do you agree with this statement? Is this a CSO position?

RESPONSE: While the coastal states do not support unnecessary and duplicative new bureaucracies, we do believe ocean governance reform is needed. There need

to be formal mechanisms for improved integration of government activities in the ocean. The coastal states believe that Congress should pass legislation to enable and support Regional Ocean Partnerships (ROPs) made up of representatives of the coastal states and the relevant federal agencies. These ROPs should not be another layer of government but a forum for coordination of joint and collaborative actions to address shared priorities. The work of the ROPs should be accomplished through the states' and federal agencies' existing legal authorities, and ROPs should determine the level of "process" to serve their needs. Since coastal states do not believe the ROPs should have any independent regulatory authority, we would not consider them to be "new bureaucracies."

11. Some have argued that the new level of approval required in H.R. 21 could overturn local and state zoning decisions on specific projects and require a new set of standards that need to be met for any project or activity—even inland projects or activities—that might affect the ocean environment. Do you agree with that concern? Do you agree that new Federal requirements that might be seen to overturn or pre-empt local and State authorities should be approached very carefully?

RESPONSE: While the coastal states do not have a legal position on the impact of the national standards provisions of H.R. 21, we are very concerned that the potential impact of these provisions may be exceedingly broad. The coastal states do not support any new standards that would preempt state or local authorities.

12. Does CSO support efforts to enact a new Federal offshore aquaculture authority statute? Do you think enactment of H.R. 21 might require an additional level of approval even if a new aquaculture authority were enacted?

RESPONSE: The coastal states do agree that a regulatory framework is needed for aquaculture, but it must be integrated in a larger management framework to allow for planning of competing uses. Currently, state response to aquaculture proposals is on a case-by-case basis and certain projects would be addressed through CZMA Federal Consistency Review, which presents a reactionary framework. Instead, we believe that ocean governance reform should include regional partnerships or mechanisms to comprehensively and proactively look at the competing uses in the ocean so the various activities can be managed in a coordinated way. We do not, however, support the concept of the regional partnership being another layer of approval authority.

QUESTIONS FROM THE HON. JIM SAXTON

1. I have been excited to see regional ocean collaborations popping up around the country. Do you believe that these collaborations can be improved with support and guidance from Congress?

RESPONSE: Yes, absolutely. The states have been leading the way on regional ocean governance initiatives with little new resources. To make these initiatives as effective as they can be, Congressional action and support is needed.

2. OCEANS-21 contains National Standards to guide implementation of "covered actions" and a timeframe for interagency comment. What sort of effect would this have when combined with current National Standards and timelines contained in other laws such as the National Environmental Policy Act and the Magnuson-Stevens Fishery Conservation and Management Act?

RESPONSE: The coastal states do have concerns about the national standards provisions in the current draft of the bill. We suspect that requiring all "covered actions" of federal agencies to go through NOAA for approval will lead to a major bottleneck and impede processing of federal permits.

3. Our oceans cover an area that is 23% larger than the land area of the U.S. and, according to the U.S. Commission on Ocean Policy, contribute roughly $117 billion to the U.S. economy, mostly from tourism and recreation revenues. Given the expanse and importance of our oceans to people of the United States, do you believe that it is appropriate for Congress to issue guidance on how our oceans as a whole should be managed—as we have done with all of our other major systems?

RESPONSE: Yes, absolutely. The oceans are a public trust and we as a nation are not currently fulfilling our trust responsibilities. Congress needs to act to improve management of these invaluable resources.

4. The NOAA organic act title of H.R. 21 makes NOAA the lead federal agency for oversight of all U.S. coastal, ocean, and Great Lakes waters and resources. Currently, though, NOAA shares this responsibility with agencies like USGS (for example, USGS manages fisheries in the Great Lakes). While the U.S. Commission on Ocean Policy did recommended consolidating oversight of ocean resources into one federal organization, they recommended a slower, step-wise approach that first provides an organic act for NOAA with its current respon-

sibilities and then over the course of a few years considers transferring the responsibilities of other agencies to NOAA. Do you agree with the Commissions step-wise approach to consolidating ocean oversight, or do you believe this significant change in federal oversight should be made immediately as proposed by H.R. 21?

RESPONSE: The coastal states do support an Organic Act for NOAA, but we do not have a position on whether programs from other agencies should be transferred into NOAA, either all at once or stepwise.

5. Many experts have stated that NOAA is too "stovepiped", leading to inefficiencies and duplications across its five current line offices. The NOAA organic act title of H.R. 21 proposes to consolidate these offices into three primary functions—assessment, prediction and operations; management; and research and education. I believe it is important for research and education to be closely tied to and support the other two functions of the agency, but under H.R. 21 things could remain stovepiped having research as a separate function. In another NOAA organic act proposal, H.R. 250 from Mr. Ehlers, there is a leadership position that oversees all science at the agency to ensure the best science is incorporated into all agency activities. Would you recommend a similar position in H.R.21? If not, would you recommend other changes in H.R. 21 to ensure that the research function of NOAA continues to serve the needs of the operations and management functions of the agency?

RESPONSE: The coastal states agree that it is important to ensure that the research NOAA performs is addressing resource managers' science and informational needs. In other words, NOAA research should provide scientific services to the other NOAA functions. While we entirely agree with your sentiment, the coastal states do not have a position on what the best organizational structure is to accomplish this goal.

Ms. BORDALLO. Thank you. Thank you very much, Mrs. Leyden. And the Chairwoman will now recognize members for any questions they may wish to ask the witnesses, alternating between the majority and the minority, and allowing five minutes for each member. And should members need more time, we can go into a second round of questions. My first question is for Mr. Jack Dunnigan. In your testimony you go into great detail describing the Committee on Ocean Policy, established by the President under Executive Order and how it represents one of the bold steps the Administration is taking to implement the recommendations of the U.S. Commission on Ocean Policy.

In that regard, I have two questions. First, if this Committee is having such great success then why are you opposed to codifying it in law? As you know, Mr. Dunnigan, Executive Orders come and go, and if we want to ensure the Committee continues it needs to be codified, is that not right?

Mr. DUNNIGAN. Thank you. I think that is an issue that we need to talk about. I think there is perhaps an advantage to moving forward and providing a stronger legislative basis for what the President has done in the current structure. I think a lot of the concerns that we have with that portion of the bill are not just the questions of the codification of the Committee on Ocean Policy but all of the other structural elements that the bill would bring in to be a part of the overall scheme for managing that we think could be duplicative and end up taking a lot of our time away from actually doing the job of saving the oceans.

Ms. BORDALLO. Well I would certainly you know understand your situation and the committee would like to have recommendations as to how we can smooth this out. My next question is at our hearing in March Admiral Watkins said that despite the establishment of this Committee, it was difficult to identify what the Administra-

tion was doing in terms of new initiatives that were consistent with their recommendations. So can you identify specifically what NOAA and other Federal agencies are doing that truly implement the recommendations of the Commission? In other words, how are things different than they were before the release of the report of the U.S. Commission?

Mr. DUNNIGAN. Yes. Thank you, Madam Chair. I think that there are a couple of things that can be pointed to, and what I would like to be able to do is to give back to the committee a very detailed response of the items that the various agencies, the Administration have underway where we have been seeing a lot of collaboration between the agencies. Let me talk about just a couple of what those might be.

First of all, we are seeing in my experience—the long time that I have been in government—an unprecedented amount of collaboration where agencies are sitting down and actually talking about how they can do their jobs better together. This is being done through the various structures under the Commission on Ocean Policy, the Subcommittee on Integrated Management of Ocean Resources, the Joint Subcommittee on Ocean, Science and Technology are the two main operational arms.

We have produced ocean research priorities document that lays out over a long-term what all of the agencies together are seeing as the critical research priorities for our government to be able to move forward productively in the future. We worked very hard as an Administration with the Congress to see the enactment of the Magnuson-Stevens Fishery Conservation and Management Act reauthorization last year, and that was a very important part of the priorities that we brought forward.

Last June 15 the President declared the largest marine protected area on the planet, the Northwest Hawaiian Islands National Marine Monument, and we are working aggressively now with partners and other agencies to implement that so that we can safeguard the heritage and the value of those resources for the people of our country.

We are doing a better job of coordinating on marine transportation policy through the Committee on Marine Transportation Systems where once again we are seeing a suite of agencies sit down and work together in ways that we have not in the past. So those are just a few examples, Madam Chair, of where things are working better right now.

Ms. BORDALLO. Thank you very much, Mr. Dunnigan, and now the Chair recognizes the Ranking Member, the gentleman from South Carolina.

Mr. BROWN. Thank you, Madam Chairman. Mr. Dunnigan, the Administration had 90 days to respond to the U.S. Ocean Commission Report and its recommendations. The Administration viewed these as recommendations, not mandates, is that correct?

Mr. DUNNIGAN. Yes sir.

Mr. BROWN. How did the various departments discuss the recommendations and determine which would be included in the President's action plan?

Mr. DUNNIGAN. There was a very broad collaboration that was led by the Council on Environmental Quality that included an

array of civilian and noncivilian agencies focusing on the important items that we all saw, and there was a realistic ranking we thought of things that could actually be accomplished because the Administration did not want to just see this report end up being something that sat on a shelf. So we came forward with a specific set of actions that we thought we be achievable within a reasonably recognizable timeframe, and the President took those recommendations and implemented the oceans action plan.

Mr. BROWN. Thank you very much. Ms. Leyden, in his written testimony Mr. Dunnigan mentioned existing regional collaboration efforts, the Northeast Regional Ocean Council, the West Coast Governor's Partnership, the Gulf of Mexico Alliance and the Great Lakes Regional Collaboration. You have been involved in the Northeast Regional Council. Was it developed voluntarily, and has it worked well, and would the states support a continuation of these type of cooperative efforts?

Ms. LEYDEN. Yes, the Northeast Regional Ocean Council was developed voluntarily through the efforts of Rhode Island Governor Carcieri who really corralled the region's Governors and made it an agenda item that was considered at the New England Governors' Conference. We are just getting off the ground. We have identified four key priority areas. I have to say that the Federal agencies, primarily through NOAA, were extremely responsive in coming to our initial meetings and helping us work through what the Federal agencies thought the priorities were and how those corresponded to what the state view was.

We are having our first oceans Congress on May 24 bringing together people around the issues of coastal hazards, maritime security, ecosystem health, and energy. Yes, I——

Mr. BROWN. Where will that be? Where is that located? Where will that be located?

Ms. LEYDEN. It is going to be located in Durham, New Hampshire at UNH.

Mr. BROWN. OK. Thanks. One other question. I have concerns with the creation of the ocean trust fund and its budget implications. Your comments regarding the need to retain flexibility to fund programs and priorities was important. However, the President has not asked for full funding for many ocean programs leaving ocean programs as a low priority. Without dedicated funding, how will the agency and the Administration work toward getting more funding for ocean programs?

Mr. DUNNIGAN. Would you like me to respond, sir? This is an issue that comes up continually to Congress in a wide variety of circumstances. Ocean funding is what we have in front of us today. We are concerned that we establish a system that takes flexibility away from the President and the Congress to be able to address priorities as you have to face them every year and as they change, and when you get into a system where you have dedicated funding that is not run through the budget process, to that extent the President and the Congress are losing their flexibility to be able to deal with problems as they arise, and that is typically why many Administrations over the years have tended not to like the kinds of proposals that are included in the bill.

I would point out though that the President's budget for Fiscal Year 2008 includes significant new funding for the oceans that has not been in the President's budget before, and we think that this came about as a result of all of the activity of the U.S. Commission and following up on the ocean action plan, and we would strongly hope that Congress would be able to provide that funding that is in the President's budget.

Mr. BROWN. Thank you, Madam Chair, and I will yield back the balance of my time.

Ms. BORDALLO. Thank you very much, Ranking Member Mr. Brown, and now the Chair recognizes Mr. Faleomavaega from American Samoa.

Mr. FALEOMAVAEGA. Thank you, Madam Chair, and I want to thank Mr. Dunnigan and Ms. Leyden for their fine testimonies this morning. I had indicated earlier in my opening statement about the concern of duplication, overlappings. Now you know we only have 280 Federal agencies here in Washington, D.C. with some 220,000 people working under these 280 agencies already in existence.

Now I realized that you had indicated, Mr. Dunnigan, you have to give the President or the Administration some sense of flexibility but sometimes also flexibility could also be to the point where we get nothing done, and this is the reason and the purpose why we pass legislation to make sure that we are on target. That we know exactly what the policy is, and I am sure you will agree with me oceans can sometimes be abstract in form.

When you talk about three miles out in the ocean, we have a different set of laws for that problem. If you talk about 12 miles out in the ocean, it is another set of laws, and then when you talk about 200 miles, that is what you call an economic exclusive zone, an entirely different body of law also has to be figured into this whole process. So if I wanted to ask you what do you mean by ocean? I know the Pacific Ocean because I live in the middle of it, and I can appreciate all of our coastal states around the United States.

So I have a real deep appreciation of what an ocean is because I live right in the middle of one. So can you tell me if I am being abstract about when you define what is the ocean that you are talking about?

Mr. DUNNIGAN. Thank you, sir. No, I do not think you are being abstract at all. I think you are hitting on a critically important point that we are beginning to understand a lot more about than we have in the past, and that is how interconnected everything is. It is not just a question of blue water or green water or brown water. It is a question of systems that engage each other and that people have to interact with and live among in a wide variety of values that different people have with respect to those oceans.

We are active, for example, in a Gulf of Mexico hypoxia task force, which is an interagency task force that works with states, and recognizing that the hypoxic zone in the Gulf of Mexico is fed by things that come down the Mississippi River from a very wide part of our country. So I think the point you are making is that things are interconnected and ecosystems approaches toward considering them are essential if we are going to be effective.

Mr. FALEOMAVAEGA. And you had indicated earlier, and I do want to give credit to the President for his initiative in establishing by Executive Order the Commission on Oceans Policy. May I ask how long have we been dealing with this on the Commission? I mean on the question of as you had indicated there will be an Administration proposal by way of legislation. When do we expect to have that proposed bill?

Mr. DUNNIGAN. There will be an Administration proposal on the Organic Act for NOAA I think was what I said, and I think that you will see that within a couple of weeks, and I think that it will not be all that different from the one that the Administration brought forward in the 109th Congress.

Mr. FALEOMAVAEGA. Ms. Leyden, I want to thank you for being the outstanding leader of our coastal states and territories, and I hope we will continue this organization to kind of keep an eye on what we are doing here too in Washington. I wanted to ask you in terms of dealing with coastal states you talk about the health of the oceans and the coastlines.

When we are talking about coastal states, how many people are we talking about in terms of how does this impact or affect people who live along the coastal states? I mean what are we talking about? Twenty million? A hundred and fifty million Americans affected by the kind of policies that come from Washington that affects not only the ocean but our coastlines.

Ms. LEYDEN. My staff member tell me that it is actually 53 percent of the United States' population is within the coastal zone.

Mr. FALEOMAVAEGA. Fifty-three. That is a little over 150 million being half, right, since we are about 300 million people living in this country?

Ms. LEYDEN. Right.

Mr. FALEOMAVAEGA. OK. So it is a substantial number of people whose lives are impacted for those who live in the coastlines and again in terms of those that relates to our oceans policy. If I were to define what an oceans policy is, you are talking about marine resources. You are talking about fisheries. You are talking about the regulatory agencies that regulate and the other agencies like NOAA that promotes commercial fishing, if you will, recreational aspects that I know my good friend from New Jersey is very sensitive about and rightly so.

And so we have a whole mix of issues and things that we put it all together it becomes chop suey, and I am just wondering if it is going to be delicious or if it is going to end up sour in terms of how we are trying to solve this problem.

Ms. LEYDEN. Is that a question, sir?

Mr. FALEOMAVAEGA. Yes, it is. If I could maybe state it better. Ten more seconds or is it past? I am sorry. My time is up. I have to obey my Chair or she is going to kill me. I will wait for the second round. Thank you.

Ms. BORDALLO. Let us just say we run a tight ship. The Chair now recognizes Mr. Gilchrest from the State of Maryland.

Mr. GILCHREST. Thank you, Madam Chairwoman. I ask unanimous consent that my full statement be submitted into the record, and I would also like to invite the entire committee—certainly with the people that are testifying today I keep forgetting to ask you

this—we did it several years ago to come over to Maryland to go canoeing on the Sassafrass River which is a tidal basin to the Chesapeake Bay and show you a number of things that we are trying to do over there on the local level to meet this integrated system that we are talking about this afternoon. So some time late spring, early summer the whole committee is invited to the Turner's Creek.

[The prepared statement of Mr. Gilchrest follows:]

Statement of The Honorable Wayne T. Gilchrest, a Representative in Congress from the State of Maryland

Thank you, Chairwoman Bordallo and Ranking Member Brown, for the opportunity to share with the Committee my views on oceans policy and H.R. 21, the Oceans Conservation, Education, and National Strategy for the 21st Century Act (OCEANS-21).

It was my pleasure to work with both of you during my tenure as chairman of the Subcommittee, and I am very pleased to participate as a Subcommittee member in an increased interest in broader ocean policy issues by the Natural Resources Committee. It has also been my pleasure to work with my colleagues, the co-chairs of the House Oceans Caucus, on this legislation. I believe it has been greatly improved. Establishing and implementing a comprehensive oceans policy is complex, and its gravity and importance—equal to the vast importance of our oceans and coasts to our economy and quality of life—deserves careful consideration.

As the Subcommittee knows, I have long advocated for greater review and implementation of the two ocean commissions' recommendations to Congress, including an effort to establish a select committee on oceans. I joined my distinguished colleagues in supporting OCEANS-21, because it is my hope that it can generate the policy discussion necessary to accomplish this goal. I see that process toward beginning here, with OCEANS-21. This hearing will provide valuable information toward refining OCEANS-21 through our distinguished witnesses. I also want to recognize the work of my House Oceans Caucus colleagues, Rep. Sam Farr, Rep. Tom Allen, and Rep. Jim Saxton on OCEANS-21.

The U.S. Commission on Ocean Policy report and the Pew Oceans Commission Report represent the most comprehensive review of the challenges facing the health of our oceans, summary of existing federal ocean authorities and programs, and recommendations to restore our oceans. The most striking comments woven throughout the documents are those pointing to the need to raise the visibility of oceans and to more efficiently and effectively coordinate federal ocean policy and programs to fully utilize and protect them. As the reports points out, gaps in ocean policy and protections are rooted in either overlapped or disconnected jurisdiction of governmental institutions at all levels, including Congress.

As both the U.S. Commission on Ocean Policy and the Pew Oceans Commission have reported, our oceans and coasts are in trouble. Among other threats, harmful algal blooms, invasive species, and pollutants threaten the health of our coastal waters and essential fish and wildlife habitat are being significantly degraded or lost. Now, we are also acutely aware of the effects of climate change exacerbating the already serious state of the oceans. Rising sea levels and severe coastal storms are eroding our coasts, changing ocean temperatures and the absorption of CO2 is likely to alter the basic chemistry, food web, and distribution of ocean resources. Changes in ocean temperatures are affecting ocean currents that are important to the regulation of our climate.

While our oceans contribute $117 billion annually to the U.S. economy and support more than two million jobs—2.5 times the total economic output and 1.5 times the employment of the farm sector—ocean policy issues are spread out among over 30 standing committees in Congress and multiple federal agencies. The diversity of committee jurisdiction in Congress over ocean issues illustrates the complexity of this single topic; however, greater coordination and visibility for ocean policy in Congress will improve both the benefits we receive from the oceans and our stewardship of them.

Currently, ocean resource issues are primarily the jurisdiction of the House Committee on Natural Resources and its Subcommittee on Fisheries, Wildlife and Oceans. It is my hope that the Committee will lead the way toward comprehensive, national ocean policy across all relevant committees that addresses the multi-dimensional and cross-jurisdictional nature of our oceans and coasts.

During our March 2007 hearing, we heard testimony from leadership of the Joint Ocean Commission Initiative's (JOCI) two leaders, Admiral James Watkins (Ret.) of the U.S. Commission on Ocean Policy and The Honorable Leon Panetta of the Pew Oceans Commission, on the state of our oceans and policy priorities. They reiterated the priority ocean policy recommendations from JOCI to Congress, which were taken from the original reports from both commissions. OCEANS-21 directly reflects several of the top ten of these recommendations, including adopting a statement of national ocean policy, establishing NOAA in statute, fostering ecosystem-based regional governance, and establishing an Ocean Trust Fund. I believe OCEANS-21 is a significant starting point toward restoring and strengthening the health of our coasts and oceans. I strongly support development of legislation that addresses these recommendations and look forward to working towards the continued improvement of the policies proposed in OCEANS-21.

Again, I thank Chairwoman Bordallo and Ranking Member Brown for recognizing the importance of our oceans and taking action to more sustainably manage this irreplaceable resource.

Mr. FALEOMAVAEGA. Will the gentleman yield?

Mr. GILCHREST. For a picnic and a canoe ride.

Mr. FALEOMAVAEGA. Will the gentleman yield?

Mr. GILCHREST. I will.

Mr. FALEOMAVAEGA. I would like to invite all my colleagues to come and visit my territory.

Mr. GILCHREST. We will be there, Eni.

Mr. FALEOMAVAEGA. With the only exception you pay your own fare coming down there. Thank you.

Ms. BORDALLO. And I will round that out with a visit to Guam. No objection.

Mr. GILCHREST. Visit to Guam. Three places, Turner's Creek, American Samoa and Guam. OK. First of all, I want to compliment the Administration on its effort with Magnuson and basically helping us create this language that ended over fishing and a number of other things were built on top of that. So we can conclude that that was a first big step in the right direction with our oceans, and I want to compliment all the NGO's that are in the room for the years of service to this issue. It has been pretty extraordinary.

And I want to start by giving a quote that I just read recently in the last couple of days. This was a quote associated with Vietnam and Iraq, but I think it also can apply here, and that is, "History is a vast early warning system", and we do not have to go back too far in history to know the abundance that our oceans supply with a fragment of the population that we have today, and then we see the huge explosion of the human species across the planet now relying on a minuscule of the resources that were there available to them as little as 100 years ago.

And so when we look at that and there is numerous examples that we can give, whether it is the Gulf of Mexico, whether it is the Chesapeake Bay, whether it is the Gulf of Maine or the Gulf of Alaska or almost anywhere you go. And I recently read an article. I think it was Palo, an island in the South Pacific, and a number of other islands are going to follow this discretion. The ancient tradition in these atolls or islands was that you follow the natural cycles of the fish, and you had certain areas that were isolated that you did not fish because you knew that is where they spawned.

And then when the larger fishing boats came in and traditions changed, they saw a drastic reduction in the fish population that they depended upon, and so the elders have reinstituted that un-

derstanding of the integrated processes that they can observe every single day. So, Jack, you mentioned the huge marine protected area in the Hawaiian Islands region, and that is excellent, and we have protected areas in a number of places around the planet.

Not only the United States but we cannot sustain life on the planet by hoping those isolated marine protected areas are going to do that. They are not going to do that. The entire planet is a protected area for the species that are ongoing that are growing. A recent scientist said, "It is a virtual impossibility for the rest of the world to have the lifestyle, the standard of living in the United States with available resources." A virtual impossibility.

So to find some ability to understand the integrated affect of the air, the sea, and the water, and its impact by us who up until recently had no understanding of nature's engineering design, but now we do. And so what I would like to continue, which is what both of you are suggesting, that we have Oceans 21, a bill, that reflects the two public and private commissions about the need to look at the big picture, the ocean, the atmosphere, the land, how human activity degrades and is not compatible with nature's design.

The big picture. Not fragmentations in various committees or various agencies but the big picture, and then for all of us to work together to create that structure that is reflective of the big picture. People assume—my constituents, constituents around the country—assume that the government is competent. Now we know that we would like the government to be competent but we know all of the other various issues that enter the interplay of when we do our work from various interest groups, whether they want the whole world to be a marine protected area or whether they want the whole world to be a facility where we can extract resources for the immediate present and not the overall future.

So, Jack, you mentioned 46 action items of which most of them are done. I am done? OK. Anyway, let us sit together and work up a bill, a piece of legislation, statutes that are worthy of all of us here. Thank you.

Ms. BORDALLO. Mr. Gilchrest, your witness can answer the question on the next round. The Chair now recognizes Mr. Frank Pallone, State of New Jersey.

Mr. PALLONE. Thank you, Madam Chairwoman. I wanted to start out by saying that you know I commend Mr. Farr and Mr. Allen for following up on the recommendations of the Pew Commission and the U.S. Commission on Ocean Policy in putting together this Oceans 21 legislation which I do think is a good bill, and this idea of setting a national ocean policy to protect our marine ecosystems and resources is critical, and we also need to pass the NOAA Organic Act, which I understand is also incorporated in this.

I think we need to find ways to increase coordination amongst the myriad agencies that address ocean and coastal issues because too often those agencies are making decisions in a vacuum without considering the complexity of ocean systems. My questions though relate to fisheries management because I mentioned to Congressman Farr before that in my district—and I suppose nationally—but I will only speak for my district, a lot of the recreational fishermen are concerned and saying that this is going to have a major impact

and create a huge bureaucracy, and make it more difficult to make fisheries management decisions.

And I do not know if that is true. I mean it may very well be that there is very little impact on fisheries here but let me just give you an example, and I will ask Mr. Dunnigan from NOAA these questions. In Section 101 of the bill, it sets a national ocean policy and requires the Federal agencies approve certain actions only if they will not significantly impact the health or restoration of marine ecosystems.

Now what I am getting from the fishermen are statements like this: That this provision would basically mire fisheries management officials in new requirements and mandates that would make it difficult for the industry, hurt the commercial sector, make it less competitive, you know create a whole level of new bureaucracy, and they used an example for example of you know would you be able to approve a quota for fishing you know with a species that is not currently at maximum sustainable yield?

I will give you an example right here. They say the National Marine Fisheries Service and the Mid-Atlantic Council could not set a minimum size on fluke or allow a limited harvest on spiny dorkfish you know because of that. Do you see it impacting that in any way? I mean you know Congressman Farr tells me that is not the case. So I do not want to get into it. I am not trying to relate it to him. I am just asking your opinion.

Mr. DUNNIGAN. Thank you, sir. I am trying not to do fisheries these days but every once in awhile——

Mr. PALLONE. Well maybe we could all——

Mr. DUNNIGAN.—I run back into it. I think that the point you are making, Congressman, is one of the ones that causes us to have some concerns about the language of the legislation. The Congress and the Administration worked so hard last year to get the Magnuson-Stevens Act reauthorized, and we are working very hard to get it implemented, working with the regional fishery councils, that it would be difficult, we think, to have to work in a whole other set of standards that come in on top of it, and it creates this next level of worry, this perhaps next level of litigation possibilities that we are afraid are going to get in the way of effectively moving forward with the implementation of the Magnuson-Stevens Act, and that is one example.

There are lots of other pieces of legislation where this similar kind of issue could play out. So the concern that we have had in reviewing the bill is that it could lead to those kinds of problems, and we would not want to see that happen.

Mr. PALLONE. Now what about Section 402 that sets up the regional ocean partnerships to help facilitate communications and collaborations? I mean would they have any decisionmaking authority over fisheries management? Would they be able to step in and prevent a permitting decision in your opinion?

Mr. DUNNIGAN. I am not sure how it would play out, sir. I think our belief——

Mr. PALLONE. You have the Committee on Ocean Policy too.

Mr. DUNNIGAN. Right.

Mr. PALLONE. These are all different you know.

Mr. DUNNIGAN. You know our view is that fisheries ought to be managed through the council process, and we want to be able to support that. It is a difficult job, as you know, and they require the resources and the attention that they could get. So I think you know while the idea of having a national ocean policy is one thing that we should talk about——

Mr. PALLONE. Let me just ask this because I know the time is gone. You would probably suggest that we do some changes to avoid the possibility that these fishery management decisions would be impacted?

Mr. DUNNIGAN. I think we would want to have the chance to talk to you about that. Yes, sir.

Mr. PALLONE. All right. That is all I am asking at this point. Thank you.

Ms. BORDALLO. Chair thanks the gentleman. And now I would like to recognize Mr. Saxton from New Jersey.

Mr. SAXTON. Thank you, Madam Chairlady. I have some questions which I would like to submit to this panel in writing for their answers, but I would like to pursue the subject and perhaps invite Mr. Farr to express his views on this as well during my time, but it seems to me that there ought to be a way. I mean that is what this committee is for to finalize language or to improve language.

And we all worked together last year on Magnuson trying to develop an Act, a law that would work to help conserve fish and at the same time make sure the door stays open for harvest of seafood, both recreational and commercial, and the last thing that I will tell you what after Mr. Gilchrest and I and others went through—and my knuckles are still healing up from that fight—and I want to make sure Magnuson continues to go forward and work.

And so let us work together to see if we cannot solve some of these problems. If in fact the people who are bringing up these problems have a real problem, then we ought to fix it. We should not do something to emasculate what we did just last year. Let me yield to Mr. Farr.

Mr. FARR. Thank you very much for yielding, Mr. Saxton. Let me point out that the next panel has a fisherman on it, Zeke Grader, and I worked with Zeke for 25 years. One of the things that we have seen is that fishery councils only have the authority to deal with fisheries. So what happens is if you have an threat, they cut the quota because they do not have any other ability to deal with other factors that may be related to but not in the fishery itself. That is why they are here to testify that we need a much broader policy and a coordination.

In addition to that, the legislation—and you had a lot to do with this—you put in the bill that nothing in this Act shall be construed to supersede or diminish the authority of responsibility under any other provision of law of any Federal agency or state or political subdivision thereof to establish or implement more stringent requirements to concern the ocean resources. So that still leaves it up to local management and existing laws to do that.

What is key to this bill is this national policy. Think about it. I mean we are the only government that has jurisdiction over all this ocean mass. There is no state responsibility out to 200 miles, and

if we are going to try to reduce this sort of conflict issue, which is what everybody is into, you have to have a governance structure.

Mr. SAXTON. Madam Chairlady, believe me this is a subject that we need to deal with, and I look forward to working with Mr. Farr and Mr. Dunnigan and Mr. Pallone and others to try to do something that will assure us that we will have a workable process when we are finished. Thank you and I yield.

Mr. PALLONE. I was going to ask him to yield.

Mr. SAXTON. Sure.

Mr. PALLONE. But he just gave back his time.

Mr. SAXTON. I will yield my time left.

Mr. PALLONE. I just wanted to indicate that I totally agree with what Mr. Saxton said, and I did talk to Congressman Farr briefly, and you know I know that it is not the intention here to you know change the fisheries management system but I also think it is necessary for us to sit down and to address it because we literally are you know getting you know all kinds of attacks directly on the legislation.

So we need to address it but I understand that that is—you know after talking to Congressman Farr—that there is no intention here to you know change the way the councils act or the way the fisheries management agencies proceed at this point. So I think that is significant but I still think we need to talk about it a little more. Thank you.

Ms. BORDALLO. Thank you very much.

Mr. GILCHREST. Will the gentleman yield? He has 15 seconds. I think part of what Sam is talking about with ocean governance is what has been mentioned a couple of times about what is local responsibility and what is local opportunity. Ocean governance has a way of pulling in people to have some sense of obligation and responsibility and an opportunity to recognize the ocean issues from an ecosystem perspective. Everything impacts the ocean.

If you look at oysters, it is not only that they were over harvested in the Chesapeake Bay so there is 99 percent of them gone compared to what it was 100 years ago, but it is also all the human activity and all the soil runoff and all the other degradation activities that have caused the oysters to drop down. So I think what we are doing in this bill is to deal with it in a holistic approach. Thank you.

Ms. BORDALLO. Thank you. Thank you very much. The Chair wishes to ask Mr. Saxton, did you have some questions you wanted to submit for the record? Yes, with no objection. And now the Chair recognizes Ms. Capps from the State of California.

Ms. CAPPS. Thank you, Madam Chair, and I have not had a chance to formally thank you for holding this hearing and particularly appreciated the first panel, one of whom is sitting next to me, and I am a cosponsor of the Oceans 21 legislation. My district is contiguous with Mr. Farr's on the Pacific coast, and have enormous respect for the four coauthors of that legislation, and I am proud to be part of the Caucus from which it has come to, and so pleased that this Subcommittee is dealing with these issues, and thank you to all of our witnesses today in the three panels that we are having on this topic.

Ms. Leyden, I would like to start with you, and actually my questions to you are part of the context of the conversation we have been having already but I want to frame it in just a little different way. I am hesitant to release it into a conversation because I want to ask a question of our witness. But you mentioned in your testimony several incentives other than just money to encourage state participation and regional governance. That is what we are talking about right now.

One is the joint approach to the sighting of energy projects and other emerging uses of the ocean. I have a particular interest in your flushing this discussion out a bit on how this might work. We had a discussion on this topic earlier this week at a hearing on renewables on the OCS, and I immediately think of CZMA and how important it was, is and I hope will still be because it has let California have a say in whether or not new drilling would be allowed off our coast. We have had experience with this, and if so, under what conditions.

You know just recently our coastal commission used this very law to reject a proposed LNG terminal in my area that would have polluted our air and water. I have two questions for you, and then I do want to go to our other witness too. Would the states want the responsibility for planning the sighting of such projects in Federal waters off their coasts, and how would it fit with Federal responsibilities?

Ms. LEYDEN. I think that there has certainly got to be a better way to site energy facilities that we all acknowledge that we need and to not end up in the situation that we are in now of going through extremely lengthy permitting processes and having facilities' permits denied. So I think that this comprehensive approach to sighting would be an extreme incentive of the regional ocean partnership type of framework, and I think states would look forward to that. It could be a streamlined approach where issues of concern could be identified early on and perhaps resolved.

Ms. CAPPS. We had such strong impression locally during this recent application and the vote of the coastal commission that the role of the Coastal Zone Management Act was so key in allowing local communities which after all are the most directly affected by any Federal policy or decision to affect even within Federal waters both the states' jurisdiction and the local communities, and I think the streamlining is affected in a positive way by having all of those players, stakeholders if you will, at the table.

Now it seems like from the Administration, I will let you answer that briefly and go to Mr. Dunnigan, but we have all the coordination and partnership that we need. Do you agree?

Ms. LEYDEN. That we have the partnership and coordination that we need? I think that it is more creating a formalized framework around it and a system to get additional resources into the partnerships. I think the question was mentioned, I think it was raised by Mr. Brown about the voluntary nature and would these efforts continue, I think they are subject to the whim and the energy of the states right now.

Ms. CAPPS. Right.

Ms. LEYDEN. And the beauty of formalizing them is to get additional resources toward them and so we are all meeting a common mark of achievement.

Ms. CAPPS. Right. And that harks back to the importance of the Federal role in making sure that this is done. I see the yellow light. Mr. Dunnigan, I want to ask for your written reply because I just want to highlight a very important part of the education budget through NOAA because we have this B-WET program in my district which is proven to be such a valuable piece, and I want to see how you respond to the President's budget signaling education as a priority and what ways can we guarantee that that is going to stay a priority through your administration. If there is a second for him to respond now and he can send me more in writing.

Mr. DUNNIGAN. Thank you, Congresswoman, and of course in the National Marine Sanctuary that is in your district, the education and outreach has been a major priority for us. The Merido Program to get education and outreach to non-English speaking people.

Ms. CAPPS. Right.

Mr. DUNNIGAN. And it has been a major priority for Admiral Lautenbacher as the Undersecretary of NOAA to focus on education.

Ms. CAPPS. Right. The budget has to reflect that too otherwise it does not work.

Mr. DUNNIGAN. Understand, and we will be glad to follow up with a more complete response.

Ms. CAPPS. Thank you very much. I yield.

Ms. BORDALLO. The Chair thanks the gentlelady from California. The Chair now recognizes Mr. Farr from California.

Mr. FARR. Thank you very much, Madam Chair. It is just a privilege to be back on this committee, one I used to serve on many years ago. I have to respond to Mr. Dunnigan's comments. Mr. Dunnigan, I think you are very disingenuous to come and say the President has really upped the ocean's budget and we all ought to be thankful to the President when in reality he has cut the amount that Congress appropriated and enacted last year and has done that every year.

In the hearing in Mr. Mollohan's subcommittee, I am on the Appropriations Committee, not on that subcommittee, but in that subcommittee I got to sit in on it, and after hearing from Admiral Lautenbacher about what NOAA is up to in looking at their budget which is not only oceans, it is also the Atmosphere Administration, the majority of the money goes into the A side, the atmosphere. The minority of the money goes into the oceans. And they have never been able to come in and lobby. They just do not lobby for it.

And one member of the committee said, we ought to just take the O out of NOAA. They do not care about the oceans anymore. And my point is that I think to come here and say you know just give us our statutory authority in the Organic Act, which is in this bill, but ignore everything else in there is really disingenuous because the very commissions that went out and looked at the activities of the Federal government, including that of NOAA and the joint chairs Admiral Watkins and Congressman Panetta reported to this

committee and Congress just a few months ago about they put out a report card, U.S. ocean policy report card.

National ocean governance, C minus. Regional and state oceans governance, an A minus. Regional and state. That is not NOAA. International leadership. NOAA ought to be part of that. D minus. Research science and education, D plus. Fisheries management reform, primarily because of the work of Mr. Gilchrest and Saxton who led that effort last year, a B plus because of the passage of the Magnuson Act. And here is the last one which is so key to it that we would not need this bill if indeed we had enough money to carry out the responsibilities and develop this interaction. We never have because NOAA has not done it. New funding for ocean policy and programs, which this bill is about and which Mr. Brown talked about, an F. An F.

That report card explains why we are here today and why we need to have a national ocean policy to bring all these things in a coordinated fashion, and you know I guess what I am so upset about is we worked so hard on this bill. There is not an advocate in the Appropriations Committee that works harder to get money for the O in NOAA, and today you come and bite the hand that feeds you.

Ms. BORDALLO. Thank you. Thank the gentleman from California. He took away my subject matter. I was going to read the report card but I just want to ask, Mr. Dunnigan, you mentioned earlier in your testimony that the funding was up to par. Is not the 2008 budget request actually lower than the 2007 appropriated level?

Mr. DUNNIGAN. Madam Chair, the overall levels of funding that the country can make available for all kinds of programs are decisions that you get to make, and Mr. Farr as a member of the Appropriations Committee I know understands these things completely, and it is limited funding. I think what is important to recognize is that for what the Administration has proposed in the past, there has been tremendous movement, and this bill, this appropriation request for 2008 in some very important areas for oceans and for ocean research, and it is not just NOAA. There are other agencies that are participating in this as well.

So is it the perfect answer at the end? That is a question that you all are going to get an opportunity to work out through your appropriation processes over the next couple of months.

Ms. BORDALLO. Mr. Dunnigan, just an answer to my question though. Is not the budget request for 2008 lower than the 2007 appropriation?

Mr. DUNNIGAN. For the specific areas that we are in?

Ms. BORDALLO. NOAA.

Mr. DUNNIGAN. For NOAA? That is true.

Ms. BORDALLO. Thank you. Thank you very much. The Chair now recognizes the Ranking Member, Mr. Brown.

Mr. BROWN. Thank you, Madam Chair, and let me continue those same questions. So the bill appears to require a new level of approval and the requirement of any new ocean activities meet a new set of standards. How will this affect offshore aquaculture, and would individual permits be likely to face litigation if those opposed to aquaculture wanted to block new permits?

Mr. DUNNIGAN. I do not think we have a clear answer to that question yet, sir. The Administration's Aquaculture bill which the Secretary has signaled is a high priority for the department and for the Administration is going through its final steps of interagency clearance right now, and we will have that you know to bring up to Congress in the very new future, and I think we will have a better opportunity at that point to look specifically at the questions relating to aquaculture.

Mr. BROWN. And I might ask Mr. Farr this question and you might know it too. What would be the fiscal impact on the receipts of the new permits or license? How much would that generate in this bill?

Mr. FARR. We do not have any authorization in here. What we create is a Federal stamp.

Mr. BROWN. Right. How much would that generate?

Mr. FARR. We do not know.

Mr. BROWN. OK.

Mr. FARR. But that money would go back into the program. It would recycle back into.

Mr. BROWN. Do you know how H.R. 21 might affect aquaculture?

Mr. FARR. Well I think the fisheries expert is sitting right to your right.

Mr. BROWN. I am sorry. I missed him.

Mr. FARR. I mean we have a lot of fisheries too but certainly not like the Chesapeake has in aquaculture but what you have I mean this is the difficulty. We have created a lot of stovepipe agencies throughout the years to deal with you know one thing, and what we find is when you try to solve a problem it is comprehensive. It requires a lot more, and the laws some of them are conflict, and frankly where you get the advantages for filing lawsuits is when the law is not clear and you have not been able to work out these things.

We have found in the coastal zone management, at least in California because we have one stop in that requirement, one stop for Federal agencies, for private sector, for local. I mean usually governments that are exempt from these all come and are required to be at the same table and come up with the same outcomes to meet the standards. That is kind of a model but it is not what we are doing here. We are not as strict as that.

It is going to be difficult to answer your question but I cannot think that it would not be better, be more helpful to have because then you can say this is where aquaculture ought to occur and give it a green light.

Mr. BROWN. OK. Thank you very much. Madam Chair, before I yield back the balance of my time, I would like to ask for unanimous consent to submit Mr. Young's statement for the record.

Ms. BORDALLO. No objection.

[The prepared statement of Mr. Young follows:]

Statement of The Honorable Don Young, a Representative in Congress from the State of Alaska

Madame Chairwoman, I appreciate the opportunity to comment on H.R. 21, the Oceans Conservation, Education, and National Strategy for the 21st Century Act.

Without a doubt, every Member of this Committee and probably every Member of Congress wants healthy, productive oceans. My state relies on its natural re-

sources and its ocean resources more than any other state. The waters off Alaska provide this nation with about half of all the seafood produced in the United States and we have managed our natural resources in a sustainable manner. However, we also believe that man is an integral part of the natural processes and that we can use our natural resources. We do not see a need to lock away those resources, but rather, we believe in appropriate management.

I do not doubt that the authors of this legislation have noble intentions, but as always, the devil is in the details.

Madame Chairwoman, this legislation will require—let me repeat require—a new level of Federal bureaucracy and a totally new set of standards that have to be met for every project or activity that affects or is likely to affect the ocean or coastal area. Image going through every hoop that is currently in place including the National Environmental Policy Act (NEPA), Endangered Species Act, the Marine Mammal Protection Act, the Clean Water Act, the Magnuson-Stevens Act and a host of other laws only to find out that you now had to get the Administrator of NOAA to make a determination that your activity met a whole new set of standards—standards which are totally different than those currently in any other law. Not only that, but the determination by the Administrator could be challenged by anyone who didn't like your activity and tie you up in Federal court.

At a time when this Subcommittee is examining potential new sources of renewable energy in the ocean environment and may be looking at moving legislation to authorize offshore aquaculture, it is interesting that some Members would like to force these new technologies and new programs to a new set of standards in addition to all of the existing standards. They would like us to create a new regulatory structure for these new technologies and then subject them to an additional level of scrutiny. Is it any wonder that the OTEC law has been on the books for more than 20 years and NOAA says that they have not received a single license request?

If Members think that the Endangered Species Act has caused gridlock, just wait until this new, additional level of review and approval is required.

At a time when many Members are concerned about funding issues for NOAA and are concerned that NOAA seems incapable of meeting its current obligations under existing law, it is ironic that they are asking the Administrator to now review every single project or activity that is likely to affect the ocean—even those projects on land.

Yes, that is right. On land activities that are likely to affect the coast or ocean would now be reviewed by the Administrator of NOAA. Local and state zoning decisions could be reviewed, challenged or pre-empted by this legislation. In addition to prohibiting at-sea activities, military activities which are conducted on land, but which could affect the coast would now be subject to review and could be rejected if they don't meet these new standards. Agricultural activities in Missouri would now have to get approval and meet these new standards if someone makes a determination that farm runoff affects the health of the Gulf of Mexico. It is possible that any farm that receives any Federal farm subsidies would have to get a permit before they use fertilizer on their private lands.

Yes, I am looking at this from the worst case scenario. I am one of the only Members on this Committee who remembers the debate on the original Endangered Species Act. The unintended consequences of that legislation have totally changed what was a well-intentioned bill into a bureaucratic and litigation nightmare.

Let me repeat that we all want healthy, productive oceans but not at the expense of all human related activities.

Mr. BROWN. OK. Thank you very much.

Ms. BORDALLO. I did——

Mr. DUNNIGAN. Madam Chair, can I clarify something? I made a mistake. I understand that the aquaculture legislation has been sent to the Hill and was introduced yesterday by Chairman Rahall.

Ms. BORDALLO. Thank you. Thank you very much, Mr. Brown. I just want to announce to the panel here and to the witnesses that are coming up on the second panel we have three votes. I think we have committee of the whole. We have one vote, is that correct? So I will recess for about——

Mr. FALEOMAVAEGA. Our symbolic vote.

Ms. BORDALLO. Yes, our symbolic vote. For about 15 minutes and excuse and thank the witnesses, the first panel, and we will then

begin after the 15-minute recess with the second panel, and I wish to thank you all.

Mr. FALEOMAVAEGA. Madam Chair, can I just ask one or two questions to Mr. Dunnigan if it is all right with you?

Ms. BORDALLO. OK. But everybody else is excused. Mr. Kennedy too. I am sorry. Yes. I would like to recognize Mr. Kennedy from Rhode Island. Mr. Kennedy, would you like to ask questions?

Mr. KENNEDY. Yes. If I could ask, Ms. Leyden, if you would in terms of a regional need for accountability measures we are seeing in my state the adoption of kind of the national standards in the Magnuson in terms of the ocean governance for fish species and lobstering, privatization basically of those fishing permits you know, and it is leading so that you have to sell your rights to your licenses to fish so that the only people who are fishing are people who can purchase the licenses. So we are now having our commons, which are our oceans, it is our commons, it is the people and it is the oceans. It is public. The only people who get rights to that are the people who have the highest bid.

What can we do? I mean I know we have to protect our oceans, and I know this bill is going to be doing a lot to try to develop policy in that area but maybe you could give us some guidance as to what your opinions are on this difficult issue. I know it has been debated a million times.

Ms. LEYDEN. Well, I think the beauty of Oceans 21 it is not focused on any one sector like fishing and does not attempt to change fisheries regulation. We have talked about that quite a bit. It is the intersection of fishing and oil development and et cetera, et cetera, and the intent is not to negatively affect commerce. It is to do additional proactive planning that personally I believe is a way to perhaps achieve more equitable distribution or balance of development and conservation and perhaps you know make it easier for offshore aquaculture if we can direct it to the right locations.

Mr. KENNEDY. But like I am trying to figure out—we are trying to figure out—do you shorten the season? Do you change the gear? I mean when you say benchmarks and accountability measures, I mean we are trying to get our hands around some specifics.

Ms. LEYDEN. In this particular legislation my testimony was referring to benchmarks and accountability measures for the regional ocean strategic plans that the bill talks about what needs to in a regional ocean plan, developing actionable items that may or may not include fisheries and making steps toward achieving each of the strategies identified by the regions.

Mr. KENNEDY. I appreciate you know that you are talking in broad strokes on oceans protection but you know it is particular. When you are talking about the oceans, you are talking about the natural resources in the oceans. I am bringing this up because it is a hot topic now in my state, the ocean state, and we have just had our own state Governor limit the three-mile state waters to adopt the Federal standards.

So it is the perfect reason as to why we need to pass this bill is because it has absolutely alienated all the local fishermen because if they were not already alienated by the Federal law which they feel has you know further limited their historic right to the commons, now they feel doubly put down by the state effort to imi-

tate the Federal rules, and so the point I am making is that this is the reason why we need this Oceans 21 law is that we need to get to put down these benchmarks that you are talking about and these level playing fields and not have an arbitrary where the State of Rhode Island has one set of rules and another state has another set of rules.

But that is what I was trying to get you to talk about a little bit in context of this fishing issue because that is clearly where the rubber meets the road so to speak with contention with the fishing issue is where the most contentious issues are I am sure you have seen managing natural resources. Maybe you could talk about how it applies. You see these policies applying at the local level.

Ms. LEYDEN. I think an example would be where a regional ocean council gets formed and decides that they want to improve water quality, reduce nutrients by X percent by a certain target date because nutrients are having a particularly bad effect in that region on marine habitats and species. So the accountability measure would be did each of the jurisdictions adopt the necessary rules and regulations to achieve that goal?

Mr. KENNEDY. I see. So they all have to adhere to the same standards? I got you. Thank you.

Ms. BORDALLO. I thank the gentleman from Rhode Island. We do have to vote so the Chair wishes to recess this committee for 15 minutes, and thank the witnesses of the second panel and bring up the third panel right after the 15-minute recess.

[Recess.]

Ms. BORDALLO. The Subcommittee on Fisheries, Wildlife and Oceans will now commence, and I want to thank the panel, the third panel witnesses who are here with us today. Thank you for being patient and the rest of the members should be coming in soon. Since I represent the territory of Guam, I can only vote on the committee of the whole. So that is why I am back first.

I want to thank and welcome Dr. Andy Rosenberg, the Professor of Natural Resources, Institute for the Study of Earth, Oceans and Space at the University of New Hampshire, Ms. Sarah Chasis, Senior Attorney, Natural Resources Defense Council, and Mr. Zeke Grader, Executive Director of the Pacific Coast Federation of Fishermen's Association. He is with us, right? Yes. All right. And Mr. David Benton, Executive Director of the Marine Conservation Alliance.

I want to thank you all for being here today, and I would now like to recognize Mr. Grader to testify for five minutes and once again I remind the witnesses that the timing lights on the table will indicate when your time has concluded, and we would appreciate very much your cooperation in complying with the limits that have been set. The rest of your full statement will be entered into the record. Mr. Grader.

STATEMENT OF ZEKE GRADER, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS

Mr. GRADER. Thank you, Madam Chairman, and I wish to thank the Subcommittee for inviting us to be here to speak today in regards to H.R. 21 and also to thank Congressman Farr and Congressman Allen for introducing this bill. Among the other fishing

groups that we represent on the west coast are commercial salmon fishermen, most of them in California as well as members in Oregon and Washington, and this really gets to the root of our interest in this issue of overall ocean governance, and it dates back really 30 years now.

We had worked for the passage in 1976 of the Fishery Conservation and Management Act but as we began implementing it one of the things we quickly saw—and this was in particular with regards to Pacific Coast salmon—is that well it was fairly extensive and we have continued to improve upon it over the past 30 years, the Magnuson Act, is the fact that all it does is regulate fishing, and that for a number of our fish stocks the problems confronting those were not fishing related but related say for example to the loss of water in streams, loss of coastal wetlands.

As we are most recently seeing within the Gulf of Mexico, the brown shrimp fishery is being affected by the dead zone. So it became pretty obvious to us and we began clamoring in 1977 to try and see what could be done to expand upon it so that the councils and the National Marine Fisheries Service could have more say over not just the fishing impacts but the non fishing impacts as well.

We were met with a great deal of frustration during the Magnuson Act reauthorization of 1985, 1986 for example. We actually came in with a package of language that we suggested that be looked at to try and expand upon the authority of the councils but that was thwarted. I think about all that we got in at that time was finally a recognition of habitat and I think they wrote the word in during that reauthorization but that is about as far as it went.

It has become fairly obvious to us that something had to be done to be able to get at the other factors affecting our fish stocks other than just fishing. Now obviously that is important but for many fish stocks it is not the only factor affecting the health or conservation of those stocks, and for that reason we have become very interested and worked with the Pew Oceans Commission, in particular my former President who had served on it as one of the commercial fishermen members on there in developing an overall oceans program that we felt could then help us do a better job of conserving and managing our fish stocks.

In regards to H.R. 21, I think there are probably four particular parts to that that I note we are particularly interested in and very supportive of. First of all is the development and creation of a national ocean policy. I do not need to go into this. I think former Congressman Leon Panetta who now chairs the Pew Commission has done I think a great job in explaining the need for a comprehensive national ocean policy.

The second issue has to do with regional governance. Here again we think it is going to be very important that we establish regional—some have called them ecosystem councils. There has been a great deal of fear that somehow this is going to create a new bureaucracy for fisheries. That is something that we are not interested in. We have enough bureaucracy already but rather the way we view this is these would not diminish the authority of the regional councils but actually enhance them, enhance them that they could then take the issues that do not relate directly to fishing ac-

tivities, bring them before these councils and maybe get something done.

The great example was where we saw the salmon closures the last two years off the Pacific Coast. Those closures had nothing to do with fishing. They had everything to do with water use policy but we had no way of getting at those so I think that is important. Two other important parts of this of course are I think the creation of an ocean ecosystem resource information system and also the trust fund. We have to have more money if we are going to protect our oceans.

We have attached to our testimony a copy of a proposal we have for fishery trust fund but we need to develop an ocean trust fund as well. Thank you.

[The prepared statement of Mr. Grader follows:]

Statement of W.F. "Zeke" Grader, Jr., Executive Director, Pacific Coast Federation of Fishermen's Associations

Madam Chairwoman, members of the Subcommittee, my name is Zeke Grader and I am the Executive Director for the Pacific Coast Federation of Fishermen's Associations (PCFFA), a position I have held for the past 30 years. PCFFA represents working men and women in the West Coast commercial fishing fleet, engaged in a number of different fisheries and utilizing many different gear types. Individuals belonging to our member organizations are primarily owner/operators or crew of small to mid-sized fishing vessels—the "family fishermen."

I was pleased to be asked by the Subcommittee to testify this morning on H.R. 21. Let me just say at the outset that the biggest problem I have with the bill is its name, which, will all due respect to members, is kind of clunky. Name aside, however, the bill has a number of features that are innovative and should be adopted in our national effort to protect our oceans and ensure sustainable fisheries.

As an organization, PCFFA has taken considerable interest in the development of national ocean policy. Our former president, Pietro Parravano, was one of two commercial fishermen members on the Pew Oceans Commission and he has remained active with the Joint Oceans Commission Initiative (JOCI). Mr. Parravano still serves as the President of our non-profit research and education arm, the Institute for Fisheries Resources.

Our interest in the development of an overall ocean policy goes back to the early days of the Fishery Conservation & Management Act, now called the Magnuson-Stevens Act, and our frustration with not being able to address non-fishing factors, such as land and water use practices and pollution impacts as they affected the conservation and management of fish stocks. While it was true at that time most of the impacts on fish stocks came from fishing, a few species such as salmon were being ravaged by factors well beyond the control of either the regional fishery management council, the National Marine Fisheries Service, or even the state fishery agencies. Indeed, the only way at all we've been able to effectively get at non-fishing impacts on fish stocks has been through the Endangered Species Act. The problem is, it only kicks in well after any directed fishery has been stopped and stocks are in deep trouble, even threatened with extinction. We've had no similar statute at hand for protecting healthy fish stocks from non-fishing factors.

Thus, any measure that can help to protect fish habitat and fish stocks from non-fishing activities—those activities the fishery councils and agencies have no authority over—is welcomed. A national ocean policy to coordinate the activities of the various federal departments and agencies whose activities affect our oceans will help the regional councils and NMFS be effective in carrying out their conservation and management mandates.

There are five specific areas I'd like to touch on here today in regards to H.R. 21.

Establishment of a National Oceans Policy

Reviewing Title I of H.R. 21 in its current draft, the language I believe captures the recommendations of both the Pew Oceans Commission and the U.S. Commission on Ocean Policy. Moreover, I believe it will be helpful to our national efforts to better manage our fish stocks—restoring and protecting them—and ensuring their sustainable use.

We do have concern regarding the application of the precautionary approach and what that could mean in situations where we are data poor with the potential for

severe restrictions or closures in such instances. However, we also recognize the need for caution when little is known to prevent potential fishery collapses through inadvertent over-harvest. The precautionary approach needs to go hand-in-hand with a well-funded program for research and regular and comprehensive data collection. This is why we believe the creation of a fishery trust fund, as well as one for ocean research and management generally, is urgent

There is one bit of caution we would add here, however. In our experiences in working with departments such as Interior, there are those agencies with an alpha dog complex that tend to dominate, e.g., the Minerals Management Service, the Bureau of Reclamation that too often override sister agencies charged with the conservation of resources, i.e., the U.S. Fish & Wildlife Service. Thus, simply creating an ocean policy and calling for agencies to coordinate their activities affecting oceans and marine life will not by itself work unless there is constant diligence—by the Congress and non-governmental organizations, both conservation and fishing—to ensure development does not override conservation and the protection of natural resources, including the fish stocks fishing men and women rely on for their livelihoods.

Fisheries Can No Longer Be a Poor Stepchild in a Science Agency

A change we would suggest to H.R. 21 in its Title II would be in adding sections prior to the existing Section 204 Resource Management, setting forth the role of a fishery agency, perhaps a Bureau of Fisheries & Aquaculture—recalling the history of the old Bureau of Fisheries with an acknowledgment of the need for regulation over aquaculture in coastal and ocean waters. The charge here is broader than just resource protection—to also include the preservation of the nation's fishery heritage (commercial, recreational, tribal), its fishing communities, and abundant and healthful, not merely sustainable, fish populations. We also need to provide direction to aquaculture development to ensure it is conducted in an ecologically sound manner and does not threaten, but compliments our wild capture fisheries.

Additionally we need a fishery agency that has its own identification and that is viewed internationally on its own and not a mere subset of NOAA. We don't need a "NOAA Fisheries", no more than we'd tolerate a DOD Navy. That's why we think it may be time, with the reorganization called for in H.R. 21, to finally establish a U.S. Bureau of Fisheries & Aquaculture.

Congress may also wish to do the same for the national system of marine sanctuaries, estuarine reserves, monuments and protected areas, creating a stand-alone with its own clear identification. Among other things, stand alone identification (as opposed to the demeaning NOAA Sanctuaries of whatever on what day they chose to call themselves) lets the public know clearly who is in charge. With the growing importance of our sanctuaries, reserves and protected areas, a stand-alone entity with its own identification is probably warranted.

National Ocean Leadership and Regional Coordination

PCFFA is pleased that fisheries have been included in Section 304, the Council of Advisors on Ocean Policy, along with the tribes. The establishment of a system of regional coordination in Title IV of H.R. 21 is also welcomed. I felt the regional ecosystem panels, that were recommended by the ocean commissions, had considerable merit and was somewhat taken aback by the negative reaction and vehemence from the regional fishery management councils. Regional ecosystem panels, I believe, will actually enhance the authority of the regional fishery councils, not diminish it. For the first time, they would have say over non-fishing activities that may impair the implementation and effectiveness of fishery management plans.

Resource Information System

PCFFA is very supportive of the language in Section 405 to create Ocean Ecosystem Resource Information Systems. We have become solid converts to this method of gathering, organizing and presenting data, including research, graphs, photographs, etc., based on the Klamath Resource Information System (KRIS) that was developed for watershed management in Northern California watersheds, as well as some in British Columbia and Maine.

It strikes us that if ecosystem based management is to go beyond hype and press releases it must have a solid foundation and that is a knowledge base. A resource information system serves as a repository for all types of data for a specified place (place-based) and organizes and integrates it in such a way as to be useful. Moreover, it can provide the "so-what" of the data, making it meaningful to both policy makers and the public, by posing hypothesis in a peer-reviewed fashion regarding the meaning of various data. Further, a resource information system, such as proposed in H.R. 21, provides an inventory of research to better identify data gaps and prioritize research needs.

Trust Fund

Finally, we wish to commend the authors for including a trust fund to support our nation's ocean activities. For at least a decade our organization has recognized the inadequacy of funding sources for fisheries and oceans and has been pushing for both a fishery trust fund (an article and draft legislative language is attached to this testimony) and a larger ocean trust fund. I am concerned about the funding source for the trust fund put forward in H.R. 21, but at the very least the bill is raising the issue and it would be a start. Indeed, the trust fund language established in the recently reauthorized Magnuson-Stevens Fishery Conservation & Management Act is from a small source, but it is an important beginning. We believe it can be built on with the funding source we have suggested together with a detailed method for the distribution of the monies to ensure the funds are appropriately applied and well-spent. The same we think could be true with what is being proposed in H.R. 21—that it is a beginning to be expanded upon.

Conclusion.

Thank you again Madam Chairwoman and Subcommittee members for this opportunity to provide this perspective from a commercial fishing organization. We look forward to working with the authors and this Subcommittee in the development and passage of legislation that will further our efforts to better protect our oceans as well as the living marine resources that depend on them—the fish and fishermen. I will be happy to answer any question members may have.

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Attachments:
1. Fishermen's News, August 2003
2. Fishery Research, Development & Conservation Fund

[NOTE: Attachments to Mr. Grader's statement have been retained in the Committee's official files.]

Response to questions submitted for the record by Zeke Grader

QUESTIONS FROM THE HON. MADELEINE BORDALLO, CHAIRWOMAN

Regional Ecosystem Panels

There is has been some concern expressed by the fishery management councils that Regional ecosystem panels might somehow impede or usurp their authority.

1. Do you share this view?

No. If anything, regional ecosystem panels should afford fishery management councils a ready means of addressing non-fishing impacts (e.g., pollution, coastal wetland loss, offshore energy development) that impair their ability to effectively conserve and manage the nation's fisheries. If the fishery councils exert leadership, looking beyond mere fishing regulation and allocation, the Regional Ecosystem Panels will provide a mechanism for addressing the myriad of factors affecting fish stocks that are currently outside of the authority given the fishery councils and National Marine Fisheries Service under the Magnuson-Stevens Fishery Conservation & Management Act. If I were a fishery council member I would see the Regional Ecosystem Panels as an opportunity, not a threat.

2. What effect do you believe Regional Ecosystem Panels would have on the fishery management councils' ability to manage fisheries?

I think this question is answered in part in Number 1 above. Overall, I believe, the Regional Ecosystem Panels will allow the fishery councils to force other agencies whose activities may have, or are having, adverse affects on fish resources or fishing to address those impacts. Under the MSA as recently reauthorized—particularly the prohibitions on overfishing, requirements for stock rebuilding, the mandates for science-based management, and the directive to move to ecosystem-based management—it is hard to envision how the fishery councils would lose any authority.

Indeed, the greatest threat, I believe, to fishery council and NMFS authority, will be from a failure to adhere to the MSA and being sued as a result. The lawsuits—that will occur if there is a failure by the councils and NMFS to follow the law—will happen whether or not Regional Ecosystem Councils are established. In that sense, the ability of the fishery councils and NMFS to protect their existing authority is in their own hands.

The one concern I have is that the fishery councils be provided the additional staffing required to fully participate on the Regional Ecosystem Panels. The representatives of the fishery councils should be selected by the councils themselves—

not NMFS, NOAA or Commerce—and funding should be sufficient for these positions to assure the fishery councils have strong, effective advocates for fish and fisheries on the Regional Ecosystem Panels.

QUESTIONS FROM THE HON. HENRY BROWN, MINORITY RANKING MEMBER

1. In your written testimony you discuss the need for a stand alone agency for fisheries, specifically a U.S. Bureau of Fisheries and Aquaculture. In addition, you mention a stand alone agency for Sanctuaries. How will creating additional separate agencies help create better coordination?

First and foremost, I think its important that there be clear lines of authority, so we know who is responsible—where "the buck stops." In recent years that has been muddled by NOAA which has taken to referring to all of its line agencies as "NOAA Fisheries," "NOAA Weather Service," "NOAA Sanctuaries," etc. and it's difficult to know just who is in charge. Also, frankly, it's an insult to our nation's fisheries—America's oldest industry—and our nation's fishing men and women to have the agency responsible to them so denigrated to have the term U.S. or National removed and replaced with the NOAA moniker. Our nation's fishery agency, as well as its weather service and, perhaps the growing sanctuary and reserve system, need to have their own identity nationally and internationally as the responsible authority, respectively, for fisheries, weather services, as well as marine and estuarine protected areas.

Whether we decide to keep our national fishery agency within NOAA, or give it a separate status within Commerce or even move it to Agriculture or Interior, it needs to have its own clear identification. The recommendation to remove the Nixon-era name, NMFS, with something like a U.S. Bureau of Fisheries & Aquaculture is to recognize both the historic roots of our nation's fishery agency and a part of its future with the growth of cultured fish products. The name issue may not be important from a policy standpoint, but it is a matter of pride. We'd never think of calling the U.S. Navy, the "DOD Navy," or the U.S. Coast Guard the "Homeland Security Coast Guard." Why should the resource and the industry that helped make this nation be treated with any less respect? I would hope this is considered in any NOAA Organic Act legislation.

As far as coordination is concerned, I don't think this is a problem. Congress just needs to direct federal agencies to coordinate specific ocean functions (e.g., research), and provide the funding necessary to carry out those coordination mandates. As a nation, when we sought to improve our intelligence capabilities, Congress did not meld the CIA with the FBI, but Congress gave the intelligence gathering agencies clear direction to coordinate intelligence functions. If we can do that for national intelligence, surely we can provide similar direction for agencies whose actions affect our oceans without melding them into one huge bureaucracy.

2. There are concerns that the regional ocean partnerships will overshadow any existing entity. Yet you believe the regional partnerships could enhance the regional fishery management councils. Can you elaborate on why you think they will be enhanced and not diminished?

Yes. I've responded in part to this question with my answers to the questions posed by Chairwoman Bordallo above, stating how I believe the conservation and management of fisheries function of the fishery councils and NMFS would be enhanced. Another example would be the national marine sanctuaries being able to raise issues of water quality affecting sanctuary resources at a Regional Ecosystem Panel level, in instances where the sanctuaries have no permitting authority over a discharge or inflow from a river. Regional Ecosystem Panels would allow the sanctuaries to raise these issues that neither they, nor other NOAA line agencies, have authority over with agencies having that authority, such as the EPA.

3. The U.S. Commission on Ocean Policy report contained a definition of the precautionary approach which included language urging decision makers to follow a balanced precautionary approach, applying judicious and responsible management practices based on the best available science and on proactive, rather than reactive policies. H.R. 21 does not contain reference to using science. How do you think this changes the definition of "precautionary approach."

It has been my belief, based on my years of experience, that our decisions should be science based. However, in recent years, the lack of scientific "certainty" has been used as an excuse to ignore problems, to do nothing, even where there was scientific evidence, or just common sense, telling us that there was a problem needing to be addressed. Thus, I understand the reason for the definition provided in H.R. 21. I might suggest a slight rewrite as follows (the new language is in **bold)**

> PRECAUTIONARY APPROACH—The term "precautionary approach" means the approach used to ensure the health and sustainability of marine

ecosystems for the benefit of current and future generations, **and is based on the best scientific information available, when such information is available; however,** a lack of full scientific certainty shall not be used as a justification for postponing action to prevent environmental degradation.

The definition above then makes clear that the precautionary approach is to be based on science, but will not be held up to a standard of "full scientific certainty" which is probably an impossibility. It also allows for action where there may be no scientific information and we have to rely on experience and common sense.

4. What specific measures would you recommend Congress enact to allow the Federal agencies to be more proactive in managing ocean activities (shipping, fishing, etc) or development (aquaculture or alternative energy platforms) in coastal waters?

First, I think we need clear a directive that it is the policy of the nation to protect its oceans and their functions, water quality, habitats and living marine resources. To that end, federal agencies are directed to coordinate their activities, including research, in furtherance of that policy.

Second, federal agencies should be directed, consistent with the protection policy above, to foster:

a) preservation of the history and culture of the oceans, including protection of traditional uses and ocean-resource dependent communities;
b) protection, restoration and development of sustainable and healthful food production;
c) opportunities for marine recreational uses
d) expansion of marine research and education programs;
e) maintenance and enhancement of safe ocean transportation;
f) development of renewable energy sources;
g) development of affordable and accessible pharmaceuticals and medicines from ocean resources; and
h) development of safe fresh water drinking supplies from ocean waters (desalination)

5. If you could pick portions of H.R. 21 to move forward, what would you choose?

I identified five portions, in the testimony I presented on the 26th, of H.R. 21 that I'd recommend Congress move ahead on with some modification. Those are:

a) **Establishment of a National Ocean Policy.** I think the responses to question 4 above provide the rationale behind this;
b) **NOAA Organic Act With Language Providing, Among Other Things, Clear Identity and Statement of Responsibility for the Nation's Fishery Agency.** I've explained the rationale behind this in response to question 1 by Mr. Brown. In my testimony, I suggested amending H.R. 21 to include specific language for the nation's fishery agency;
c) **National Ocean Leadership and Regional Coordination.** My rationale for this is reflected in the responses to Chairwoman Bordallo's questions and questions 1 and 2 posed by Mr. Brown;
d) **Ocean Ecosystem Resource Information System.** The establishment of such a system, most likely on a regional basis, is critical for coordination of research, providing an inventory and organization of existing research and data, placing the information in a transparent and accessible format, developing scientific hypothesis on the meaning of the information and, finally, identifying "data gaps" and establishing research priorities. It is particularly important, I believe, such a system be developed as an essential step on the path to ecosystem-based management. Such a system would the natural repository for data collected from offshore instruments, and satellites;
e) **Ocean Trust Fund.** Finally, all the talk about ocean action plans is just blather if there is no money to carry it out. I have believed for over a decade now that both a national fisheries trust fund as well as an ocean trust fund were needed to provide an ample and stable funding source for carrying out the programs required for the protection and wise utilization of our fish and oceans. In my testimony, I attached a draft that has been developed (prior to the MSA reauthorization) that could amend the newly established trust fund in the Magnuson-Stevens Act to provide the funding needed for our nation's fishery and aquaculture programs. H.R. 21, is important, therefore, establishing a trust fund that could then be built upon (as the MSA reauthorization did for a fishery trust fund).

The truth of the matter is, with the competing national needs Congress has to deal with in the appropriations process, fisheries and oceans will continue to get short shrift unless an off-budget account is created with its own funding source.

This concept has worked successfully for the Sportfishing Restoration Fund, and I think the same thing is needed here for our fisheries and oceans.

I share the concerns of many that the annual appropriation called for in H.R. 21 could diminish funding for current ocean programs. I would recommend, instead, Congress consider royalties on existing OCS uses, similar to what was recommended by the U.S. Commission on Ocean Policy. However, I worry about the competition for OCS revenues and would recommend instead, or in addition to, Congress consider a per barrel fee on all oil sold in the U.S. California, for example, used that concept—in this instance a $.05 per barrel fee on all oil shipped into the state—to provide an ample and stable funding source for its Office of Oil Spill Response. Given the impact on the ocean from oil (both spills and urban run-off), the acidification that is occurring due to ocean sequestration of carbon from greenhouse gasses in the atmosphere, and the record profits enjoyed by the oil industry, such a fee, I believe is warranted. It may make more sense than the excess profits tax being proposed for the oil industry.

6. Prior to enacting an overarching bill such as H.R. 21 and its ecosystem-based management approaches, Congress should review existing legislation, such as the Marine Mammal Protection Act and the Endangered Species Act, and either repeal or amend these laws to adhere to the ecosystem-based management approach. What are your views on this statement?

I don't agree with it. Basically it's a stalling tactic. I've had a great deal of experience with the ESA—we used it to prevent the extinction of a number of salmon runs—and I don't see any substantive conflicts between it and the ecosystem-based management approach. The identification of critical habitat under the ESA, in a way, is a form of ecosystem-based management. The better course is go ahead with some version of H.R. 21, and direct an independent third party (e.g., National Research Council) to report back to Congress in five years after enactment on the progress and any conflicts that have actually arisen with existing statutes (e.g., ESA, MMPA, NEPA, MSA, etc.) with recommendations for changes.

7. Does the Marine Mammal Protection Act and its focus on protecting marine mammals above other species fit into the ecosystem-based approach to management?

The Marine Mammal Protection Act is 35 years old, enacted at a time when there were few protections for marine mammals and a real fear some populations, such as porpoise, which were being taken in the then newly established (since about the mid-1960's) tuna purse seine fishery. The MMPA has given us fits at times, particularly with regard to California sea lions and, to a lesser extent, harbor seals. One of the reasons my organization drafted and sponsored state legislation to protect white sharks (California was the first government in the world to do so) was to at least protect this apex predator to help control sea lions populations in lieu of the loss of the on-shore predators (e.g., mountain lions, bears) as well as hunting by native Americans.

However, that said, there is, as we've found, tremendous public support for marine "charismatic mega-fauna." We'd like to see some changes made to the MMPA, but those should be discussed in a stand-alone setting and not be used as a roadblock on the path to ecosystem-based management. Indeed, as we begin to better understand marine ecosystems and their functioning, it may be possible to bring some rationality to the issue of marine mammal protection.

8. The U.S. Commission on Ocean Policy recommended voluntary regional partnerships, yet H.R. 21 requires them. Is this appropriate? Does making the regional partnerships mandatory, and potentially a one-size fits all approach, limit the flexibility of the state and regions to develop partnerships that respond to specific regional needs?

My experience with "voluntary" means nothing ever happens. There is nothing voluntary about fishing regulations and frankly we're fed up with a lot of other interests, many whose activities impair the resources our members depend upon for their livelihoods, constantly clamoring for volunteerism. In most instances this is simply code for doing nothing. No, when my Pacific Fishery Management Council comes to a Regional Ecosystem Panel with a fishery problem they have, I don't want the Corps of Engineers, the Bureau of Reclamation, the EPA, the MMS or any of the others who conduct or authorize projects that can be detrimental to fish populations, to opt out because it's voluntary.

As far as one-size fits all, I suppose one could make the same argument for just about every federal statute. My reading of H.R. 21 is that it provides general goals and some specific requirements, but there is nothing there to prevent some regional adaptation within the context of the goals and some of the specific requirements.

9. H.R. 21 ignores existing laws, such as the Coastal Zone Management Act (CZMA) and the National Environmental Policy Act (NEPA), which guide how

activities will affect the ocean and conserve ocean resources. It would seem to be more productive for this Committee to review these and other existing statutes to determine how to best modify them to create better coordination of conservation and management efforts instead of enacting a new law that would supersede all existing laws. Can you comment on this?

I don't read H.R. 21 as ignoring CZMA, NEPA or other statutes. I think it's simply too early to know where conflicts might arise with other statutes, as I mentioned above. Trying to speculate or what those conflicts may be or trying to change existing statutes before finding out if, in fact, there are any problems is premature. As I recommended above, I think Congress should direct an independent third party to conduct a review and report back within five-years, with recommendations, on where there are actual conflicts between the ecosystem-based management called for in H.R. 21 and existing environmental statutes.

10. The bill charges NOAA with reporting on the status of ocean ecosystems and resources two years after enactment of the bill and every three years thereafter. The Regional Ocean Partnerships are also required to develop regional ocean strategic plans which will include an assessment of its ocean region. What changes can we make to the bill to ensure there is limited duplication between the two reports? Can you also make recommendation on how to limit duplication in other areas of the bill?

I don't see a problem here. I think it's best that there be separate reports from NOAA and the Regional Ocean Partnerships to give Congress a true feel of what progress is actually being made, as opposed to receiving a single self-serving, self-congratulatory report from the agency. Moreover, as I suggested above, I think an independent third party, such as the National Research Council, should be asked to give an assessment at the end of five-years with recommendations.

QUESTIONS FROM THE HON. JIM SAXTON

1. OCEANS-21 contains National Standards to guide implementation of "covered actions" and a timeframe for interagency comment. What sort of effect would this have when combined with current National Standards and timelines contained in other laws such as the National Environmental Policy Act and the Magnuson-Stevens Fishery Conservation and Management Act?

I didn't see an immediate problem here. I would be curious to see what problems staff may have identified with the timelines in NEPA and the Magnuson-Stevens Act and what is called for in Oceans 21. If, in fact, there are such conflicts, it should be easy enough to deal with them through amendments in mark-up.

2. Our oceans cover an area that is 23% larger than the land area of the U.S. and, according to the U.S. Commission on Ocean Policy, contribute roughly $117 billion to the U.S. economy, mostly from tourism and recreation revenues. Given the expanse and importance of our oceans to people of the United States, do you believe that it is appropriate for Congress to issue guidance on how our oceans as a whole should be managed—as we have done with all of our other major systems?

Absolutely. See the response above made to Mr. Brown's question 4.

3. The NOAA organic act title of H.R. 21 makes NOAA the lead federal agency for oversight of all U.S. coastal, ocean, and Great Lakes waters and resources. Currently, though, NOAA shares this responsibility with agencies like USGS (for example, USGS manages fisheries in the Great Lakes). While the U.S. Commission on Ocean Policy did recommended consolidating oversight of ocean resources into one federal organization, they recommended a slower, step-wise approach that first provides an organic act for NOAA with its current responsibilities and then over the course of a few years considers transferring the responsibilities of other agencies to NOAA. Do you agree with the Commissions step-wise approach to consolidating ocean oversight, or do you believe this significant change in federal oversight should be made immediately as proposed by H.R. 21?

First of all, the management of fisheries for the Great Lakes, excepting that which is state regulated, should be transferred to the National Marine Fisheries Service, or whatever we ultimately decide to call our nation's fishery agency (see the response to Mr. Brown's question 1 above), from USGS to NMFS, recognizing NMFS is currently housed in NOAA. Aside from the transfer of fishery authority on the Great Lakes, however, my concern is that I don't think consolidation necessarily gets us where we want to go as much as mandated coordination.

4. Many experts have stated that NOAA is too "stovepiped", leading to inefficiencies and duplications across its five current line offices. The NOAA organic act title of H.R. 21 proposes to consolidate these offices into three primary functions—assessment, prediction and operations; management; and research and

education. I believe it is important for research and education to be closely tied to and support the other two functions of the agency, but under H.R. 21 things could remain stovepiped having research as a separate function. In another NOAA organic act proposal, H.R. 250 from Mr. Ehlers, there is a leadership position that oversees all science at the agency to ensure the best science is incorporated into all agency activities. Would you recommend a similar position in H.R.21? If not, would you recommend other changes in H.R. 21 to ensure that the research function of NOAA continues to serve the needs of the operations and management functions of the agency?

From my experience with NOAA, including serving on MAFAC, is not so much that functions are "stovepiped" as opposed to a lack of leadership at the top—through a number of administrations over the past 35 years—willing to demand cooperation and coordination among the various NOAA entities—and that doesn't mean putting NOAA's moniker all over the various services. As for Mr. Ehlers bill, the problem is not with NOAA using the best science, the problem, as you well know, is having NMFS and NOAA scientists being overridden for political reasons within and outside of the agency. That has certainly been the case with salmon. I think the issue you raise regarding research is a valid one that can be solved by ensuring there is language in H.R. 21 requiring that research is there to support the functions of NOAA, including the national fishery agency, the weather service, and the sanctuaries and reserves program. Moreover, I believe the establishment of an Ocean Ecosystem Resource Information System will help to ensure research is there to support the functions of the agency—as well as improve cooperation and coordination among the agencies housed in NOAA.

Thank you for this opportunity to respond to your questions.

Ms. BORDALLO. Thank you very much, Mr. Grader, and you can submit your entire statement for the record. The Chair now recognizes Ms. Chasis. You are recognized to testify for five minutes.

STATEMENT OF SARAH CHASIS, SENIOR ATTORNEY, NATURAL RESOURCES DEFENSE COUNCIL

Ms. CHASIS. Thank you, Madam Chairwoman. We very much appreciate this opportunity to testify today on Oceans 21. The overall message delivered by both the Pew Oceans Commission and the U.S. Commission on Ocean Policy is clear. Our oceans are in trouble. We rely too heavily on our oceans for food, jobs, recreation, climate regulation, and our overall quality of life to ignore their decline. We lack some of the fundamental mechanisms and structures to address these declines, and urgent action is needed now to rectify these gaps. Oceans 21 is a direct response to that message and to that call for action.

It provides a stronger, more coherent governance system for our oceans, both at the national and regional levels. We thank Congressman Farr for introducing it, the 29 cosponsors for supporting it, and the Subcommittee for holding this hearing.

We have a better understanding now than ever before of the threats facing our oceans. Moreover, the seriousness of the threats is increasingly being communicated to the general public by the popular media, and I would like to cite to the fact that there was an important series in the Los Angeles Times which just won a Pulitzer Prize, and it had to do with altered seas and the April issue of National Geographic, the cover story was saving the seas bounties, and there have been a series of programs on the Discovery Channel and PBS about what is happening to our oceans. So I think you know the public is really coming to understand this.

Scientific study after scientific study is showing that our oceans are in trouble and that because ocean life is interconnected impacts on one species can set off a chain of impacts and further shift the

dynamics and composition of ocean ecosystems. Dr. Myers and others drove home this idea in a recent Science Magazine article. Over exploitation of large sharks driven by demand for shark fins and meat as well as bycatch and other directed fisheries resulted in the functional elimination of great sharks along the United States east coast between 1970 and 2005.

This in turn resulted in an explosion of great shark prey, such as rays, skates and small sharks. These population increases, particularly of a particular kind of ray called the cow nose ray, resulted in a jump of predation of bay scallops, and that increase was sufficient to essentially terminate a century long scallop fishery. It is not at all surprising that removing major players in ocean life would have impacts cascading down and across what is actually an interconnected web of ocean life. In fact, this basic pattern has been well documented in the scientific literature.

Both the U.S. Commission on Ocean Policy and the Pew Oceans Commission found that a key reason our oceans are in trouble is the vastly inadequate governance regime. The U.S. Commission stated, and I quote, "The nation is not now sufficiently organized, legally or administratively, to make decisions, set priorities, resolve conflicts, and articulate clear and consistent policies that respond to the wealth of problems and opportunities ocean users face." The Pew Oceans Commission sounded a similar theme. "We have continued to approach our oceans with a frontier mentality. The result is a hodgepodge of ocean laws and programs that do not provide unified, clearly stated goals and measurable objectives. Authority over marine resources is fragmented geographically and institutionally. Principles of ecosystem health and integrity, sustainability and precaution have been lost in the fray."

Both commissions called for major reform. The U.S. Commission called for a new national ocean policy framework. The Pew Commission called for a national ocean policy act. Oceans 21 directly responds to the recommendations. It establishes a national ocean policy. It provides a mechanism to implement that policy. It promotes effective coordination within the Federal government and between states and the Federal government. It establishes an ocean trust fund.

Mr. Dunnigan raised the issue about whether there really was a need for legislation. We need legislation to provide an overarching policy direction to the numerous agencies that authorize the many different activities affecting the ocean and to ensure that action on behalf of the oceans will be taken not just by one administration by every administration. The President's Executive Order that established the Committee on Ocean Policy is not a substitute for this.

Federal interagency coordination without a specified directive for that coordination is not enough, and the recent testimony of the Joint Ocean Commission Initiative recognized this very specifically. An issue also came up in the earlier discussion about the relationship of Oceans 21 to other laws. This legislation does not minimize the importance of legislation addressing individual sectors or issues. The bill before you today, Oceans 21, does not seek to replace other legislation but rather provide a means by which indi-

vidual laws and activities can be woven together into a more cohesive and effective whole that preserves the integrity of the systems.

In conclusion, the ocean area under U.S. jurisdiction is 23 percent greater than the entire land mass of the United States. It is time to respond to the call of the two national commissions and give this part of our national heritage the attention it deserves. Thank you.

[The prepared statement of Ms. Chasis follows:]

Statement of Sarah Chasis, Senior Attorney and Director of the Natural Resources Defense Council's Ocean Initiative

Introduction

Madame Chairwoman, Ranking Member Brown and distinguished Members of this Subcommittee, thank you for this invitation to testify on H.R. 21, the "Oceans Conservation, Education, and National Strategy for the 21st Century Act" (also known as "OCEANS-21"). My testimony is presented on behalf of the Natural Resources Defense Council (NRDC), a national environmental organization with over a million members and online activists, dedicated to the protection of the earth—its people, plants and animals and the natural systems on which all life depends.

The overall message delivered by both the Pew Oceans Commission in May 2003 and the U.S. Commission on Ocean Policy in July 2004 is clear: 1) our oceans are in trouble; 2) we rely too heavily on our oceans for food, jobs, recreation and our quality of life to ignore their decline; 3) we lack some of the fundamental mechanisms and structures to address these declines; and 4) urgent action is needed now to rectify these gaps. This continues to be the message of the Joint Ocean Commission Initiative—the combined effort of these two Commissions—delivered most recently by The Honorable Leon Panetta and Admiral James Watkins to this Subcommittee on March 29th.

OCEANS-21 is a direct response to that message and to that call for action. It reflects the key recommendations of the two Commissions regarding the need for a stronger, more coherent governance system for our oceans "both at the national and regional levels. We thank Representative Farr for introducing OCEANS-21, the 29 co-sponsors for supporting this important legislation and the Subcommittee for holding this hearing.

What we know about the state of our oceans

We have a better understanding now than ever before of the threats facing our oceans. Moreover, the seriousness of the threats is increasingly being communicated to the general public by the popular media.[1]

Scientific study after scientific study is showing that our oceans are in trouble and that, because ocean life is interconnected, impacts on one species can set off a chain of impacts and further shift the dynamics and composition of ocean ecosystems.

In 1998, we learned from Dr. Daniel Pauly and other scientists that the persistent targeting of top ocean predators, like tuna and cod, has resulted in a fundamental shift in the make-up of ocean life and therefore the types of organisms able to support ocean systems and available to fishermen.[2] This "fishing down of the food web" has meant fewer types and numbers of large ocean fish and relatively more smaller ocean fish.

In 2003, Dr. Ram Myers and Dr. Boris Worm quantified the type of loss behind Dr. Pauly's theory. Drs. Myers and Worm reported that 90% of the large ocean fish—the tunas, blue marlins, swordfish, and others—are gone from the world's oceans due to industrial fishing practices.[3] Drs. Myers and Worm highlighted that this was not just about the staggering loss of large fish, but the loss of top predators which play a key role in the health of the overall ecosystem. This is a point often forgotten—our oceans are not just water, but a vibrant home for a vast amount of life, estimated by one source to total 80% of life on Earth.[4] That life—the total

[1] See, for example, Ken Weiss' July 2006, Pulitzer Prize winning series in the LA Times, Altered Oceans, the April 2007 issue of National Geographic, Special Report: Saving the Sea's Bounty, the two oceans episodes of the Discovery Chanel's Planet Earth series ("Deep Oceans" and "Shallow Seas") and PBS' Journey to Planet Earth: "The State of the Ocean's Animals."

[2] Pauly, Daniel, Villy Christensen, Johanne Dalsgaard, Rainer Froese and Francisco Torres, Jr. 1998. Fishing down marine food webs. Science 279(5352): 860-863.

[3] Myers, Ram and Boris Worm. 2003. Rapid worldwide depletion of predatory fish communities. Nature 423: 280-283.

[4] http://marinebio.org/MarineBio/Facts/

amount, the balance across species, and the services that they provide to each other and to us—depends on species interactions and habitat conditions. The presence or absence of key players—and the shifting relationships between and among these players—affects the ability of our oceans to weather change and absorb impacts.

Dr. Myers and others drove home this idea of the interconnectedness of ocean life in a recent 2007 Science article.[5] Overexploitation of large sharks—driven by demand for shark fins and meat as well as bycatch in other directed fisheries—resulted in the functional elimination of great sharks along the U.S. east coast between 1970 and 2005. This in turn resulted in an explosion of great shark prey, such as rays, skates, and small sharks. These population increases—particularly of the cownose ray—resulted in a jump in predation of bay scallops "sufficient to terminate a century-long scallop fishery."[6] According to this paper, this cause and effect pairing—fewer sharks, more rays "may also result in crashes of other prey types besides bay scallops, and to the degradation of sea grass habitats, crucial habitat for marine life, as ever hungrier rays aggressively pursue additional food.

It is not at all surprising that removing major players in ocean life would have impacts cascading down and across what are actually interconnected webs of ocean life. In fact, this basic pattern has been well documented in the scientific literature.[7] Although exact consequences may be difficult to quantify and express precisely, the basic result is predictable and in and of itself concerning. Dr. Worm summarized it this way in a 2006 Nature article: loss of the amount and variety of ocean life "is increasingly impairing the ocean's capacity to provide food, maintain water quality, and recover from perturbations" "change or stress.[8]

Another major impact on ocean health is from increasing levels of carbon dioxide in the atmosphere. Carbon dioxide from the combustion of fossil fuels is altering the basic chemistry of the oceans. Specifically, our oceans are becoming more acidic. Since pre-industrial times, the pH of our oceans has declined by 26%.[9] If CO2 emissions continue on a "business as usual" course, researchers predict that average surface water pH will decline by an additional 2-2.5 times.[10] This will have a significant impact on ocean life, particularly carbonate-based life, such as coral reefs, that may not be able to withstand more acidic conditions. In addition, rising CO2 levels are expected to bring a variety of other changes to marine ecosystems including warmer waters, sea level rise, and altered salinity levels and current patterns.[11] These changes will—of course—spur even further change and affect already altered ocean ecosystem composition and dynamics.

Another major impact on ocean health is water pollution, principally from land-based sources. One form of particular concern is nutrient pollution. In Part 1 of the 2006 LA Times Series, Altered Oceans, Ken Weiss explains how activities on land are producing nutrients that runoff off the land and precipitate out of the air, fertilizing excessive growth of harmful algae and bacteria. The impacts of nutrient pollution are magnified by overfishing and wetland destruction, which have diminished the presence of competing sea life and the natural buffers that once minimized runoff. While algal blooms cause a number of problems directly—including human

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[5] Myers, Ransom A., Julia K. Baum, Travis D. Shepherd, Sean P. Powers, and Charles H. Peterson. 2007. Cascading effects of the loss of apex predatory sharks from a coastal ocean. Science 315(5820): 1846-1850.

[6] Ibid. pg. 1846.

[7] Duffy, J.E. 2002. Biodiversity and ecosystem function: the consumer connection. Oikos 99:201-21, Crooks, K. R. and M. E. Soulé. 1999. Mesopredator release and avifaunal extinctions in a fragmented system. Nature 400:563-566, Paine, R.T. 1980. Food Webs: Linkage, Interaction Strength and Community Infrastructure. Journal of Animal Ecology 49(3): 666-685, Pace, M.L., J.J. Cole, S.R. Carpenter, and J.F. Kitchell. 1999. Trophic cascades revealed in diverse ecosystems. Trends in Ecology and Evolution 14: 483-488, and Estes, J.A., M.T. Tinker, T.M. Williams, and D.F. Doak. 1998. Killer Whale Predation on Sea Otters Linking Oceanic and Nearshore Ecosystems. Science 282(5388): 473-473.

[8] Worm, B. E.B. Barbier, N. Beaumont, J.E. Duffy, C. Folke, B.S. Halpern. J.B.C. Jackson. H.K. Lotze, F. Micheli, S.R. Palumbi, E. Sala, K.A. Selkoe, J.J. Stachowicz, and R. Watson. 2006. Impact of biodiversity loss on ocean ecosystem services. Science 314(5800): 787-790.

[9] Caldeira, K. and M.E. Wickett. 2003. Anthropogenic carbon and ocean pH. Nature 425(6956): 365-365.

[10] Caldeira, K. and M.E. Wickett. 2005. Ocean model predictions of chemistry change from carbon dioxide emissions to the atmosphere and ocean. Journal of Geophysical Research-Oceans 110:C9, Orr. J.C., V.J. Fabry., O. Aumont. L. Bopp. S.C. Doney. R.A. Feely. A. Gnanadesikan. N. Gruber. A. Ishida. F. Joos. R.M. Key. K. Lindsay. E. Maier-Reimer. R. Matear. P. Monfray. A. Mouchet. R.G. Najjar. G.K. Plattner. K.B. Rodgers. C.L. Sabine. J.L. Sarmiento. Schlitze. 2005. Anthropogenic ocean acidification over the twenty-first century and its impact on calcifying organisms. Nature 437(7059): 681-686.

[11] IPCC. 1995. Impacts, Adaptations, and Mitigation of Climate Change: Scientific-Technical Analysis. Cambridge University Press, IPCC. 2001. Third Assessment Report: Climate Change 2001. IPCC, Geneva, Switzerland.

health impacts, fish and marine life kills, and severe light deprivation for submerged vegetation and corals—they also cause problems indirectly. After they die, algal blooms sink to the bottom of the ocean, where they are decomposed by bacteria that pull oxygen out of the water. This results in hypoxic conditions—areas unable to support many forms of marine life—that have resulted in dead zones around the country. There is a dead zone that swells to the size of Massachusetts (roughly 8000 square miles) in the Gulf of Mexico and 39 smaller dead zones around the country.[12] Ken Weiss summarizes the point in one sentence: "Fish, corals and marine mammals are dying while algae, bacteria and jellyfish are growing unchecked."[13] This is what the Scripps Institution of Oceanography scientist, Jeremy Jackson, refers to as "the rise of slime" and while perpetuated by declining populations of marine life, also causes declining populations of marine life.

The effects of nutrient pollution are also compounded by chemical pollution. For instance, the U.S. Commission on Ocean Policy reported on a recent study of 70% of the nation's estuarine area (excluding Alaska) that 99% of the sediments contained 5 or more toxins at detectable levels and that 30% of the sites tested had contamination levels high enough to harm fish and other marine life.[14] In addition, the U.S. Commission on Ocean Policy highlighted that 28 million gallons of oil pour into American oceans each year as the result of human activities.[15]

We are also simultaneously losing marine habitat. For instance, according to the Pew Oceans Commission, the United States, excluding Alaska, lost more than half of its original wetlands between the 1780s and the 1980s, predominantly as the result of agriculture and commercial and residential development. Wetlands provide crucial habitat to marine life and serve as natural buffers against runoff, erosion, and storm damage.[16] Wetland loss may be exacerbated by rising sea levels, which could drown wetland areas and shift the tide line to developed/paved areas that cannot host new wetlands.

The economic value of our oceans

When oceans fail and marine resources disappear, local and national economies falter. According to the U.S. Commission on Ocean Policy, in 2000 the ocean economy contributed more than $117 billion to American prosperity and supported well over two millions jobs. Roughly three-quarters of the jobs and half the economic value were produced by ocean-related tourism and recreation. Our aim should be to sustain and restore the marine ecosystems upon which so much of this value depends. For instance, we know that harmful algal blooms cost our country millions of dollars each year as the result of fisheries closures, loss of tourism and recreation dollars, and increased health care and monitoring expenses.[17] These types of losses are largely avoidable.

Relevant recommendations of the two national Commissions

Both the U.S. Commission on Ocean Policy and the Pew Oceans Commission found that a key reason that our oceans are in trouble is a vastly inadequate governance regime. The U.S. Commission found that our nation's management approaches have not been updated to reflect new scientific findings that demonstrate the complexity and interconnectedness of natural systems, with responsibilities remaining dispersed among a confusing array of agencies and no overarching direction. As the Commission stated:

> [T]he nation is not now sufficiently organized legally or administratively to make decisions, set priorities, resolve conflicts, and articulate clear and consistent policies that respond to the wealth of problems and opportunities ocean users face.[18]

The Pew Oceans Commission sounded a similar theme:

> [W]e have continued to approach our oceans with a frontier mentality. The result is a hodgepodge of ocean laws and programs that do not provide uni-

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[12] Weiss, Ken. July 30 2006. Part One, Altered Oceans, A Primeval Tide of Toxins. LA Times, Pew Oceans Commission. 2003. America's Living Oceans: Charting a Course for Sea Change. pgs. 22, 54, and 62.

[13] Weiss, Ken. July 30 2006. Part One, Altered Oceans, A Primeval Tide of Toxins. LA Times.

[14] U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. pg 39.

[15] U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. pg 39.

[16] Pew Oceans Commission. 2003. America's Living Oceans: Charting a Course for Sea Change. pg 56.

[17] U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. pg 39.

[18] U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. pg 55.

fied, clearly stated goals and measurable objectives. Authority over marine resources is fragmented geographically and institutionally. Principles of ecosystem health and integrity, sustainability, and precaution have been lost in the fray. [19]

Both Commissions called for major reform. The U.S. Commission called for a new "National Ocean Policy Framework" to improve decision-making, promote effective coordination, and move toward an ecosystem-based management approach. [20] The proposed Framework has four major elements.

First, at the federal level, there would be a National Ocean Council (NOC) within the Executive Office of the President, chaired by an Assistant to the President and composed of cabinet secretaries of departments or administrators of independent agencies with relevant ocean and coastal related responsibilities. The NOC would provide high-level attention to ocean, coastal, and Great Lakes issues, develop and guide the implementation of appropriate national policies, and coordinate the many federal departments and agencies with ocean and coastal responsibilities. A President's Council of Advisors on Ocean Policy would be established to ensure non-federal input into the NOC and the President on ocean and coastal policy matters. A small Office of Ocean Policy would provide staff support to the Council, the Assistant to the President, and the Council of Advisors.

Second, at the regional level, states would be encouraged to form regional ocean councils to respond to issues that cross jurisdictional boundaries and to address large-scale connections and conflicts among watershed, coastal, and offshore uses. To complement this effort, Federal agencies would be directed to improve their regional coordination.

Third, in light of the increasing number of economic uses being proposed for Federal waters, a comprehensive offshore management regime would be established. As part of this regime, a lead federal agency for each offshore activity would be designated.

Fourth, the existing charter for the National Oceanic and Atmospheric Administration (NOAA) would be codified in legislation. There would be a follow-up process to determine if additional ocean related responsibilities should be consolidated into NOAA or whether some other form of reorganization should occur.

At the heart of the Pew Oceans Commission report was its recommendation that we extend an ethic of stewardship toward the oceans and manage it on an ecosystem basis. To that end, the Commission recommended that Congress enact a National Ocean Policy Act that would do the following:

- Establish a national policy to protect, maintain and restore the health of marine ecosystems and require that marine resources be used in an ecologically sustainable manner.
- Provide that federal agencies conduct their activities in a manner consistent with that national policy and with national standards that implement that policy.
- Create an independent national ocean agency that would be tasked with helping implement the National Ocean Policy Act.
- Create a National Ocean Council within the Executive Office of the President to coordinate interagency action on ocean issues and, among other things, ensure that all agencies comply with the National Ocean Policy Act.
- Form regional ocean ecosystem councils of appropriate state, federal and, where appropriate, tribal representatives that would develop regional ocean governance plans. These plans would establish clear and measurable management and restoration goals that, once approved, would guide states and federal decisions affecting the oceans.

The need for a legislative solution

While we have crucial pieces of legislation targeted to individual components of the ocean ecosystem, we lack the legislative mandate or mechanisms to ensure that these components are well-coordinated and that the health and functioning of the overall system is maintained. Ocean life rests on other ocean life and habitat conditions. If you remove too many pieces or the wrong pieces, the system collapses. The problem is that right now we are looking at each sector individually. We lack the mechanisms and the responsible entities necessary to judge how these separate activities will affect each other and the system as a whole. We know enough about

[19] Pew Oceans Commission. 2003. America's Living Oceans: Charting a Course for Sea Change. pg viii.

[20] U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. Pgs. 5-11.

how our oceans function and the threats that they face to know that this is not the right approach.

Laws geared to individual sectors or problems, while clearly and undeniably important, are not a substitute for a mandate targeted to maintaining the function, health, and productivity of the system as a whole. We need a National Ocean Policy Act for our country in order to provide an overarching policy direction to the numerous federal agencies that authorize the many different activities affecting the oceans and to ensure that action on behalf of the oceans will be taken not just by one administration, but every administration. The President's December 2004 executive order that established the Committee on Ocean Policy and the actions of the Federal and state governments to date are not a substitute for this. Federal interagency coordination without a specified direction for that coordination is not enough. As the Commissions recommended, we need a legislatively established policy and a mechanism to implement that policy, consistent with current law, leaders at all levels of government to implement that policy, and the funding to do it.

This legislation does not minimize the importance of legislation addressing individual sectors. For example, we applaud Congress' reauthorization last year of the Magnuson-Stevens Fishery Conservation and Management Act and believe that important reforms were made to the fishery management process in that legislation. Again, the bill before you today, OCEANS-21, does not seek to replace that or other legislation, but rather to provide a means by which individual laws and activities can be woven together into a more cohesive and effective whole that preserves the integrity of the ecosystems upon which these activities depend.

In the past years, we have seen an explosion of activity at the regional and state level geared toward grounding management in an ecosystem perspective. It is time for action at the Federal level.

OCEANS-21: An ecosystem level solution for an ecosystem level problem

OCEANS-21 responds to the recommendations of the two national ocean Commissions in a number of important ways: 1) by establishing a national ocean policy to protect, maintain, and restore the health of marine ecosystems, 2) by providing a mechanism to implement that policy, 3) by promoting effective coordination within the federal government and between states and the federal government; and 4) by establishing an oceans trust fund.

Title I: Establishment of a National Oceans Policy

Title I establishes a national policy to protect, maintain, and restore the health of marine ecosystems and a mechanism to implement that policy. Title I requires that, to the fullest extent possible, U.S. laws, regulations and policies be interpreted and administered in accordance with this policy. A federal action that may significantly affect ocean waters or resources may proceed only if the action agency certifies that the action, individually and in combination with other federal actions, is not likely to significantly harm the health of the marine ecosystem or significantly impede its restoration. See Section 101(b) (2) (b). This does not mean that any action that impacts the ocean is prohibited. Rather, it means that actions are reviewed with an eye to ensuring the health of the overall system. Certification decisions, in the case of incomplete information, must be made using the precautionary approach and must be implemented, to the extent practicable, so as to minimize adverse social and economic impacts, while remaining consistent with the other requirements of the Act. The NOAA Administrator is to provide expert advice to the action agency but it is the action agency that makes the final decision. This title is key to ensuring government accountability for the overall health of our oceans.

Title II: National Oceanic and Atmospheric Administration Organic Act

NOAA was established by executive order in 1970 and has never had a legislatively defined mission or structure. OCEANS-21, Title II rectifies this gap by providing an organic act for NOAA. Title II takes some important steps. Specifically it:

- Establishes NOAA as the lead, civilian Federal agency with responsibility for providing oversight for all U.S. coastal, ocean, and Great Lakes waters and resources
- Establishes a legislative mission for NOAA, including to protect, maintain, and restore the health of coastal, ocean, and Great Lakes ecosystems
- Ties all of NOAA's functions to the policy and standards outlined in Title I
- Instructs the NOAA Administrator to submit annual budget requests to the Director of the Office of Management and Budget, giving NOAA a stronger voice to advocate for ocean funding needs within the Federal government
- Acknowledges the Administrator as the Department of Commerce official for all ocean and atmosphere issues in dealings with other elements of the Department

of Commerce and with other Federal agencies, State, tribal, and local governments, and the public

- Establishes no more than 3 Deputy Assistant Secretary positions and stipulates that the functions of these Secretaries must be consistent with at least one of three focal areas: assessment, prediction, and operations, management, especially ecosystem-based, and research and education [21]
- Establishes no more than 5 Assistant Administrator positions and stipulates that the functions of those position must be consistent with the three focal areas listed above and must be structured to minimize overlap [22]
- Instructs the Administrator to develop and implement a reorganization plan for NOAA in accordance with the national ocean policy and standards and to maximize efficiency and effectiveness around the three focal areas listed above
- Shifts responsibility for examining NOAA's budget within OMB from General Government Programs to Natural Resources Programs [23]

The legislation would: 1) establish NOAA as the clear voice for our oceans within the Federal government and provides them with the necessary stature and autonomy—including in terms of advocating for their own budget priorities—to fill this role, 2) instructs NOAA to carry out its functions in a manner that will promote the protection, maintenance, and restoration of ocean health, and 3) directs NOAA to restructure in a meaningful way, preferably at the line office level, around the focal areas of assessment, prediction, and operations, ecosystem-based management, and research and education. Allowing NOAA to function as is without an organic act leaves it too open to shifting political whims, impedes NOAA from taking a true leadership role within the Federal government, and diminishes NOAA's overall effectiveness as a steward for ocean ecosystems because of the lack of a clear, stable mission and authority.

Title III: National Ocean Leadership and Coordination

Title III outlines positions and functions crucial to ensuring that the purposes and provisions of this Act guide Federal activities and funding decisions, across Federal agencies and the Executive Office. Specifically, Title III:

- Establishes a National Oceans Advisor in the Executive Office, appointed by the President with the advice and consent of the Senate, and stipulates a variety of functions for that position including coordinating Federal agency actions related to marine ecosystem health
- Codifies the Committee on Ocean Policy established by executive order on December 17, 2004. Beyond giving the Committee permanence, title III makes a number of important changes, particularly 1) giving the committee a clear purpose and set of responsibilities, targeted toward promoting the protection, maintenance, and restoration of the health of marine ecosystems consistent with the policy and standards in section 101, 2) adding six governors to the Committee to represent State and local interests, and 3) shifting responsibility for Committee coordination from the Chair of CEQ, the assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and "with respect to the interagency task force established by Executive Order 13340 of May 18, 2004" the Administrator of EPA to the Chair of CEQ and the National Oceans Advisor.
- Establishes a Council of Advisors on Oceans Policy, including qualified representatives from governmental and non-governmental entities (appointed by the President, in consultation with the National Ocean Advisor), to advise the President, the National Oceans Advisor, and the Committee on Ocean Policy on policies to promote the protection, maintenance, and restoration of the health of marine ecosystems on a regional and national basis.

Title IV: Regional Coordination and Ecosystem Planning

Title IV provides that the Administrator of NOAA, in consultation with the Committee on Ocean Policy and appropriate states, establish Regional Ocean Partnerships organized according to identified U.S. large marine ecosystems. Each partnership would be made up of an equal number of Federal and state representatives and would be tasked with developing strategic plans that analyze the health of ocean ecosystems in that region and identify key actions and policy changes needed to pro-

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[21] These focal areas were outlined in USCOP Recommendation 7-1, U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. pg 111.

[22] Right now, NOAA has 6 Assistant Administrators and 4 Program Goal Leads, established because of noted overlap and misplacement of activities in the line offices managed by the Assistant Administrators

[23] This was suggested by USCOP Recommendation 7-2, U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. pg 112.

mote the protection, maintenance, and restoration of marine ecosystem health. The NOAA Administrator, in consultation with the Committee on Ocean Policy, would review and approve these plans on the basis of consistency with policy and standards of the Act. Once approved, entities with a representative on a regional ocean partnership would implement activities in a manner consistent with the approved regional ocean strategic plan. This title promotes a federal/state partnership for ocean management that is place-based and leads to the creation of specific targets, goals and implementation strategies for a particular ecosystem.

Title V: Ocean and Great Lakes Conservation Trust Fund

Title V provides the funding necessary for the development and implementation of Regional Ocean Strategic Plans (Title VI covers appropriations more generally, authorizing appropriations to NOAA "as necessary for the functions and activities carried out by the Administration in accordance with this Act"). Specifically, Title V:

- Establishes a fund in the Treasury, known as the "Ocean and Great Lakes Conservation Trust Fund".
- Requires the Secretary of the Treasury to deposit $1.3 billion into the fund each year from general revenues, profits generated from the sale of a Healthy Oceans Stamp, amounts not disbursed from the Fund in previous years, and interest earned on the account (general revenues are intended to make up the difference between $1.3 billion and revenues from the other three sources).
- The Secretary is authorized to transfer amounts deposited into the Fund to the Administrator to make payments to coastal states for the development and implementation of Regional Ocean Strategic Plans and to the Administrator to allocate, in concurrence with the Committee on Ocean Policy, for activities of the Federal government to develop and implement Regional Ocean Strategic Plans. States can only receive funds if they participate in the development and implementation of Regional Ocean Strategic Plans, if the proposed activities are consistent with the national standards outlined in section 101, and if the Administrator approves a state's spending plan, in consultation with the Committee on Ocean Policy.
- Amounts made available by the Fund are intended to supplement, not replace, annual appropriations at the Federal level as well as State and local investments.
- Instructs coastal states to hold 50% of their allocable share in a state ocean grants fund to issue, on a competitive basis, in the form of grants to coastal political subdivisions for the development and implementation of an approved Regional Ocean Strategic Plans, consistent with the national standards outlined in section 101.

Conclusion

The ocean area under U.S. jurisdiction is 23% greater than the entire land mass of the United States.[24] The ocean economy generates revenues twice as great as the farm sector and employs more people.[25] It is time to respond to the call of the two national Commissions and give this part of our natural heritage the attention it deserves. Enactment of legislation such as OCEANS-21 would do just that.

Ms. BORDALLO. Thank you very much, Ms. Chasis. We would like now to recognize Dr. Rosenberg, and you are recognized to testify before the committee for five minutes.

STATEMENT OF ANDREW A. ROSENBERG, Ph.D., PROFESSOR OF NATURAL RESOURCES, UNIVERSITY OF NEW HAMPSHIRE

Mr. ROSENBERG. Thank you, Madam Chair and to members of the committee I thank you for the opportunity to testify before you today concerning the future of U.S. ocean policy. I am Andrew Rosenberg from the University of New Hampshire. I am a member of the U.S. Commission on Ocean Policy and the Joint Oceans Commission Initiative. I would like to compliment the committee

[24] Pew Oceans Commission. 2003. America's Living Oceans: Charting a Course for Sea Change. pg 2.

[25] U.S. Commission on Ocean Policy. 2004. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC. pg 31.

and the sponsoring members of H.R. 21, and today I would like to address five major areas in my testimony that are relevant to your deliberations on this bill.

Those five areas are ecosystem based management as a guiding principle for ocean policy, the creation of a consistent policy for new uses of the ocean, strengthening the Coastal Zone Management Act, the importance of integrated ocean observing systems, and an ocean policy framework that help address the ocean effects of climate change.

Part of the mission of the lead ocean agency must be ecosystem based management of the U.S. coastal and ocean areas. The essence of an ecosystem based approach focuses on five basic principles: Focusing on the ability of an ecosystem to continuously provide a full range of services to support human well being; recognizing that management actions must be framed with respect to natural boundaries; recognizing the various sectors of human activities on the oceans interact and their management must be integrated; and recognizing that the impacts of human activities are cumulative on ocean ecosystems both in time and in space; and that tradeoffs and services among sectors must be explicitly addressed in policymaking.

The nation's ocean policy should recognize these principles and seek to integrate management within regional ecosystems with a result of healthier ecosystems and more coherent management systems that work better for the public and for business. NOAA will best take on the challenge of ecosystem based management with a new structure that integrates across the currently fragmented functions of the agency.

A NOAA Organic Act should begin that work of reducing program fragmentation but I know that this is not just a NOAA problem. It is fragmentation across the government so we need to give NOAA the tools to work with other agencies in order to reduce that fragmented management system.

A whole new set of challenges are rapidly emerging for coastal ocean of the U.S. because of the development of offshore energy facilities, aquaculture, desalination plants, among others. These new uses require an allocation of dedicated ocean space in many cases and conflicts are rapidly emerging. To take two examples near my home, the citing of an offshore LNG port near Gloucester, Massachusetts and the proposal to build an offshore wind farm in Nantucket Sound.

While of course there are NEPA requirements for such activities but what are the standards for deciding where a wind farm should be located to the benefit of the Nation or an LNG port? How should the conflicts with fishermen, recreational users, coastal landowners and residents and the public be resolved? What are the policy elements that businesses should be mindful of as they plan investments, and how do we end up with a predictable system for both business and the public so they know what they can do and how to do it?

Right now we do not have that framework and H.R. 21 begins to establish it but it is an urgent need because these new uses are moving very rapidly. The Coastal Zone Management Act is need of revision to meet the challenges of ecosystem based management.

State coastal management plans are the appropriate means to improve land use planning in the coastal zone but a consistent set of strong guidelines are needed. Planning must be integrated with the management of many activities occurring in the coastal and ocean areas, and the example given by Mr. Grader is an excellent one of why that is so important.

Coastal management does not need uniformity but it does need coherence around the country. Again predictability is important and the ability to adapt to changing conditions. This means a stronger criteria as the basis for management plans including a watershed focus, not just a narrow coastal zone. With respect to the integrated ocean observing system, we need more coastal and ocean science urgently but we need to bring together the fragmented data sets that currently exist.

There must be a system of real time ocean observations of the environment but it must include the biology and ocean based activities to be a tool for policymaking. We must relate ocean conditions to living resources directly and to the human activities on the ocean, and to me it seems a bit absurd that we create a high technology system for ocean observing but we still monitor fisheries and other ocean activities by passing around little slips of paper.

Congress needs to fund a comprehensive and sustained ocean observing system that will support ecosystem based management, and then finally anthropogenic climate change is occurring, and it is affecting the oceans, and a new policy direction for the ocean, new agency mandates, coordination and structure and new tools for ocean research management and education must be implemented quickly, and they must be able to include the concerns about climate change issues. We cannot set an ocean policy today, a new ocean policy today, that does not think about climate change as a major factor affecting the oceans.

Madam Chair and members of the Subcommittee, I thank you for the opportunity to testify today, and I would be pleased to respond to any questions.

[The prepared statement of Mr. Rosenberg follows:]

Statement of Andrew A. Rosenberg, Ph.D., Member, U.S. Commission on Ocean Policy and the Joint Oceans Commission Initiative, and Professor, University of New Hampshire

Madam Chair and members of the Committee: Thank you for the opportunity to testify before you today concerning the future of NOAA and U.S. ocean policy. I am Andrew Rosenberg, Professor of Natural Resources in the Institute for the Study of Earth, Oceans and Space at the University of New Hampshire and a member of the U.S. Commission on Ocean Policy. I was formerly the Deputy Assistant Administrator for Fisheries at NOAA, a Regional Administrator for NOAA Fisheries, and a scientist working at NOAA's Northeast Fisheries Science Center.

The Ocean's Act of 2000 formed the U.S. Commission on Ocean Policy and directed us to "make recommendations for coordinated and comprehensive national ocean policy..." The Act set out eight specific objectives for this policy paraphrased here:

1. protection of life and property;
2. responsible stewardship of ocean and coastal resources;
3. protection of the marine environment;
4. enhancement of marine-related commerce, resolution of conflicts among diverse users of the marine environment and engagement of the private sector in developing approaches to the responsible use of marine resources;
5. expansion of knowledge of the marine environment and the advancement of education in fields related to the ocean and coasts;

6. development and improvement in technological capability for ocean related activities;
7. cooperation among all government agencies to ensure coherent regulations, appropriate use of funding, efficient operation of federal agencies, and enhancement of partnerships with state and local governments; and
8. leadership by the United States in ocean and coastal activities.

I believe the Commission's recommendations truly meet the spirit and intent of the Oceans Act. Further, I believe that we must immediately begin to make changes in U.S. ocean policy to reverse an alarming, widespread degradation in the health of the oceans and coasts, vital living marine resources, and coastal communities. I believe that our ocean environment is at risk and a change of course is needed to reduce that risk. We must reinvigorate and fully fund our leadership in ocean science and our understanding of the life-support system of the earth.

I would like to compliment the Committee and sponsoring members of H.R. 21. The bill acknowledges the problems facing our oceans, coasts, and Great Lakes, and sets strong new direction for the Nation's ocean policy by incorporating many of the governance recommendations made by the Commission and the Joint Ocean Commission Initiative. As this Committee and Congress continues its consideration of this legislation, I would like to address five major areas in my testimony today that are relevant to these deliberations:

- ecosystem-based management as a guiding principle for ocean policy in the context of H.R. 21,
- the creation of a strong and consistent policy for addressing new, emerging activities on the ocean, particularly those that need an exclusive use of ocean space,
- strengthening the Coastal Zone Management Act during reauthorization,
- the importance of an integrated ocean observing system that is can truly impact ocean policy, and
- setting an ocean policy framework that can address the ocean effects of climate change.

Ecosystem-based Management: H.R. 21 will put in place an organic act for NOAA, establish it as the lead ocean agency and enable the restructuring of NOAA to better accomplish its mission. Part of that mission, and the Nation's ocean policy, should be the ecosystem-based management of marine resources. The Nation must have a lead ocean agency, as well as the White House level advisor and council included in the bill. NOAA is clearly the most appropriate lead agency. But to accomplish the mission of ecosystem-based management, the agency needs to be restructured. I had the privilege of working for NOAA for ten years. The NOAA personnel are talented and dedicated but they don't have all the tools they need to do the job. Nor do they have an overarching framework to effectively implement the conflicting mandates that the various statutes and demands of the day bring. Fisheries, protected species, habitat, coastal zones, sanctuaries, estuarine research reserves, restoration programs and so on are all addressing parts of an interconnected ecosystem, but are based in separate programs in two different line offices. There needs to be true program connectivity with shared planning, a sense of shared mandates, and a coordinated strategy for funding high-priority science, management, and education activities.

Ecosystem-based management is not just the latest buzzword or a small change in direction for policy-making, it is a fundamental shift in how we view and manage our interactions with natural resources. Ecosystem-based management sets a different process for policy-making, starting from a different perspective on goal-setting through to the basis for resolving conflicts. NOAA will best take on this challenge with a new structure that integrates across the currently fragmented functions of the agency. In my view, NOAA has remained a collection of agencies rather than a lead ocean agency. In some ways, within NOAA there is a mirror of the problem that the Commission found across the federal "ocean" agencies, that is, program fragmentation and conflicting authorities. A NOAA organic act should begin the work of reducing program fragmentation by focusing NOAA on its core competencies and mandates; assessment, prediction and operations, ecosystem-based management of ocean and coastal areas and resources, and science, research and education.

The essence of an ecosystem-based approach to management rests on five basic principles:

1) Focus on the ability of the ecosystem to continuously provide the services that support human well-being including recognition that humans are inherently part of the ecosystem. Ecosystem services go beyond simple extractive uses such as fisheries harvest and mining to services that play major roles in supporting life, regulating change and providing a vital cultural resources for society;

2) Recognize that natural boundaries are more relevant to the conservation of ecosystem services than artificial boundaries between legal jurisdictions;
3) Various sectors of human activity with a particular marine ecosystem can affect one another and require some level of management integration;
4) Impacts of human activities on an ecosystem are often cumulative across time and space resulting in ecosystem change that must be addressed by policy action;
5) Policy decisions will not have the same effect on all services and tradeoffs in services among sectors must be made. If management is not integrated across the sectors of human activities, these tradeoffs are often implicit or completely ignored with potentially problematic results.

The Nation's ocean policy should recognize these principles and seek to integrate management within regional ecosystems. The results, if we are successful, should be healthier ecosystems and healthier coastal communities and businesses. If management and science can be integrated, it can also become more coherent and more understandable. We can no longer afford to create complex rules for each sector of human activity as if it operates in isolation.

Coordinated Ocean Management: The need to change to an ecosystem-based focus is a very high priority in my view. But this doesn't just apply to the existing sectors of activities on the ocean. A whole new set of challenges are rapidly emerging for the coastal ocean of the U.S., because of the development of offshore energy facilities, aquaculture, and water desalination plants, among others. Notably, many of these new uses require the allocation of dedicated ocean space and conflicts are emerging rapidly. A consistent management structure is urgently needed for these new uses of the ocean that considers ecosystem impacts, interactions with other activities, and appropriate siting for such facilities. Take two recent examples near my home, the siting of offshore LNG ports off of Gloucester, Massachusetts and the proposal to build an offshore wind farm in Nantucket Sound. Of course there are NEPA requirements for such activities, but what are the standards for deciding where a wind farm should be located to the benefit of the Nation? Or an LNG port? How should conflicts with fishermen, recreational users, coastal landowners and residents, and the public be resolved? What are policy elements that businesses should be mindful of as they plan investments in the coastal ocean? We are behind the curve as these new uses of the ocean emerge, and more coherent and coordinated policy priorities and implementation strategies must be instituted if ocean ecosystems are to be maintained and protected.

Coastal Zone Management: The Coastal Zone Management Act was groundbreaking when it was enacted in 1972, but it is in need of revision to meet the challenges of ecosystem-based management. It can serve as an important part of the effort to integrate management across sectors of human activity and as a primary vehicle for managing land-sea interactions. State coastal management plans are the appropriate means to improve land-use planning in the coastal zone, but a consistent set of strong guidelines are needed. Planning must be integrated with management of the wide array of other activities in coastal and ocean areas including fisheries, energy infrastructure, telecommunications, recreation, transportation and others. Coastal management doesn't need uniformity, but it does need coherence around the country and it needs to adapt to changing conditions. Coastal zone management should be a critical part of an ecosystem-based approach to policy. This means stronger criteria as a basis for the plans, and it means significant increases in resources to make coastal zone management what it needs to be, a major component of the Nation's environmental policy structure. An essential component should be periodic assessments of the state's natural, cultural, and economic resources. Based on these assessments, management plans should then set specific, measurable goals that reflect the growing understanding of ocean and coastal environments and the need to manage growth in regions under pressure from coastal development. It is also essential to redefine the landward reach of state coastal zones to include coastal watersheds, thus better enabling coastal programs to look across political boundaries and incorporate a coastal watershed focus and the basic tenets of ecosystem-based management.

Integrated Ocean Observing System: Make no mistake, we currently have sufficient scientific information to move forward with an ecosystem-based approach to management. Of course, we need more and better coastal and ocean science and I strongly believe this is a critically underfunded area of the Nation's scientific enterprise. But, that doesn't mean we can't do a better job of management with what we have, nor that an ecosystem-based approach is too complex. An urgent need, however, is to bring disparate and fragmented datasets together in a comprehensive system. This system must incorporate real-time ocean observations of the environment including the biology of the oceans. It must also include real-time observations

of ocean-based activities. An ocean observing system is critically needed, but it can't just be observing the physics and chemistry. To be a tool for policy it must relate observations to living resources and to human activity. We have the tools for monitoring fishing, shipping and other activities, but the data collection system must be modernized. To me it seems absurd to create a high-technology system for ocean observations including satellites, radar, buoys with sophisticated instruments, and ship borne observations, and still collect information on fisheries on little slips of paper under confidentiality rules that make little sense.

The ocean and coastal community has rallied behind the implementation of an Integrated Ocean Observing System (IOOS) and Ocean Observatories Initiative (OOI). Together, this combination of research and monitoring systems offer scientists and managers a more complete view of atmospheric, terrestrial, and oceanic interactions occurring at the global, national, and regional scales. IOOS supports the hardware, software, data management, synthesis, and modeling activities that integrate the data and information generated by the research community. It should have the capacity to integrate a broader range of data than just from the monitoring systems themselves. Technologically it is possible to integrate comprehensive ocean data. I often think of this as a dynamic version of Google Earth for the oceans. One should be able to focus on any location in the U.S. coastal and ocean regions and find out all we know about that location: the environment, habitat, recent changes, and the human activities that occur within that area. Congress should authorize and fund such a comprehensive and sustained national system that will support and enhance our ability to understand and manage ocean and coastal resources in a number of ways, including: protecting lives and livelihoods from natural hazards; supporting national defense and homeland security efforts; safeguarding public health; developing new energy resources; adapting to climate change; and conserving biodiversity.

Oceans and Climate Change: Finally, anthropogenic climate change is occurring and it is affecting the oceans. The ocean effects are more than sea level rise, and some are here now, not fifty years in the future. More severe storms, changing regional climate and rainfall patterns, temperature changes, shifting species distribution patterns, and ocean acidification are all happening right now. The Nation must make efforts to understand the impacts, mitigate the increase in greenhouse gases, adapt to changing conditions, as well as research and monitor the changes. I understand Congress is considering climate change related legislation. The relationship between oceans and climate is direct and significant, and I strongly urge the Committee to take a leadership role developing language to incorporate into the legislation that significantly enhances support for ocean and coastal programs throughout the federal government. I believe this relates directly to H.R. 21. The new policy direction for the oceans, new agency mandates, coordination and structure, and new tools for ocean research, management, and education must be implemented quickly to ensure that Congress and other policy makers are provided with the information necessary to make informed and balanced decision to deal with the formidable challenges of the ocean effects of climate change.

Madame Chair and members of the Subcommittee, thank you for the opportunity to testify today. I would be pleased to respond to questions and am also available to discuss these and other matters with Members at their discretion.

Response to questions submitted for the record by Dr. Andy Rosenberg

QUESTIONS FROM THE HON. MADELEINE BORDALLO, CHAIRWOMAN

Coordinated ocean management

You argue for ecosystem based management that addresses existing and new activities in the oceans—particularly the development of new offshore energy sources.

1. Do you believe the existing framework and governance structure adequately address the impacts of such activities and balance them with existing uses? What needs to change in our governance structure to truly achieve a coordinated and coherent approach toward ocean ecosystem management and protection?

I do not believe the current system is sufficient to deal with emerging uses of the ocean. There are four issues that should be addressed directly in governing new uses of the ocean: a) what are the criteria for determining whether a new activity is appropriate in a particularly location with respect to it's impacts on the ecosystem including other activities, b) how will exclusive allocation of space be decided upon and what will be the obligations of holders of that space including fees, monitoring, compensation, etc.; c) under what framework and standards will the impacts of new uses be analyzed including cumulative impacts on the environment (note: of course

NEPA applies but gives no guidance on which options should be preferred); d) what will be the ongoing monitoring and evaluation required for new uses. MMS is currently developing some guidelines for alternative energy but not clearly related to these points above and not for other uses such as aquaculture, desalination, etc.

H.R. 21 and the JOCI recommendations

Dr. Rosenberg, you served on the U.S. Commission on Ocean Policy and now work with the Joint Ocean Commission Initiative, which reported to the Senate its priorities for Congress.

2. In your opinion, does H.R. 21 address the most pressing recommendations put forth by that Initiative?

Yes, with the exception of funding and revision of CZM, which are critical priorities. While the bill addresses funding in part, it does not go far enough in identifying a mechanism.

National Ocean Policy

You have written extensively and focused heavily on fisheries management and conservation.

3. Do you believe that establishing a goal of protecting, maintaining, and restoring ocean health—the habitats, community dynamics, and environments that support our fisheries—will complement the goals of fisheries management?

Yes I do believe the bill is complimentary to fisheries management goals, not in competition with them. It is vital to recognize that other activities effect fisheries productivity beside fishing itself. Keeping fisheries in isolation is not a successful strategy in my view.

QUESTIONS FROM THE HON. HENRY BROWN, MINORITY RANKING MEMBER

1. You mention in your written testimony the importance of integrated ocean observation systems and the need to relate the observations to living resources and to human activity. H.R. 21 would require the creation of regional ocean ecosystem resource information systems. How would you compare the integrated ocean observation system to the regional resource information systems? Would you consider the regional information systems a subset of an integrated ocean observation system or is it the other way around? Are these two separate systems? Is there a need for both?

I believe there is a need for both an integrated ocean observing system as a national (and international) effort and a regional information system. I view the ocean observing system as a subset of the regional information. Ocean observing is to take real time measurements. There are lots of other data that need to be integrated in order to provide a comprehensive picture of the ocean. It makes sense to create regional information systems because the ecosystems are regional and state and local data needs to be included. But some efforts, like the ocean observing system need to be created and management as a national program.

2. In your written testimony you discuss the need for coordinated ocean management to address the emerging conflicts with regard to users of ocean areas in U.S. waters. You reference the National Environmental Policy Act (NEPA) requirements for activities, such as liquid natural gas ports or offshore wind farms, and the lack of standards on where to place these facilities. While many support the idea of alternative fuel, many do not want the facilities in their backyard. How would you recommend we address these conflicting views and create standards? Does H.R. 21 address them?

NEPA requires analysis of impacts but doesn't give guidance on the basis for decisions. There is a need to create a set of standards, as in the fisheries law, for citing new facilities. H.R. 21 could provide a vehicle for doing this but it doesn't contain such standards at present. I think the standards need to address minimizing the disruption of other activities such as shipping and fishing, minimizing environmental impacts, ensuring the public receives fair return for the allocation of public space to private enterprise, monitoring requirements and compatible uses. But the setting of standards is an important public policy matter that needs full discussion.

3. You referenced in your written statement the issue of fragmentation and conflicting authorities in NOAA and in the Administration. How does H.R. 21 correct these problems?

H.R. 21 calls for reorganizing NOAA around it's core functions. It also calls for a new coordination structure with other federal agencies and the creation of an ocean policy advisor in the White House. These changes should reduce fragmentation by bringing NOAA programs together and tasking a high level appointee specifically with coordination on ocean issues.

4. You mention the need to revise the Coastal Zone Management Act (CZMA)and cite it as way to integrate management across sectors of human activity and as the primary vehicle for managing land-sea interactions. If Congress were to enact H.R. 21 would we need the Coastal Zone Management Act?

We need stronger coastal zone management, whether it should be in a separate act or not is more of a legal issue. Strengthening coastal zone management including making it more comprehensive, ecosystem-based, extending further into the watersheds, with strong guidance on how to connect together management of the activities in the coastal areas, and full funding coastal management activities are critically important. H.R. 21 can provide a vehicle for some or all of these needs, while other parts may be best left to revision of the CZMA.

5. What specific measures would you recommend Congress enact to allow the Federal agencies to be more proactive in managing ocean activities (shipping, fishing, etc) or development (aquaculture or alternative energy platforms) in coastal waters?

As indicted in my testimony, I feel that an organic act for NOAA which calls for reorganization is essential. I also feel better coordination must be set up between agencies. Further, a management structure for new uses of the ocean is needed, particularly those that lease ocean space to an exclusive use. For that, we need standards and guidelines that will ensure conflicts are addressed and the public receives fair compensation as well as public interests are served.

6. If you could pick portions of H.R. 21 to move forward, which provisions would choose?

The Organic Act, establishment of a structure for new uses of the ocean with exclusive allocation of space, and establishment of an ocean observing system that will meet policy needs in future.

7. Prior to enacting an overarching bill such as H.R. 21 and its ecosystem-based management approaches, Congress should review existing legislation, such as the Marine Mammal Protection Act and the Endangered Species Act, and either repeal or amend these laws to adhere to the ecosystem-based management approach. What are your views on this statement?

I do not agree with the statement. I think the goal of setting an ecosystem based management policy is to knit together the management of the ocean under these laws and others in a coherent way. I think after the principles and structure are established Congress should, in an ongoing way, consider if any of these and other laws should be amended to enable better integration of ocean policy.

8. Does the Marine Mammal Protection Act and its focus on protecting marine mammals above other species fit into the ecosystem-based approach to management?

It can if that is the goal that Congress wants to maintain for the Nation. What it means in an ecosystem based management context is that we should integrate the management of marine mammals with other uses in a way that provides very strong protection for marine mammals. Just because they are strongly protected doesn't mean that the management measures ignore other uses. It just means that the goal of protecting marine mammals receives high weight in evaluating tradeoffs.

9. The U.S. Commission on Ocean Policy recommended voluntary regional partnerships, yet H.R. 21 requires them. Is this appropriate? Does making the regional partnerships mandatory limit the flexibility of the state and regions to develop partnerships that respond to specific needs?

The Commission recommended pilot programs as an initial step and some progress has been made in that regard. Regional partnerships can be flexible whether they are mandatory or voluntary (e.g. the fishery management councils are all different in character). It depends on what they are asked to do, more than the issue of voluntary or mandatory. I think most if not all regions have begun to develop these partnerships anyway.

10. H.R. 21 ignores existing laws, such as the Coastal Zone Management Act (CZMA) and the National Environmental Policy Act (NEPA), which guide how activities will affect the ocean and conserve ocean resources. It would seem to be more productive for this Committee to review these and other existing statutes to determine how to best modify them to create better coordination of conservation and management efforts instead of enacting a new law that would supersede all existing laws. Can you comment on this?

I don't agree the bill ignores these, but builds upon them. I think the CZMA does need revision to improve and strengthen its management provisions and adhere to ebm principles. I think NEPA does not need to be modified but that the guidelines for implementing NEPA probably do. I do not see Oceans 21 as superseding all existing laws. I think it is intended to integrate existing laws so that the policy is less fragmented and works better.

11. The bill charges NOAA with reporting on the status of ocean ecosystems and resources two years after enactment of the bill and every three years thereafter. The Regional Ocean Partnerships are also required to develop regional ocean strategic plans which will include an assessment of its ocean region. What changes can we make to the bill to ensure there is limited duplication between the two reports? Can you also make recommendation on how to limit duplication in other areas of the bill?

I think NOAA should be developing a report that is based on Regional reporting and provides a national overview. To do this, integrated assessments of the regional ecosystems are needed and must be funded adequately. This will also bring together a lot of the data and information across sectors as called for in the bill, which is not happening now. It also has the great potential to reduce duplication in analyzing impacts on ecosystems in the course of NEPA analyses and other but providing and integrated ecosystem assessment as the basis for NEPA EIS statements for all proposed actions (instead of each sector doing them independently).

Additional streamlining can be accomplished if an integrated data set is created as called for in the bill, if CZMA plans can be developed and strengthened as the basis for regional ocean plans, and if the work across programs and agencies is integrated to reduce fragmentation and duplication. All of these are called for in the Commission report and are reflected in the bill.

12. You made statements at the hearing to the effect that it is important to determine cumulative effects of actions on the ocean environment. There are a number of disparate activities occurring on the ocean. How do you envision the effects of cumulative impacts be determined and by which agency?

Cumulative effects should be analyzed in the course of an integrated ecosystem assessment as indicated above. NOAA as the lead agency for the oceans should lead the integrated assessment but other agencies should be required to participate and contribute. The analysis of cumulative impacts is challenging and will develop over time. It is possible to evaluate cumulative impacts for some parts of the ecosystem now, such as cumulative impacts on fisheries productivity and on habitat from multiple sectors. It may also be possible for severe storm protection. For example, there was such an analysis done for the Gulf coast prior to Hurricane Katrina, as referred to in the Commission report, but it was not acted upon. For other ecosystem services and functions it may be more difficult but substantial scientific work is being done in many areas to evaluate cumulative impacts. Without a clearer programmatic effort to do so, this work will not be brought to bear on policy decisions with potentially disastrous results as seen in the Gulf.

13. With the national standard language and the definition of precautionary approach in H.R. 21, these provisions would limit or prohibit actions if it could not be proven that the cumulative actions have no significant impact on the ocean. This is a very protectionist approach. Congress needs to find a balance between conservation actions and allowing necessary actions to occur. How do you suggest we move forward and beyond these very protectionist provisions?

The interpretation of a precautionary principle given in the question is an extreme view that has been largely rejected within the scientific community and is not used in policy discussions internationally. A precautionary approach as more appropriately defined, calls for being more cautious in the face of uncertainty, rather than prohibiting actions unless there is no impact. A precautionary approach calls for avoiding irreversible changes and developing measures that can be implemented quickly if negative impacts are observed to avoid delays. There is a substantial literature on the precautionary approach applied to pollution, fisheries and other sectors that can be relied upon here and does not take an extreme protectionist view.

QUESTIONS FROM THE HON. JIM SAXTON

1. OCEANS-21 contains National Standards to guide implementation of "covered actions" and a timeframe for interagency comment. What sort of effect would this have when combined with current National Standards and timelines contained in other laws such as the National Environmental Policy Act and the Magnuson-Stevens Fishery Conservation and Management Act?

I view the standards as integrated the other laws under a consistent policy rather than over-riding existing standards. For example, the fisheries standards clearly call for preventing overfishing and ensuring equity among user groups among other things. These still pertain under an ecosystem based approach but now are integrated with the actions of other sectors. The benefits are that it will be possible to address impacts on fishery resources other than fishery impacts and to make the rules across sectors fit together more coherently.

2. Our oceans cover an area that is 23% larger than the land area of the U.S. and, according to the U.S. Commission on Ocean Policy, contribute roughly

$117 billion to the U.S. economy, mostly from tourism and recreation revenues. Given the expanse and importance of our oceans to people of the United States, do you believe that it is appropriate for Congress to issue guidance on how our oceans as a whole should be managed—as we have done with all of our other major systems?

I believe it is critical that Congress do so. The oceans are a hugely important public resource and fragmented management has put that resource at risk.

3. The NOAA organic act title of H.R. 21 makes NOAA the lead federal agency for oversight of all U.S. coastal, ocean, and Great Lakes waters and resources. Currently, though, NOAA shares this responsibility with agencies like USGS (for example, USGS manages fisheries in the Great Lakes). While the U.S. Commission on Ocean Policy did recommended consolidating oversight of ocean resources into one federal organization, they recommended a slower, step-wise approach that first provides an organic act for NOAA with its current responsibilities and then over the course of a few years considers transferring the responsibilities of other agencies to NOAA. Do you agree with the Commissions step-wise approach to consolidating ocean oversight, or do you believe this significant change in federal oversight should be made immediately as proposed by H.R. 21?

I am a Commissioner and support the recommendations of the Commission report. I think that in any case, it will take some time to work through program consolidation across agencies. It cannot be done with the stroke of the pen.

4. Many experts have stated that NOAA is too "stovepiped", leading to inefficiencies and duplications across its five current line offices. The NOAA organic act title of H.R. 21 proposes to consolidate these offices into three primary functions—assessment, prediction and operations; management; and research and education. I believe it is important for research and education to be closely tied to and support the other two functions of the agency, but under H.R. 21 things could remain stovepiped having research as a separate function. In another NOAA organic act proposal, H.R. 250 from Mr. Ehlers, there is a leadership position that oversees all science at the agency to ensure the best science is incorporated into all agency activities. Would you recommend a similar position in H.R.21? If not, would you recommend other changes in H.R. 21 to ensure that the research function of NOAA continues to serve the needs of the operations and management functions of the agency?

I agree that NOAA is too stovepiped and restructuring is warranted. I also agree that oversight of science and research across the agency is needed as recommended in the NOAA External Research Review Panel report (I was also a member of that panel). I think H.R. 250 reflects this need. It is essential that the research functions not be separated from operations and management but it is also essential that the different areas of operations and management be more integrated. A lead scientist position with real authority could help make the NOAA science program an integrated whole, not a collection of programs.

Ms. BORDALLO. Thank you very much, Dr. Rosenberg. And now the Chair recognized Mr. Benton to testify for five minutes.

STATEMENT OF DAVE BENTON, EXECUTIVE DIRECTOR, MARINE CONSERVATION ALLIANCE

Mr. BENTON. Thank you, Madam Chair. I too want to congratulate the committee for holding this hearing and providing this opportunity to provide you our views about H.R. 21. You have my written statement. For the record, I am David Benton with the Marine Conservation Alliance. I just want to respond to some of the things that I have heard here today in the hearing.

I think my written statement speaks for itself, although I have one mea culpa, Madam Chair. In the last edit while I was on the airplane it was supposed to be addressed to Madam Chair not to Mr. Chairman, and we will make a change to that and submit it accordingly.

Ms. BORDALLO. You are excused.

Mr. BENTON. Thank you. But do I get an extra two minutes? Anyway, Madam Chair, the Marine Conservation Alliance rep-

resents about 80 percent of the seafood production in Alaska. Alaska represents about half the seafood production in the country. Our members come from all walks of life in the seafood industry, harvesters, processors, coastal communities and our interests are in finding practical solutions to real world conservation problems and do that in a timely and cost effective manner.

And we share a lot of the kinds of concerns you have heard here today about bringing management systems together, making them more cohesive, making them more effective and making them more efficient, and we are very supportive of moving toward ecosystem based fisheries management or management of other marine resources and doing so in a way that is based on good science and a transparent public policy.

The problem that I see with H.R. 21 is that because of the way the bill is presently constructed—that does not mean we cannot fix it—but because of the way the bill is presently constructed it does not achieve those goals and in fact our concern is that it could get in the way of making the kinds of progress that we need to get accomplished in this country, and I will give you an example. The national standard that is in this bill is fine enough for certain kinds of activities in the marine environment but it is basically a monofocused national standard around ecosystem management.

There are other things that go on in the marine and coastal environment that also should be part of a national policy. Transportation policy. Energy policy. A national defense policy. This policy does not get to that. It gets to one aspect of marine events and uses.

The standards for implementing the national policy are very rigid and very prescriptive. They do not provide the kinds of flexibility that you need to have in a real world management sense. All Federal actions that are covered under this bill would be required to demonstrate that they are not likely to harm a marine ecosystem, any marine ecosystem, and that is going to be a very difficult challenge to make, and managers are going to have a very difficult time meeting that standard and doing it in a timely fashion.

Our concern is the interaction between the national standards and the definitions in this bill are going to cause a system of gridlock and not do what I think the proponents of the bill are trying to get done which is to streamline things and make them more effective and to bring a different level of conservation ethic into how we make decisions. We think it is going to get in the way.

The other kind of concerns that we have here is the creation of a fairly large and elaborate and expensive bureaucracy. We have a lot of bureaucracy now. The U.S. Commission on Ocean Policy pointed this out very well, and they laid out some steps that could be taken but those steps were largely built upon improving existing programs and making the best use we can of what we have instead of a new bureaucracy that lays over the top.

The third thing I want to touch on really quickly is funding. The bill sets up the trust fund. We think having an oceans trust fund might be a very good idea. The difficulty is that the only new source of money is the national stamp. Nobody seems to know how much money that would generate. We do not think that is going

to generate a billion three hundred million dollars a year. So the money is going to have to come out of the general treasury.

With the fiscal realities that this country is facing—and you face this all the time here in this town—unless you can identify a new source of money that means that those general treasury funds that are going to go into that trust fund are going to come and be scored against some program, and we are concerned it is going to scored against oceans, science and management programs that already exist. Without a new source of money, the trust fund is simply moving money around and shuffling the decks on the Titanic, and we cannot afford to do that, and with that, Madam Chair, I am going to beat the clock, and thank you very much.

[The prepared statement of Mr. Benton follows:]

Statement of David Benton, Executive Director, Marine Conservation Alliance

Thank you Madam Chair. For the record, my name is David Benton, and I am the Executive Director of the Marine Conservation Alliance (MCA). MCA is based in Juneau Alaska, and represents harvesters, processors, coastal communities, Community Development Quota organizations, and support services businesses involved in the groundfish and shellfish fisheries of Alaska. MCA was formed to promote the sustainable use of North Pacific marine resources by present and future generations through the application of sound science, prudent management, and a transparent open public process. MCA supports research and public education regarding the fishery resources of the North Pacific, and seeks practical solutions to resource conservation issues to protect the marine environment and ensure sustainable fisheries. Our members collectively represent roughly 80% of the production of North Pacific fisheries.

I want to thank you and the committee for this opportunity to testify before you today regarding H.R. 21, the Oceans Conservation, Education, and National Strategy for the 21st Century Act.

Although the bill has much broader implications for oceans conservation and management, I want to speak to H.R. 21 mostly from a fisheries perspective. While MCA supports efforts to move towards an ecosystem based approach to fisheries management, we are concerned that several provisions in H.R. 21 will actually impede efforts to improve conservation of our nation's marine resources.

To put our concerns into perspective, let's first examine Alaska's record for fisheries management.

Alaska produces roughly half of the nation's commercial fisheries landings by volume. Fisheries account for about 35,000 jobs in Alaska, and are valued at over $1.3 billion dollars in ex-vessel value. In 2005, the ex-vessel value of groundfish alone was $740M with $138.4M from the Gulf of Alaska and $601.8M from the Bering Sea and Aleutian Islands. The gross value of the 2004 groundfish catch, after primary processing, was approximately $2.0B (F.O.B. Alaska). In addition to groundfish, halibut and shellfish generated $170.1M and $159.2M ex-vessel values respectively.

Most importantly, the majority of Alaska's coastal communities are built around a fisheries based economy, and without a stable fishery resource base many of these communities would not exist. It is because of this dependence upon the sea and its renewable resources that Alaskans work hard to ensure that conservation comes first, and that fishery resources are managed for their long term sustainability.

The record speaks for itself. There are no overfished stocks of groundfish in Alaska. Fisheries are managed under hard caps and close when harvest limits are reached. Federal observers, Coast Guard, NOAA Enforcement, and Vessel Monitoring Systems (VMS) monitor the fisheries to ensure compliance with closures. Over 380,000 square nautical miles are closed to bottom trawling to protect marine habitat. Ecosystem considerations are taken into account in fishery management plans. For example, fishing on forage fish species is prohibited, and measures are taken to protect endangered species, marine mammals, and seabirds. For depressed crab stocks, aggressive rebuilding plans have been in place for many years. Most scientists believe that these stocks are depressed because of oceanographic changes that happened in the late 1970's, and that these stocks will not rebound until oceanographic conditions become more favorable for these species.

We have also worked hard to address oceans conservation on the international level. Because of the combined efforts of the seafood industry, the States of Alaska and Washington, and the federal government, several new treaties were put in place that established one of the world's most effective multi-lateral surveillance and enforcement regimes, a comprehensive multi-national science program, and institutional arrangements that have the management tools to protect the region's marine resources from illegal and unregulated high seas fishing. As a result, high seas salmon interception has all but been eliminated, incidental mortalities of marine mammals and seabirds dramatically reduced, and vulnerable fish stocks in large areas of the North Pacific outside the U.S. Exclusive Economic Zone are no longer subject to unregulated fishing pressure.

Because of this record, Alaska has been cited by the U.S. Commission on Ocean Policy and other groups as a potential model for the rest of the nation. Recent articles in National Geographic identify Alaska as one of three areas in the world where management is being done right.

But, we also know that nothing is perfect, and in the ever changing world of oceans conservation and fisheries management you cannot rest on your laurels. We are constantly working to improve our understanding of the marine environment, and the factors affecting it. For example, in Alaska the North Pacific Fishery Management Council (NPFMC) is developing a Fisheries Ecosystem Plan for the Aleutian Islands. This is the first such plan for Alaska waters. In addition, the North Pacific Research Board, in cooperation with the National Science Foundation is funding a multi-disciplinary multi-year ecosystem research program for the Bering Sea. A second, similar program is planned for the Gulf of Alaska. On a broader scale, the NPFMC spark plugged an effort to bring together all the relevant state and federal agencies to discuss and address activities such as shipping safety, marine pollution, offshore oil development, land use in the coastal zone, fisheries, and other factors that are or might have an effect on Alaska's marine environment.

In a similar vein, Alaska's seafood industry has instituted several major cooperative research programs to partner with federal, state, and university scientists in numerous scientific projects to reduce bycatch, improve fishery monitoring and accountability, and mitigate the effects of fishing on seafloor habitat. We are also operating one of the nation's largest marine debris clean-up programs in partnership with NOAA and local communities and citizens groups.

All of these efforts are improving our management and conservation of fisheries and related marine resources. Most importantly, while quite similar to some of the concepts in H.R. 21, these efforts are being carried out under existing authorities within the context of well understood legal mandates and public participation processes. The results are practical and timely measures to improve resource conservation.

This record also provides the context from which we look at the provisions of H.R. 21. And it is because of our practical experiences in the North Pacific that we believe that some of the major provisions of H.R. 21 will actually impede efforts to improve conservation of our coastal and oceans resources.

Our concerns center on three basic aspects of the bill:

- Establishing a broad national policy with poorly conceived national standards;
- Far reaching mandates for ecosystem based management with little or no recognition of the realities of the status of the science involved, the conflicts that will arise between the new policies and current and ongoing conservation and management programs, the impacts of the policies on existing ocean related uses, the increased potential for unnecessary litigation, and the gridlock that will ensue;
- The expense of the new bureaucracy called for by the bill, and the attendant weakening of ongoing conservation efforts due to scarcity of funding and personnel resources.

Title I of H.R. 21 purports to establish a national oceans policy. However, instead of enhancing the effectiveness and efficiency of our nation's oceans management regimes through a comprehensive approach to oceans policy, H.R. 21 further complicates an already daunting array of laws, regulations and policies that currently govern ocean uses. It does so by focusing on only one aspect of the nation's ocean interests, and by adding yet another layer of broad, far reaching, but poorly defined policies and standards. The bill establishes U.S. policy to "protect, maintain, and restore the health of marine ecosystems" and then a national standard that, "to the fullest extent possible, the policies, regulations, and Public Laws of the United States" shall be interpreted to meet this policy.

Actions covered by the bill are defined as "any activity affecting United States ocean or coastal waters or resources that are authorized (including a federal license or permit), carried out, or funded by a federal agency". The bill then mandates that

such actions "may proceed only if the covered action is not likely to harm the health of any marine ecosystem and is not likely to impede the restoration of the health of any marine ecosystem".

Taken together, this broad policy subverts all national interests in ocean affairs to one single policy, and circumscribes all other federal laws with a broad and poorly defined mandate. Any federal agency conducting any activity that might affect ocean or coastal waters is to judge any and all covered actions against this inflexible standard, a standard that is virtually impossible to verify, and certify compliance prior to allowing the action to proceed. If there ever was a formula for gridlock, this is it.

Title II of H.R. 21 is an organic act for NOAA. Section 204 requires NOAA to "take an ecosystem-based management approach" to all of the agency's resource management obligations. While on the face of it, this sounds like a positive step in resource conservation; in reality it ignores some very fundamental and basic issues.

First and foremost is the question of whether or not the science is there to do the job right. The bill addresses this question by stating that lack of science requires managers to invoke the "precautionary principle" and take action. In other words, lack of information is no excuse, regardless of the consequences. The annals of resource management are replete with examples of well intentioned actions resulting in disastrous unintended consequences. Blind adherence, or in this case a legal requirement, to act on poor information is not, in our opinion, good resource management.

Instead, relying on the expertise of managers and their science advisors to take prudent steps seems more in order. But, by setting up rigid legal requirements, coupled with judicial review and litigation, this bill is heading in the other direction.

Secondly, the mandate for an ecosystem-based approach to management is exacerbating the problems managers already face. Namely, how to balance different resources and uses. For example, when endangered salmon come into conflict with protected marine mammals that feed on them, how do the managers meet the requirement for ecosystem based management? Or, when confronted with decimation of protected sea otter populations by protected Orcas, how do managers respond? Should they "take sides" in the ecosystem by reducing Orca mortality on sea otters? Should they engage in "control measures" to protect endangered salmon from predation? What if the only viable alternative is lethal control of the predator? Under the provisions of H.R. 21, would managers be vulnerable to litigation if they did not take such actions?

Admittedly these are extreme cases, yet each is actually playing out in the world today. They serve to underscore a more fundamental question. What do we mean by "ecologically sustainable"; and how do managers respond in a real world sense to a mandate for "maintaining biological diversity and ecosystem functioning and structure from one human generation to the next". Given the statutory mandate of H.R. 21, does this mean that fishery managers base their management programs on the potential consequences of coastal development that might happen sometime in the future? Does that mean that repairs to harbors or shoreline protections should be halted because it cannot be shown that they are "not likely to significantly harm the health of any marine ecosystem"?

From the perspective of a region that is interested in making real, "on the water" progress in oceans governance and conservation, each of the definitions of "marine ecosystem health", "healthy marine ecosystem", "precautionary approach", and most importantly the definition of "ecosystem-based management" all suffer from the same basic flaw. They sound good, and are full of ambiguities that will make the practical and real world work of managers virtually impossible.

These problems are even more daunting when considering the scope of the area and functions covered under the provisions of H.R. 21. The definitions of oceans waters include all federal waters, and the definition of coastal waters includes those waters covered by Sec. 304 of the Coastal Zone Management Act, which includes bays and estuaries. By extension, this may also include activities taking place anywhere in the coastal zone, which in many states reaches far inland. This means that road repairs, sewers, harbor improvements, shoreline restoration, fisheries both commercial and recreational, housing, shipping and transportation, and all the myriad of activities that take place on or near the ocean will fall under the new mandate, and managers will have to juggle all of these considerations when making decisions.

As a final point, in addition to the provisions of Title II that establish NOAA, Titles III and IV establish an elaborate, and potentially very expensive, oceans planning process. Some of these provisions mirror recommendations of the U.S. Commission on Oceans Policy, some of which have already been adopted by the President. Some of these new provisions simply create a new and somewhat redundant bu-

reaucracy. This will be an expensive endeavor, with the potential for drawing funds away from ongoing conservation or science programs to fund the new bureaucracy.

To address this concern, H.R. 21 would establish the Oceans and Great Lakes Conservation Trust Fund. Aside from the sale of a "Healthy Oceans Stamp" and some interest gathered on the Fund over time, deposits to the fund will apparently come from the general Treasury. Current fiscal realities will dictate that these funds will be counted against other oceans programs. The result is classic, once again the ocean community will be faced with broad and contradictory policies, and new mandates, with insufficient funding.

So what is the way forward? How do we make progress in a practical and timely fashion?

We propose the following:

1. Implement the Magnuson Stevens Act (MSA). Reauthorization of the MSA has already done much of what is needed. Now Congress needs to fund the research and conservation programs it just passed. The revised MSA was a significant achievement that included provisions to move the nation towards ecosystem based fisheries management, prevent overfishing, strengthen the role of science in fisheries management, and improve monitoring and enforcement. The renewed MSA passed with broad bi-partisan support, and was hailed by conservationists, recreational and commercial fishermen, scientists, and fishery managers; all of whom praised the bill as a much welcomed improvement for conserving our nation's marine resources. With regard to ecosystem based management, the MSA takes a step wise approach by providing the tools to move in that direction, and by strengthening existing scientific programs to get the data to support such efforts. This is a formula for success.
2. Provide a source of stable and long term funding for oceans research and observation. The MSA began this process, and H.R. 21 may have some elements to add through the creation of the Oceans and Great Lakes Conservation Trust Fund. However, none of these efforts will succeed unless new sources of dedicated funds are identified that do not detract from funding for existing programs.
3. Be selective in setting new policies and cautious when establishing new mandates. Fix only what is broken. Strengthen federal/state partnerships and promote regionally based solutions. Several reports and studies emphasize building on existing programs in an evolutionary manner. Make it the first priority to provide the resource management agencies the personnel and basic funding they need to do their job, and do it well.

Ms. BORDALLO. Thank you. Thank you very much, Mr. Benton. I am going to go ahead and recognize the members. Of course I am the only one here right at the moment but I do have questions for each of the witnesses and hopefully my colleagues will be returning soon. And I know, Mr. Grader, you have a plane to catch later on. How much time can you be with us?

Mr. GRADER. I have probably got about another seven minutes.

Ms. BORDALLO. Well good. Just time for my question. This has to do with the trust fund. The Administration testified that they oppose the establishment of a trust fund because it somehow limits their ability to identify and fund priorities. Has it been your experience that the programs needed to better manage our fisheries and oceans have received the funding they need by relying on the prioritization process of the Administration?

Mr. GRADER. No, they have not, Madam Chairman, and that has been one of our concerns. We started beginning clamoring for a trust fund well over 10 years ago, and basically designed a model for both an ocean and a fishery trust fund but part of the problem we have gotten into trouble in fisheries in this country was not just greed or avarice but was ignorance because we simply did not have the adequate funds to do the research that was required, and we still do not.

And so I think from that standpoint and in looking larger at our oceans we need to have a steady source of funds. One thing we looked at as a model—albeit a small one—was the Sport and Fishing Restoration Fund which has been a very popular program funded by a tax on all sporting goods, sport fishing goods sold as well as on the marine gasoline. That has raised a lot of money. The monies are then administered by the Fish and Wildlife Service and go back out to the states for the programs. That has been an extremely popular program, and I think you know development of a trust fund for our oceans is good.

We share Mr. Benton's concerns that the money identified in here is not adequate but on the other hand we see this as positive much as we did with Magnuson. At least we started. We got a trust fund concept started. Then I think in both the case of fisheries and in our oceans we do need to identify other sources. For fisheries we have done that. We have not done that yet for oceans.

Ms. BORDALLO. All right. I would like to ask every member of the panel because I think Mr. Benton zeroed in on the trust fund you all agree we need more money. Where do you think we should get it from? I would like to ask Ms. Chasis.

Ms. CHASIS. Well I think we agree with Zeke that the idea of creating the fund and making sure that you know one thing that is important is not only making sure money is set aside in the fund but that it is mandated to be spent because we have seen with other programs like the Land and Water Conservation Fund that money goes into it but then we do not see it coming out. We think that there are potentially other sources of funding that could go into this. The kind of proposal that Zeke's group has put forward in terms of a seafood tax potentially.

One area that we have been concerned about including that has sometimes been the subject of discussion is offshore oil and gas revenues, and we would want to you know look at that kind of proposal very, very carefully. We certainly do not want to have funding sources which actually encourage activities which could be more damaging to the ocean when the goal here is really to try to protect the ocean. Thank you.

Ms. BORDALLO. I would like to ask next Dr. Rosenberg the same question.

Mr. ROSENBERG. Thank you, Madam Chair. The commission recommended some specific sources of funding for an ocean trust fund, and I do think it is very important that it be an ocean trust fund for a range of uses. There are fisheries issues but there are many others. Certainly the use of offshore oil and gas revenues is difficult, and we recognize that of course it is always a little bit of a zero sum game of trying to move money from one place to another.

I think it is important to recognize that ocean related activities, ocean science and education have been underfunded for quite awhile, and so the decision with regard to oil and gas funding I think is certainly a matter of priorities between competing uses. But one part of the commission recommendation that has not perhaps been fully appreciated is that we recommended that the new uses of the ocean that I mentioned in my testimony including aquaculture, including you know offshore energy facilities, LNG ports and so on, are potentially since they require a dedicated ocean

space, public trust space, that they are potentially an important source of funding, and there has been no decision or as far as I am aware no extensive discussion of that particular potential source of revenue.

It also argues for having a consistent and comprehensive system for managing those new uses as they come up, and so I think that that is an important source of revenue that should be considered in development of this trust fund along with some of the other competing uses. Thank you.

Ms. BORDALLO. Thank you. Thank you, Dr. Rosenberg. I have listened to the three of you, of course we are going to hear from Mr. Benton, but this is why we are having this hearing to get ideas and some of them are very interesting, and certainly the committee will take note. Mr. Benton.

Mr. BENTON. Thank you, Madam Chair. I concur with Dr. Rosenberg and with Ms. Chasis in their comments about where to find monies. I know that offshore oil and gas revenues are a difficult at least philosophical issue, and they have some practical issues as well.

One thing that occurred to me sitting here was that a few years back there was a bipartisan bill. I think it was authored in fact by Congressman Young from my state to create a conservation trust fund. I cannot remember exactly the name of it but I think we could certainly pull that back up and see where the revenue sources for that were going to come from and see if that might provide an avenue to pursue. That bill had a fair amount of support from at least some of the conservation community as I recall, and was I think a bipartisan bill but we could certainly do that, and I would be happy to work with you and any staff to find that if you want.

Ms. BORDALLO. Thank you. Thank you very much, Mr. Benton. I have a question here for Dr. Rosenberg. I think you were in the room and you heard Mr. Dunnigan testify in opposition to the bill. His point was that the President's Executive Order and the U.S. Ocean Action Plan are more than sufficient, and we do not need any legislation to achieve the recommendations of the U.S. Commission on Ocean Policy. Based on your experience as a former administrator within NOAA and a member of the U.S. Commission, would you agree that the President's efforts satisfy the Commission's recommendations and that no legislative measures are needed?

Mr. ROSENBERG. Thank you for the question, and no, I would not. I think the report card that the Joint Ocean Commission Initiative makes that fairly clear that the commissioners on both commissions really do not believe that the current efforts are nearly sufficient. Specifically with regard to the Ocean Action Plan, not only with funding and some of the international issues, but in thinking about the ecosystem based management approach, NOAA is certainly working very hard in trying to do good things. I have no question of that, and I worked for the agency for 10 years and a strong supporter.

But they need to take a new direction, and that is very difficult to do when you are in the same structure you have been in for

awhile with the same mandates that you have had for awhile just by telling people to work more nicely together.

Ms. BORDALLO. Well when your funding is declining.

Mr. ROSENBERG. And your funding is declining. One of the difficulties with a lot of the discussion of ecosystem based management and in fact this bill is that people are assuming it is just an add-on. We are going to do all the things we are doing now but then we are going to do some additional things and where will the money come from? And that was the sense of Mr. Dunnigan's comments.

I think the argument within the commission or from the commission is that we are saying we need to do things differently. We need to connect up those programs differently not just add the layers as I think Mr. Benton referred to, and that is a difficult task for an agency that has been in existence for 37 years to make changes in directions. Are they doing some things? Is it sufficient? No, it is not.

Ms. BORDALLO. Thank you. Ms. Chasis, would you like to comment on that?

Ms. CHASIS. Yes. I think that you know there is the committee on ocean policy that is created by the President's Executive Order but there is no clear direction of policy to that entity, and I think Congress really is the one that needs to provide that direction in order for us to see the real coordination and direction in terms of ecosystem based management that we need and that the two commissions requested, and also you know we need something that is permanent.

That has got longevity, and something that is just created by one President through Executive Order just does not have the same stature or importance as a piece of legislation that Congress has enacted. So I do not think the responses of the Administration are at all satisfactory to the concerns that our community has and that the two commissions have.

Ms. BORDALLO. Thank you. You mentioned something on one point that I keep bringing up. I served in the Executive Branch in my community government as a lieutenant Governor and executive orders are executive orders. They come and they go, and they may not be what the next Administration wishes to carry out very simply. But you know when you work through Congress you know that it is something permanent, and I think that is important. Mr. Benton, do you have any comments on that?

Mr. BENTON. Well, Madam Chair, I think that the Administration made a good first stab at trying to pick up on the recommendations from the U.S. Ocean Commission. I have no problem if the Congress wants to establish in statute you know a policy in the Executive Branch and the President's office and that committee. I do not think that is going to make a huge difference whether it is established by statute or not because—and I agree with your statement about you know executive orders come and go.

But there is so much attention and interest in the oceans that I believe for the foreseeable future, the next several Presidents down the way, this is going to be a major topic for the country. They are going to follow in those footsteps. If I may, the real issue comes down to some other pieces of what the President started,

what the commission recommended, and where we really I believe need to be focused.

The integrated ocean observing system is a very important piece. We will not be able to do ecosystem management well if we do not have a much more improved data set to operate from, and those kinds of recommendations are the ones that we need to be picking up on. They are not dealt with well in this bill, and this bill could get in the way of that unless we solve that funding issue, and the President started down that road but he has not finished that job at all.

Ms. BORDALLO. Dr. Rosenberg, you had your hand up.

Mr. ROSENBERG. Yes, if I could just add one more thing, Madam Chair, and that is that with regard to the National Ocean Council, the commission recommended certainly that there should be a council and there should be an advisor to the President on ocean policy but a critical issue is how will NOAA actually get the other agencies to engage.

I mean this is not just a NOAA problem even though much of the discussion has been focused on NOAA, and in a National Ocean Council unless you have a clear policy direction that is national and they have a task to do with regard to a set of standards or a specific policy statement, it will be very difficult for a relatively small agency like NOAA to go to the Navy or NSF or EPA or Department of Transportation and get them to pay attention to those same issues unless there is something pushing them to do so, and that is why I think it is very important to have a clear overarching mandate from Congress that says to do that.

Yes, the President could direct his Secretaries to do so but without a clear imperative of what they are supposed to do, I just do not think they are all going to come to the table and work together.

Ms. BORDALLO. Thank you. Thank you very much, Dr. Rosenberg. Well you know we can speak forever on this but we are here to get input from all of you to make this a better piece of legislation. But I would not want to be working under an Executive Order. That is for sure because no matter how important this particular subject is and it will continue to be of great importance in the future, it is just good to have that permanent feeling of knowing that no one can make any changes and we have a piece of legislation behind us, and we are permanent. That to me is very important.

And I am very happy that the father of this bill is here back with us, Congressman Farr, and I have tried to stretch it out as long as I could until everybody got back. So I would like to recognize Representative Farr.

Mr. FARR. Thank you very much, and I really appreciate you continuing. I know our witnesses some had to catch planes and most of the Members of Congress when I ran out after this last vote are already in the airport. I mean they just ran for their cars. So this town is emptying right now, and I think it is important that you were able to get all the panels to participate because we oftentimes cut off the panels, and I appreciate your leadership on this.

I really have no questions. I am just very excited that we had you know very good observations today if not in some in committing that this is a great bill in the right direction but the whole

recognition that status quo does not solve the problems. So that is the first line of trying to solve a problem is you have an agreement that something is broken that needs fixing, and I think from there we can make great progress.

Ms. BORDALLO. Thank you very much, the gentleman from California, Mr. Farr. I have another question for Ms. Chasis. Both the Administration and the Coastal States Organization oppose the requirement under Title 1 that Federal agency actions be administered in accordance with the National Ocean Policy arguing that it will create a bottleneck that will block activities from occurring. Do you agree, and if not, why not? Who will this process work?

Ms. CHASIS. No, we do not agree. First of all, you have a policy. You need a standard that is an action forcing standard to get agencies to actually implement the policy in particular context, and I think the language of the standard is carefully constructed so that it is really focused on activities which could impact the ecosystem. It is a pretty high standard. It talks about significant impacts. It talks about likely impacts. It talks about ecosystem level impacts. So it is really trying to get at those things which go to the health of the system.

The other point is it is not trying to replace the mandates of other law. That issue I think came up earlier. What it is saying is integrate this policy with the other mandates to the maximum extent you can. You know if there is an inherent conflict between the mandates of another law and this, the other law holds but to the extent there is discretion, this is in a sense like the way it works under the Coastal Zone Management Act.

You are requiring agencies to be consistent with this policy to the maximum extent possible. So we think it is an important action forcing mechanism. It is not designed to block things in the oceans. It is trying to say look at the things that are really going to have major impact and make sure that the overall functioning of the system is maintained which is needed to support fisheries, to support all these other uses that are so vital. Thank you.

Ms. BORDALLO. Thank you. Thank you, Ms. Chasis. Do the other panelists wish to comment on that? Dr. Rosenberg and then Mr. Benton.

Mr. ROSENBERG. I think it is very important to have a national ocean policy and standards, whether the language of the standards you know is exactly right or not is a matter that certainly a Joint Ocean Commission Initiative will be happy to work with the committee on. The reason that I think it is so important is because I do think you need to have Federal agencies engage on this issue, and oddly enough I think that the least problematic area is fisheries because fisheries already has to do this within their existing statute, and so all the concern is that this is going to change fisheries management, and I do not think it will. If in fact you adhere to the Magnuson Act you would have to do this anyway.

And so there really is not anything new. No new requirement for fisheries in my view. What is a new requirement is that if you are taking some other action that may impact on that ocean ecosystem that fisheries depend upon, whether it be a transportation action or new use in the ocean that you have to explicitly consider those

ecosystem function issues and the ability of the ecosystem to maintain itself.

So I think it gives exactly what Zeke Grader referred to as the ability of, for example, fishermen who depend upon the ocean to have an entree into many of the other issues that are problematic for them but they really do not have an entree into now, and if I go back to the LNG port in New England or the wind farms in New England, how was the fisheries management council or the state fisheries agency able to impact upon those sighting discussions with regard to LNG ports even though it became an exclusive that you know many fishermen in the town I live in said was going to have a major economic impact on them because of the exact location they chose? They had no way to get into that process other than public comment, and they should have more of a voice than that.

Ms. BORDALLO. Thank you. Thank you very much, Dr. Rosenberg. Mr. Benton.

Mr. BENTON. Well, Madam Chair, I see the present language I have to agree with the Administration with regard to the way the present language is constructed. Now I can see a way and I think Dr. Rosenberg and Ms. Chasis both identified that there are probably ways to improve the language a bit to avoid what may be an unintended consequence but the way the language is presently constructed, all actions by any Federal agency that may affect an ocean ecosystem have to go through this filter, and the filter, the standard is that the agency has to certify that it is not likely to harm any marine ecosystem, and that is a very difficult thing to do in a real world sense.

And so in my written testimony I think I have pointed this out fairly pointedly, and I can see some real problems. I spent 14 years with the State of Alaska as a fishery manager in the Alaska Department of Fish and Game. I did the international negotiations. I did all the council stuff, and then I served as a private individual on a fishery management council, and I can tell you just from that practical experience this kind of language, depending on how it is implemented and depending on how it is put in regulation, this could be a real problem.

There is a way to fix that I believe but the way it is presently constituted I could see some real difficulties, and I know people are trying to get other kinds of activities. You know some of the development in coastal zones or effects you know up river that is affecting salmon, and I am very sympathetic to that. I have seen it the other way.

I was the U.S. negotiator along with some counterparts from Washington state on the salmon treaty with Canada. One of the big problems in that treaty was threatened and endangered salmon in the Columbia River in the pacific northwest, and the affects that habitat degradation were having on those salmon, and it was a legitimate concern. They were listed, and that is a big problem.

What happened was that the Canadians and some folks from the southern United States tried to use that as a negotiating tactic in an international treaty, and they were using very inappropriately those kinds of considerations which were in many ways domestic

considerations to leverage other parties in those negotiations to do things that were not biologically necessary.

And I could see this standard sort of having that same kind of unintended, I believe unintended consequence, and so I would be very cautious.

Ms. BORDALLO. Thank you, Mr. Benton. The Chair now recognizes the gentleman from California, Mr. Farr.

Mr. FARR. Thank you very much, Madam Chair. I would just like to ask Mr. Benton because first of all that idea of measuring the impacts has been the essence of both of the reports. If you asked what was the bottom line, it is well what are the activities? The activities in the ocean, what do they do to the ocean's ecosystem? And everybody says, yes, we need to do that but how do we do it? And I guess my frustration is we have had this language around. This has been the essence of this bill for now about four years.

And you know we have not gotten a lot of comments on it. I mean just other than sort of the generic concerns. If you have some specifics, because I guess the question is, who would you exempt? Because that begins the exemption. Should you exempt the Navy? Should you exempt fishermen? I mean the question is how do you measure impacts that would degradate the health of the ocean without having these plans at least trigger what kinds of decisions are going to be having an impact?

You know we do not have any process for that, and that is what is lacking and why we need to have some of this strategy and this approach, and I would be glad to work with you on language because we certainly want the Alaskan support. It is ironic that Don Young was the one that actually got this bill through the House. There was a conflict here. I mean people say we do not need to study it. It was that attitude. You know we do not need another commission.

He saw the necessity to kind of get these problems resolved by creating a commission that could hold hearings all over the country, and frankly you know they appointed a lot of oil and gas folks to be on that commission, and we were delightfully surprised to see how strong they came out about needing this governance structure and essentially measuring actions in the ocean including their own against negative impacts. And so we cannot abandon this idea. This is the foundation of the bill but we certainly can work with ways to mitigate unintended consequences.

Mr. BENTON. Madam Chair?

Ms. BORDALLO. Please, Mr. Benton.

Mr. BENTON. Congressman Farr, I certainly agree with you that the message that came out of the U.S. Commission on Ocean Policy was that we need to take a good hard look at how we are doing things and make it better, and the notion that they came up with about for example the regional ocean councils had some appeal up our way. They were more or less a voluntary kind of thing, and you could move yourself along in sort of a deliberative, thoughtful way to get to that broader ecosystem management goal, and we do not have a problem with that.

And in fact in our part of the world right now my group and our fishery management council is doing a fishery ecosystem plan for the Aleutians. It is the first one for our part of the world. They

have spark plugged with the State of Alaska what basically it was the recommendation of the U.S. Commission for a regional oceans council. It has got the Coast Guard. It has got all the state agencies, all the Federal agencies. It has got some users on there. Not too many user groups right now because the agencies are still trying to figure out how they are going to do that dance.

The governance structure, that kind of governance structure is not the biggest problem that I see. What I see is in some of the specific language in the way the standards might interact, and in that regard I would be happy to work with you and the committee and see if there is a way that we might be able to try and shape that in a way that alleviates some of those concerns. I just see them as being a very high bar and the standard being vague enough and difficult enough with the judicial review provision here. My good colleague down here, Sarah Chasis, is going to have a full employment career for the rest of the days, and she is going to be able to get the scholarship for her kids well paid off.

Ms. CHASIS. I just want to respond to that and point out that——

Ms. BORDALLO. The Chair recognized.

Ms. CHASIS.—one of the first cases I ever brought was on behalf of Mr. Benton. He should not be one to complain.

Mr. FARR. I think we are using the word standard here very loosely. The ideal here is kind of a goal not a standard. The standards have to be worked out, and the only thing I would have to say to you is that I have been involved in these where you can do the model well in your own backyard and you really solve the problem and I applaud Alaska. It is getting a lot of accolades.

You are really doing a wonderful job of meeting with the environmental concerns and the fishery concerns and others but also what you have to be concerned about is that you build that and then where is the equal playing field against your competitors who are in other parts of the country because you are selling to the same market, and you need some standards there where your competitors have to live by those same standards, and that is the equal playing field, and that is the certainty that economics and investment like to have.

So I do not think you can just leave this up that it is all going to work out if everybody voluntarily agrees to do something because what happens with volunteer organizations they are usually led by an incredible personality or team of people, and when they go it weakens. It falls apart. There is no resources to continue it. The energy and spirit of the people that got it started are not there, and so you know just like we are trying to do in so many other things is we know that standards work when they are good standards and they are sensible, and frankly you have to build in ability to make some kinds flexible to meet with times but I think we do that, and we know how to do that.

And I would be glad to try to work things out with you but let us not tell everybody that the standards are written in the bill because they are not. The goals are written in this bill.

Ms. BORDALLO. Dr. Rosenberg, you wanted to respond.

Mr. ROSENBERG. Thank you. Just a few quick points. First, fishery ecosystem plans are not the same thing as ecosystem based management because the whole essence is cross sectoral. So I think

there are some good things going on in fisheries and that is great but you have to give people the ability to actually have an impact on other sectors.

Second, the commission did recommend the development of pilot programs on a voluntary basis for regional ocean councils, and that has occurred in many areas, and it has gone quite well. One of the issues there is so what will happen in the Federal waters adjacent to those state waters because in many cases we have had state action as indicated in the report card with quite a good grade for the regional and state actions but we need to make sure that for the Federal water activities we can actually utilize some of the important things that are coming through from the state level.

And third, I would be very cautious about any exemptions for any sectors. A couple of years ago I testified on a bill in the State of Massachusetts, and the Governor, at the time Governor Romney's bill, was an ocean policy act. A comprehensive ocean policy planning act but it exempted fisheries, coastal construction, sand and gravel mining, and I think port development, and at the end it was a little hard to know what was going to be included in the comprehensive oceans act because everybody said well, yes, you should do it to everyone else but not to me. So everyone else should coordinate and respond to us but not to me, and once you start down that road I think you lose the essence of the bill.

Ms. BORDALLO. Thank you. Thank you very much, Dr. Rosenberg. I just want to go back quickly before we conclude here, Mr. Benton. I think you made a comment something in the area of the commission on ocean policy thinks we have to look at the way we are doing things now. Something on that order, and I just want to say change is hard but sometimes needed, and I think this is the way we have to conclude this hearing.

Many of you have come up with some excellent ideas, and the author of H.R. 21, Mr. Farr, is here. He has listened, and I am sure he will read all the testimonies that have come in but it is something—and you all agreed—this is the future. We have to look at it. We have to consolidate it. We have to make it work more smoothly, and so I just want to thank all of you for your testimonies today, and to remember that your full statements will be entered into the record, and I want to thank the members, although many of them, as Mr. Farr said, are on their way back home now.

The hearing record will be open for 10 days if you wish to enter anything into the record. So I just want to remind you of that. And also I ask unanimous consent that a statement from Philippe Cousteau and an article on ocean governance be included in the record. Hearing no objection, so ordered. If there is no further business before this Subcommittee, the Chairwoman again thanks the members of the Subcommittee and our witnesses. The Subcommittee stands adjourned.

[Whereupon, at 1:00 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

Statement submitted for the record by Philippe Cousteau, Co-Founder, President and Chief Executive Officer, and Board Member, EarthEcho International

Chairwoman Bordallo, Ranking Member Brown, and distinguished members of the subcommittee, my name is Philippe Cousteau and I want to thank you for agreeing to include this statement for the record.

Please allow me to start by quoting my grandfather.

> "We can find happiness in protecting the world around us not only because we cherish it for its awesome beauty, power, and mystery, but because we cherish our fellow humans, those who live today and those who will live tomorrow, living beings who like ourselves, will increasingly depend on the environment for happiness and even for life itself."
>
> Jacques-Yves Cousteau

The environment—especially the ocean—is not a luxury item but vital to all life. The environment is not just about birds, trees, and fish. It involves all living systems, including humans. Fresh air and clean water are the roots of a just and equitable society, of safe communities, and healthy families. These basic needs are not rhetoric but the fundamental foundations of both the natural world and society. A comprehensive, robust and enforceable ocean policy is critical to the long-term social, economic and environmental security of this country.

Ocean Health is in Jeopardy:

From polluted runoff to habitat loss to climate change, our coastal and ocean ecosystems are facing a barrage of threats that are already leading to fishery declines, dead zones, beach closures and the degradation and loss of eco-systems critical to the long-term viability of this nation. The Pew Oceans Commission and the congressionally mandated and presidentially appointed U.S. Commission on Ocean Policy independently assessed the condition of our oceans and concluded that these threats, if not addressed now, will forever degrade our seascapes, their wildlife, and the economic activities they support thereby unraveling the very fabric of this nation. Both commissions agree that the existing approach to management of our oceans is not working and a significant change is needed to reverse the declining trend. Together, as the Joint Ocean Commission, they advocate for a consolidated group of recommendations prioritized in the report From Sea to Shining Sea.

We need a national ocean policy:

We lack a clear vision or policy that makes ocean health a national priority. Our nation has shown leadership in enacting landmark environmental policies to protect the health of our water, air, and public lands. For example, the National Wildlife Refuge System Improvement Act conserves the resources of over 93 million acres of public lands today. But we do not have a similar policy to guide protection of our oceans. Instead, more than 20 federal agencies and permanent commissions oversee implementation of over 140 federal oceans-related laws that govern transportation, nonliving and living resources, coastal development, agricultural nutrient runoff, national defense, tourism and recreation, and pollution. As a result, decisions affecting our oceans are made on a threat-by-threat or activity-by-activity basis under mandates that are often incongruous and lacking any conservation focus.

To address these competing ocean mandates and jurisdictions, we must enact a unifying national policy based on protecting and restoring marine ecosystem health. A strong, unambiguous, and enforceable policy will empower our local, regional, and national efforts with a new tool for marine conservation. A new unified policy requiring that all federal actions be consistent with protecting and restoring marine ecosystem health could lead to better coordination among federal agencies with responsibility for ocean policies and provide clarity in decision-making. This step would also provide the leverage necessary to implement the remaining Joint Ocean Commission recommendations. This is why it is the first priority listed.

H.R. 21 does this:

H.R. 21 establishes a meaningful national oceans policy to guide the management of U.S. oceans, coasts and Great Lakes and the necessary governance structure to implement that policy. This structure includes: codifying the National Oceanic and Atmospheric Administration and strengthening the agency's mission and functions as the nation's lead civilian oceans agency, improving federal ocean governance by establishing a national committee on ocean policy to facilitate interagency coordination, advancing ecosystem-based regional oceans governance through collaboration among federal and state management agencies, establishing an Oceans and Great Lakes Conservation Trust Fund to provide necessary federal funding to implement the key provisions of the Act.

My father and grandfather taught people around the world to understand, to love and to protect the water systems of the planet for the well-being of future generations. My organization, Earthecho continues that tradition by empowering individuals to take action to sustain and enhance our water planet. We believe that EVERYTHING we do makes a difference and ALL of our choices have consequences. The Clean Air Act and the Clean Water Act are examples of how this nation, when inspired can act with steadfast resolve and create the kind of pioneering legislation that has made the United States such a great country. A national policy to protect the ocean is another and I wholeheartedly support it. We stand at a critical junction and the opportunity to take a bold new step towards a future we can all be proud of is here today. This opportunity does not come often, seize it now or we will all suffer. We can no longer afford to delay for I fear that both voting constituents as well as, perhaps more importantly, history itself will judge those who do very harshly. The people of the United States have recently sent a strong message to Congress that they want change. They are tired of polluted communities, apathy towards our future, and a diminishing natural world. Show them that the future of this country is truly the core interest of this Congress and make a positive difference for the future by supporting H.R. 21.

[NOTE: The article "Solving the Crisis in Ocean Governance" has been retained in the Committee's official files.]

Statement of Charles C. Vinick, President and CEO, Alliance to Protect Nantucket Sound

Dear Chairwoman Bordallo and members of the Subcommittee, on behalf of the Alliance to Protect Nantucket Sound (Alliance) I would like to submit the following testimony for the record. The Alliance is a nonprofit environmental organization dedicated to the long-term preservation of Nantucket Sound. An area of water hugged to the North by Cape Cod and to the South and East by Martha's Vineyard and Nantucket Island, Nantucket Sound is a rich and diverse biological community. It serves as habitat for numerous species of fish, marine mammals, seabirds, sea turtles, and other species of marine wildlife.[1] These natural resources have bestowed the Sound with tremendous economic value, as well. Nantucket Sound has become, through fisheries, tourism, recreation, navigation lanes, ports and harbors, and the towns and villages that have built their communities around the sea, a prime example of how a healthy and diverse marine ecosystem can act as the engine that fuels the entire regional economy.[2] Our goal is to protect Nantucket Sound in perpetuity through conservation, environmental action, and opposition to inappropriate industrial or commercial development that would threaten or negatively alter the coastal ecosystem.

Background

The Alliance is carrying out one of the most aggressive and broad-based marine ecosystem preservation efforts in the nation. The organization engages in education and outreach programs; on-the-water-pollution patrolling efforts, litigation, and policy advocacy. More specifically over the past few years the Alliance has fought continually for a ecosystem based programmatic approach to the review Cape Wind, an industrial sized alternative wind project, proposed for Nantucket Sound. The review process to date reflects all that is wrong with the current mechanism for addressing marine project development; The Minerals Management Service is attempting to review the project without national guidelines or adequate baseline information. As discussed in greater detail below, the project and the conflict is indicative of the need for national ocean policy based on ecosystem management and science. The Alliance has actively engaged in the broader fight for the protection of ocean resources, as well. We participated in Governor Mitt Romney's ocean management task force; we have testified before both Congress and executive agencies regarding the implementation of the Energy Policy Act of 2005 in the offshore environment. The Alliance was involved with, and commented to, the National Marine Fisheries Service regarding the recovery of Right Whales. And, the Alliance recently coordinated and filed an Amicus Brief with the U.S. Supreme Court on behalf of thirteen ocean advocates outlining the harmful impact greenhouse gases have had, and will

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[1] Review of the State and Federal Marine Protection of the Biological Resources of Nantucket Sound (Center for Coastal Studies ed., 2003) available at <http://www.coastalstudies.org/coastalsolution/horseshoe.htm>.

[2] Blowing in the Wind: Offshore Wind and the Cape Cod Economy (Beacon Hill Institute ed., 2003) available at <http://www.beaconhill.org/BHIStudies/BHIWindFarmStudy102803.pdf>.

continue to have, on our ocean resources. These are just a few of our activities directly regarding ocean management and the protection of Nantucket Sound.

While advocating over the last six years the Alliance has developed experience and expertise regarding ocean resources and governance. Since our organization was created in 2001, we have consistently called for the implementation of a comprehensive nationwide ocean management program and regulations. It is the Alliance's position that a comprehensive national program is critical to the strategic management of our oceans and the protection of our most environmentally sensitive ocean waters, including areas like Nantucket Sound. And, as such, the Alliance fully supports H.R. 21.

The Significance and Current State of Our Oceans

In 2003, it was estimated that 153 million Americans, or 53% of the United States population, lived in U.S. coastal counties. Kristen M. Crossett et al., Population Trends Along the Coastal United States: 1980-2008, 1 (Nat'l Oceanic and Atmospheric Administration, September 2004). The estimated socioeconomic value of global ocean and coastal ecosystems is $21 trillion per year through food production, recreation, nutrient recycling, climate regulation, and the oceans' influence over the chemical composition of the atmosphere. R. Costanza et al., The Value of the World's Ecosystem Services and Natural Capital, 387 Nature 253 (1997). In the United States, coastal watershed counties contribute over $4.5 trillion per year, half of the nation's gross domestic product, involving about 60 million jobs—many of which are tied to industries directly dependent on healthy coastal and ocean ecosystems and living resources, such as recreation, tourism, and fisheries.[3]

And yet, unfettered development and a failure to coordinate ocean management have severely threatened this natural and economic lifeline. As the U.S. Commission on Ocean Policy stated, "through inattention, lack of information, and irresponsibility, we have depleted fisheries, despoiled recreational areas, degraded water quality, drained wetlands, endangered our own health, and deprived many of our citizens of jobs."[4] Dr. Elliott Norse, a marine and forest conservation biologist and president and founder of the Marine Conservation Biology Institute in Redmond, Washington describes the problem in more detail pointing to accelerated loss of marine biodiversity; significant reduction in the abundance of species at higher trophic levels (large predators); serial depletion of fisheries; extensive elimination of benthic structure-forming species such as corals; proliferation and spread of non-native species; and dramatic change in biogeochemical functioning.[5]

Global warming, unwise and improperly regulated development and pollution are among just a few of the things weakening the health of our ocean ecosystems. These, like most threats to ocean health, are large problems not just in the degree of harm they cause but also in the area of water they impact. Unfortunately to date, we have not responded with a large solution. Instead of fighting the attack on the health of our waters on a large scale, we have adopted piecemeal approach. Our current legislative arsenal is a compilation of uncoordinated and unstructured laws. Fish, birds, coral, marine mammals, oil and gas, minerals, renewable energy resources, wetlands, and other components of the marine environment are subject to discrete, and largely unrelated, legal authorities. There is no cohesive strategy for ocean management. Instead, our ocean protection laws have developers and conservationists working with different agencies each with conflicting jurisdiction over different aspects of ocean resources; it has government agencies conducting uncoordinated studies and making decisions with incomplete information. In reality, our current ocean management structure is no structure at all; it is in disarray, much like the resource it is supposed to manage. According to the U.S. Commission on Ocean Policy, however, all is not lost, "There is every reason to believe that wise action taken today, based on the best available science, can restore what has been lost and create even greater benefits but to achieve this, our nationals leaders must take immediate steps to formulate a coherent, comprehensive, and effective national ocean policy."[6] H.R. 21 represents the wise action that the Commission spoke of.

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[3] U.S. Commission on Ocean Policy, An Ocean Blueprint for the 21st Century Final Report, 32-33 (2004).

[4] Id. at 38.

[5] Elliott A. Norse, A Zoning Approach to Managing Marine Ecosystems, in Workshop on Improving Regional Ocean Governance in the United States 53-57, at 53 (B. Cicin-Sain, C. Ehler and K. Goldstein eds., 2003) (internal citations omitted).

[6] U.S. Commission on Ocean Policy, An Ocean Blueprint for the 21st Century Final Report, 44 (2004).

The Contributions of H.R. 21

H.R. 21 offers an integrated strategic and eco-system based approach to ocean management; it also contains practical tools for implementation Specifically[7]:

- Title I Establishes a national oceans policy "...to protect, maintain, and restore the health of marine ecosystems...".
- Title II Establishes NOAA as an agency within the Department of Commerce and tasks with NOAA leadership and oversight responsibilities for the implementation of the national ocean policy.
- Title III Codifies the Committee on Ocean Policy and creates a system of federal coordination and Presidential advisement.
- Title IV Establishes a system of regional partnerships for coordinating federal activities that impact the ocean. It also establishes a network to share information about the ocean ecosystem in each region;
- Title V Recognizes and provides for the need to fund coordination, research and management of ocean policy. It establishes a trust fund to the support legislated activities.

This combination allows H.R. 21 to address the large shortfalls plaguing our current ocean management regime.

Reliance on Science, the Precautionary Principle and Eco-based management

H.R. 21 will provide a sustainable response both to the problems of depleted resources and the desire for future development. Title V of H.R. 21 addresses the need for more complete and coordinated research of ocean resources. It also includes a requirement that the best available technology be employed to explore and map coastal ocean waters.[8] This is an important step toward addressing significant data gaps in regards to ocean resources. In addition, H.R. 21 recognizes that it will take time to develop and coordinate the information we need for optimal management of our oceans and that initially this information will be better developed in some areas than others. Instead of forcing agencies to make decisions based on incomplete and inadequate information, the legislation requires that agencies rely on the precautionary principle. In the absence of needed information, agencies must defer to what is best for the ecosystem to the best of their knowledge.[9] This requirement, along with the eco-system based approach to ocean management in general, will allow for development but only as depleted resources recover and gaps in the government's understanding of ocean resources and impacts of technology are filled. Not only does this mean healthier oceans; it also means a healthier and more sustainable marine economy. According to Scientific Consensus Statement on Marine Ecosystem-Based Management 1 (2005), "A delay in implementing management based on an ecosystem approach will result in continued conflicts over resources, degradation of ocean ecosystems, disruption of fisheries, loss of recreational opportunities, health risks to humans and wildlife and loss of biodiversity." The Alliance agrees. There is an urgent need for eco-system based management both for the health of our oceans and the health of our marine economies. By requiring agencies to protect first and develop only when there is enough information and agencies can ensure the health of the ecosystem, H.R. 21 is supporting economic development in the long run.

Leadership, Guidance and Oversight as an Impetus for Ocean Protection

H.R. 21 establishes the National Oceans Advisor and the Committee on Ocean Policy to facilitate and review government activities for compliance with the national ocean policy.[10] It also requires that NOAA report to Congress regarding whether "programs and activities of the administration fully implement national

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[7] See Testimony of Congressman Sam Farr (D-CA) before the House Natural Resources Subcommittee on Fisheries, Wildlife and Oceans on H.R. 21 (Apr. 2007).

[8] H.R. 21 § 201 (c) (7) included in the list of new NOAA functions is: "using the best available technology to explore and map the coastal, ocean, and Great Lakes waters of the United States, and work collaboratively with other countries to use the best available technology to explore and map their coastal and ocean waters and other significant water bodies, in order to better understand ocean dynamics."

[9] Id. at § 101 (b) (2) (C) state: "In the case of incomplete or inconclusive information as to the effects of a covered action on United States ocean waters or ocean resources, decisions shall be made using the precautionary approach to ensure protection, maintenance, and restoration of healthy marine ecosystems."

[10] Id. at § 302 (b) (2) states: "the Committee Shall, review and appraise the various programs and activities of the Federal Government for consistency with the policy and standards set forth [by the national ocean policy]"

ocean policy.[11] These two sections are important because they have the effect of injecting new life into existing laws. For too long there has been insufficient support for, and oversight of, government activity and its impact on oceans as a whole. In some cases laws which could have been used to the benefit of coastal ecosystems went un-implemented without consequence. A case in point is Executive Order (EO) 13158. Signed in 2000,[12] EO 13158 was intended to help expand and strengthen protections for marine areas. But, more than seven years there is still not a formal list of Marine Protected Areas (MPAs).[13] The result is that areas, like Nantucket Sound[14], that clearly meet the criteria for protection as outlined in EO 13158 have gone without federal protection for years.

H.R. 21 will require NOAA to review of federal government actions including the implementation of EO 13158 and will require NOAA to submit a report to Congress on the progress, or lack there of, by the administration to ensure the protection of ocean ecosystems.[15] Both of these requirements will put pressure on the executive branch to exercise existing authority which it has failed to fully employ in the past, like the designation of MPAs. As such pressure mounts for the government to take action under existing law, Nantucket Sound and numerous other sensitive ecosystem areas will be better protected from destructive development.

Funding

In order to be proactive and tactical about our use of the ocean, baseline information about how wildlife and people currently use the ocean must be readily available to decision makers. To make a strategic decision about Cape Wind, for example, we need to understand how migrating birds using ocean pathways throughout the year will be impacted by the projects location; we need to understand and consider the navigational safety and national security uses of the surrounding area; we need to fully understand the technologies being proposed; their impacts on wildlife; local economies and traditional livelihoods. Indeed, before any individual projects can be reviewed and approved, a coordinated national resource assessment must be conducted to provide this type of information. This is a huge undertaking. It will require research and technology advances; regional and interdisciplinary studies and the collection integration and cooperative use of data covering all of the U.S. coastal waters. This initiative will not be cheap and if Congress hopes to realize the benefits of a robust national ocean policy, it must find the funding to support it.

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[11] Id. at § 209 (a) (1) (D) states, "Not later than 2 years after the date of enactment of this Act, the Administrator shall develop a baseline report on the status and condition of the ocean ecosystems and resources under United States jurisdiction...The plan shall include—...an analysis of whether the programs and activities (including regulatory activities) of the Administration fully implemented the national oceans policy under section 3 during the period covered by the report..."

[12] The order was originally signed by President Bill Clinton. However, the Bush Administration affirmed its commitment to the federal policies in the Clinton Order. On June 4, 2001, Secretary of Commerce Donald L. Evans announced that the Bush Administration had "decided to retain Executive Order 13,158 on marine protected areas." Statement by Secretary of Commerce Donald L. Evans Regarding Executive Order 13,158, Marine Protected Areas, June 4, 2001.

[13] An inventory of Marine Management Areas (MMAs) has been developed but the inventory only provides a pool from which Marine Protected Areas (MPAs) will eventually be designated. Currently the administration is still working on the draft framework for developing the national system of MPAs. On February 28, 2007, the public comment period ended and the government is now reviewing comments. No specific date has been provided for when official MPA designation (and protection) would begin.

[14] The EO made it clear that state sanctuaries and similar areas are expressly included under its protective provisions, by defining the term "marine protected area" to include "any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein." EO 13158 § 2(a) (emphasis added). In 1971, the Commonwealth of Massachusetts established the Cape and Islands Ocean Sanctuary ("CIOS"). M.C.L. c. 132A, § 12(c). Protecting the coastal areas of Cape Cod, Martha's Vineyard, and Nantucket, the CIOS also included several "bodies of water," including Nantucket Sound itself. Id. In designating the Sound, Massachusetts's lawmakers specified that designated areas "shall be protected from any exploitation, development, or activity that would significantly alter or otherwise endanger the ecology or the appearance of the ocean, the seabed, or subsoil thereof...." Id at § 14. Despite the fact that the federal government currently has jurisdiction over the center portion of the Sound, formal designation by the state prior to the establishment of federal jurisdiction qualifies Nantucket Sound as a marine protected area under the language of EO 13158.

[15] H.R. 21 § 209 (a) (1) (D) states that the administrator of NOAA must submit reports including: a review of the programs and covered actions (including regulatory activities) of the Federal Government, State and local governments, and nongovernmental entities or individuals with particular reference to their effect on coastal, ocean, and Great Lakes waters and on the conservation, development, and utilization of coastal, ocean, and Great Lakes resources"

H.R. 21 directly addresses the funding need. § 302 (4) of H.R. 21 provides for the Committee on Ocean Policy to review and to certify agency ocean budgets regarding their sufficiency to achieve the policy and standards of the national ocean policy. This will ensure that any disconnect between what agencies are asked to do and the funding available to complete the task is addressed on a regular bases. In addition, the legislation establishes a dedicated trust fund and creates a funding source to at least partially address the ongoing need to support this initiative. [16]

Agency Integration, Conflict Resolution and Resource Protection

Each title of the legislation contributes to a more integrated and strategic ocean management regime. By providing for better intergovernmental communication; more complete information and an overarching national obligation across federal agencies to ensure eco-system health, H.R. 21 will make ocean management more cohesive; it will also allow for management decisions to be more strategic.

The Alliance has seen first hand, and has battled for years, the consequences of attempting to permit an energy project without adequate resource information or structured national guidelines for the review and approval of projects. Nantucket Sound has been the staging ground for the battle over the improper siting of Cape Wind, an offshore wind energy complex. The project continues to move forward through the agency, even though the government lacks baseline information about the natural resources that the project will impact, and has no guidelines by which to review or approve the project. Expert agencies including the Fish and Wildlife Service (FWS) and the Environmental Protection Agency (EPA) have raised concern about the lack of resource data. In addition, the proposed location is within close proximity to a major shipping channel, and the turbines are expected to affect the radar of airplanes flying in and out of local airports. It is also habitat to and located on the flight path of numerous birds, some species of which are statutorily protected, which will be negatively impacted by the development of a large wind facility. The project will seriously harm the regional economy, destroy historic values, and adversely affect cultural and recreational uses. H.R. 21 provides the tools to protect Nantucket Sound and other important federal waters from inappropriate development.

H.R. 21 calls for the type of national ocean resource data that agencies need before they can make adequate development decisions regarding large scale construction of industrial sized turbines in functioning ecosystems.

In addition, the Committee on Ocean Policy codified by H.R. 21 could help to resolve interagency disputes, like the one between the FWS, EPA and Minerals Management Service regarding the need for additional resource data. H.R. 21 also requires reviewing agencies to address projects like Cape Wind from an eco-system based approach and under the precautionary principle of H.R. 21. This could help to avoid years of contention between the project developers and environmental advocates, fisherman, local towns and chambers of comers.

Conclusion

Difficult but crucial decisions need to be made about zoning, use and development of the ocean so that the most environmentally sensitive and productive regions of our coastal waters are not depleted by adhoc project development. Project placement should be informed, deliberate and in the best interest of the public as a whole, not reactionary and deferential to industry as it is now. This requires an eco-system based national program that can guide the placement and regulation of projects and it requires funding and oversight to support agency efforts. H.R. 21 legislation provides all three. There is not doubt that the ecological, historical and cultural resources of Nantucket Sound, and of other sensitive ecosystems, would be better protected by the system established under H.R. 21. In short, the Alliance fully supports this legislation and urges Congress to work toward its passage promptly because we firmly believe that a national strategy based on the eco-system management it proposes is crucial to the well-being of our natural ocean resources, including Nantucket Sound.

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[16] H.R. 21 Title V.