AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

H.R. 3223, KEEP OUR WATERFRONTS WORKING ACT OF 2007; H.R. 5451, COASTAL ZONE REAUTHORIZATION ACT OF 2008; H.R. 5452, COASTAL STATE RENEWABLE ENERGY PROMOTION ACT OF 2008; AND H.R. 5453, COASTAL STATE CLIMATE CHANGE PLANNING ACT OF 2008.

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

Thursday, February 28, 2008

Serial No. 110-61

Printed for the use of the Committee on Natural Resources

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html
or
Committee address: http://resourcescommittee.house.gov

U.S. GOVERNMENT PRINTING OFFICE

40-957 PDF WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON NATURAL RESOURCES

NICK J. RAHALL, II, West Virginia, *Chairman*
DON YOUNG, Alaska, *Ranking Republican Member*

Dale E. Kildee, Michigan
Eni F.H. Faleomavaega, American Samoa
Neil Abercrombie, Hawaii
Solomon P. Ortiz, Texas
Frank Pallone, Jr., New Jersey
Donna M. Christensen, Virgin Islands
Grace F. Napolitano, California
Rush D. Holt, New Jersey
Raúl M. Grijalva, Arizona
Madeleine Z. Bordallo, Guam
Jim Costa, California
Dan Boren, Oklahoma
John P. Sarbanes, Maryland
George Miller, California
Edward J. Markey, Massachusetts
Peter A. DeFazio, Oregon
Maurice D. Hinchey, New York
Patrick J. Kennedy, Rhode Island
Ron Kind, Wisconsin
Lois Capps, California
Jay Inslee, Washington
Mark Udall, Colorado
Joe Baca, California
Hilda L. Solis, California
Stephanie Herseth Sandlin, South Dakota
Heath Shuler, North Carolina

Jim Saxton, New Jersey
Elton Gallegly, California
John J. Duncan, Jr., Tennessee
Wayne T. Gilchrest, Maryland
Chris Cannon, Utah
Thomas G. Tancredo, Colorado
Jeff Flake, Arizona
Stevan Pearce, New Mexico
Henry E. Brown, Jr., South Carolina
Luis G. Fortuño, Puerto Rico
Cathy McMorris Rodgers, Washington
Louie Gohmert, Texas
Tom Cole, Oklahoma
Rob Bishop, Utah
Bill Shuster, Pennsylvania
Bill Sali, Idaho
Doug Lamborn, Colorado
Mary Fallin, Oklahoma
Adrian Smith, Nebraska
Robert J. Wittman, Virginia

James H. Zoia, *Chief of Staff*
Rick Healy, *Chief Counsel*
Christopher N. Fluhr, *Republican Staff Director*
Lisa Pittman, *Republican Chief Counsel*

SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS

MADELEINE Z. BORDALLO, Guam, *Chairwoman*
HENRY E. BROWN, JR., South Carolina, *Ranking Republican Member*

Dale E. Kildee, Michigan
Eni F.H. Faleomavaega, American Samoa
Neil Abercrombie, Hawaii
Solomon P. Ortiz, Texas
Frank Pallone, Jr., New Jersey
Patrick J. Kennedy, Rhode Island
Ron Kind, Wisconsin
Lois Capps, California
Nick J. Rahall, II, West Virginia, *ex officio*

Jim Saxton, New Jersey
Wayne T. Gilchrest, Maryland
Cathy McMorris Rodgers, Washington
Tom Cole, Oklahoma
Bill Sali, Idaho
Robert J. Wittman, Virginia
Don Young, Alaska, *ex officio*

CONTENTS

	Page
Hearing held on Thursday, February 28, 2008	1
Statement of Members:	
Bordallo, Hon. Madeleine Z., a Delegate in Congress from Guam	1
Prepared statement of	2
Brown, Hon. Henry E., Jr., a Representative in Congress from the State of South Carolina	3
Prepared statement of	4
Capps, Hon. Lois, a Representative in Congress from the State of California,	6
PPrepared statement of	7
Statement of Witnesses:	
Allen, Hon. Thomas H., a Representative in Congress from the State of Maine	8
Prepared statement of	9
Bailey, Robert, State of Oregon's Representative to the Coastal States Organization, and Manager, Oregon Department of Land Conservation & Development	18
Prepared statement of	20
Connors, Jim, Senior Planner, Maine State Planning Office, Maine Working Waterfront Coalition	54
Prepared statement of	56
Dunnigan, John H., Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Prepared statement of	13
Elefant, Carolyn, Legislative and Regulatory Counsel, Ocean Renewable Energy Coalition	60
Prepared statement of	61
Kennedy, David, Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Oral statement of	11
Kooser, Jaime C., Ph.D., President, National Estuarine Research Reserves Association	24
Lujan, Evangeline, Director, Guam Coastal Management Program Administrator, All-Island Group	26
Prepared statement of	27
Stokes, Robert, Chairman of the Board, Restore America's Estuaries	48
Prepared statement of	50
Additional materials supplied:	
Blum, Frank, Executive Director, South Carolina Seafood Alliance, Letter submitted for the record	69
Cowperthwaite, Hugh, Fisheries Project Director, Coastal Enterprises Inc., Letter submitted for the record	70
De Luca, Michael P., on behalf of the National Estuarine Research Reserve Association, Statement submitted for the record	71
Hale, Lynne, on behalf of The Nature Conservancy, Statement submitted for the record	80
Lydecker, Ryck, Assistant Vice President for Government Affairs, Boat Owners Association of The United States	5
Lyons, Hon. Burley L., Mayor, Town of Edisto Beach, South Carolina, Letter to Congressman James E. Clyburn submitted for the record	84
Stedman, Bruce J., Executive Director, Marine Fish Conservation Network, Letter submitted for the record	86

LEGISLATIVE HEARING ON H.R. 3223, KEEP OUR WATERFRONTS WORKING ACT OF 2007; H.R. 5451, COASTAL ZONE REAUTHORIZATION ACT OF 2008; H.R. 5452, COASTAL STATE RENEWABLE ENERGY PROMOTION ACT OF 2008; AND H.R. 5453, COASTAL STATE CLIMATE CHANGE PLANNING ACT OF 2008.

Thursday, February 28, 2008
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 10:01 a.m. in Room 1334, Longworth House Office Building, Hon. Madeleine Z. Bordallo [Chairwoman of the Subcommittee] presiding.

Present: Representatives Bordallo, Brown, Capps, Gilchrest, and Wittman.

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

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

The Subcommittee is meeting today to hear testimony on four bills that amend or reauthorize the Coastal Zone Management Act—H.R. 3223, the Keep Our Waterfronts Working Act of 2007; H.R. 5451, the Coastal Zone Reauthorization Act of 2008; H.R. 5452, the Coastal State Renewable Energy Promotion Act of 2008; and H.R. 5453, the Coastal State Climate Change Planning Act of 2008.

Pursuant to Committee Rule 4[g], the Chairwoman and the Ranking Minority Member will make opening statements. And if any other members have statements, I invite you to submit them for the record.

The Subcommittee meets this morning to hear testimony regarding legislation to reauthorize and amend the Coastal Zone Management Act. This hearing represents the Subcommittee's first step under my leadership toward reauthorizing this important marine conservation law, which was first enacted in Congress in 1972.

Some people may question why, at this relatively late date in the Congressional calendar, that this Subcommittee has decided to take up reauthorization of the CZMA. Well, my answer is simple. Pick up the newspaper. Only last week the press reported the future withdrawal of coastal property insurance in Florida, because the risk exposure to tropical storms has grown far too expensive.

Also an article in Tuesday's Los Angeles Times reported that coastal homes in Louisiana and Mississippi may need to be rebuilt 20 feet off the ground to meet new FEMA flood insurance standards.

In addition, the United Nations this week reported that climate change, along with over-fishing and increased pollution, are crippling our coastal regions; and that sea level rise threatens the shores, and even the existence of some islands in the Pacific Ocean.

Clearly from these accounts, it is no waste of time for this committee to take up the CZMA. If anything, considering the fact that the Congress last reauthorized the Act in 1996, we have been neglectful in our oversight to determine if the Act remains relevant to the coastal challenges that we face today.

In that respect I commend my colleagues, Congresswoman Lois Capps of California, Congressman Tom Allen of Maine, for introducing their bills, H.R. 5452, H.R. 5453, and H.R. 3223, respectively, that would address coastal climate change adaptations, encourage sensible development of renewable ocean energy, and preserve working waterfronts and water-dependent commercial uses.

I must say, however, that I am disappointed with the testimony provided by the Administration. It is one thing to be critical of legislation. It is another thing altogether to be critical of legislation without offering any new constructive ideas.

But I am forever an optimist. Time does remain for this Administration to redeem itself. And to that end, I hope that we are able to work collaboratively, along with the Subcommittee's Ranking Member, my good friend, Congressman Henry Brown of South Carolina, and other members of this Subcommittee to see what we might accomplish when we work together to reauthorize the Coastal Zone Management Act.

The Chairwoman now recognizes Mr. Brown, the Ranking Republican Member of this committee, for any statement that he may have.

Mr. Brown.

[The prepared statement of Chairwoman Bordallo follows:]

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

The Subcommittee on Fisheries, Wildlife and Oceans meets this morning to hear testimony regarding legislation to reauthorize or amend the Coastal Zone Management Act (CZMA). This hearing represents the Subcommittee's first step under my leadership toward reauthorizing this important marine conservation law, which was first enacted by Congress in 1972.

Some people may question why, at this relatively late date in the congressional calendar, this subcommittee has decided to take up reauthorization of the CZMA. My answer is simple: pick up the newspaper.

Only last week the press reported the future withdrawal of coastal property insurance in Florida because the risk exposure to tropical storms has grown too expensive. Also, an article in Tuesday's Los Angeles Times reported that coastal homes in Louisiana and Mississippi may need to be rebuilt 20-feet off the ground to meet new Federal Emergency Management Agency (FEMA) flood insurance standards.

In addition, the United Nations (UN) this week reported that climate change, along with overfishing and increased pollution, are crippling our coastal regions, and that sea level rise threatens the shores and even the existence of some islands in the Pacific Ocean.

Clearly, from these accounts it is no waste of time for this committee to take up the CZMA. If anything, considering the fact that the Congress last reauthorized the Act in 1996, we have been neglectful in our oversight to determine if the Act remains relevant to the coastal challenges we face today.

In that respect, I commend my colleagues, Congresswoman Lois Capps of California and Congressman Tom Allen of Maine, for introducing their bills, H.R. 5452, H.R. 5453 and H.R. 3223, respectively, that would address coastal climate change adaptation, encourage sensible development of renewable ocean energy, and preserve working waterfronts and water-dependent commercial uses.

I must say, however, that I am disappointed with the testimony provided by the Administration. It is one thing to be critical of legislation; it is another thing altogether, to be critical of legislation without offering any new constructive ideas. But I am forever an optimist. Time does remain for this Administration to redeem itself. To that end, I hope that we are able to work collaboratively along with the subcommittee's Ranking Member, my good friend, Congressman Henry Brown of South Carolina, and the other members of this Subcommittee to see what we might accomplish—when we work together—to reauthorize the Coastal Zone Management Act.

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

Mr. BROWN. Thank you, Madame Chairwoman. Today we will hear testimony on four bills. And of the four bills before us today, I suspect I like your bill the best of the four.

The Coastal Zone Management Act has not been reauthorized since the 105th Congress. Part of the reason for this is that Members have tried to attach controversial amendments or controversial new programs to the Act.

I am pleased that you have not done so with your bill. And while I may have concerns on the authorization level, I applaud you for introducing this legislation as a clean reauthorization. I urge you to move the bill as is, and resist the temptation to add new programs to this Act.

Madame Chairwoman, two of these bills, H.R. 5442 and H.R. 5453, look very familiar. Both of these bills, although in slightly different forms, were included in H.R. 2337, the Energy Policy Reform and Revitalization Act of 2007. I had problems with those provisions then, and I continue to have problems with these bills.

Madame Chairwoman, while I agree with the general theme of keeping our working waterfront bill, I am concerned that this Federal legislation might be viewed as interfering and meddling with local zoning decisions.

There is no question that those participating in water-related activities in the coastal zone needs access, and that as coastal property values rise, the cost of creating or maintaining this access becomes more difficult. We should certainly provide Federal assistance to local and state authorities for making these important decisions. However, I don't think we want the heavy hand of the Federal government to be seen as making these decisions for the local and state authorities.

I represent a significant portion of coastal South Carolina, and I think we have been able to balance the users' needs along the

coast. We have a vibrant port in Charleston. We have incredible opportunities for recreation and commercial fishermen. We have beaches with public access. We have marinas for sailors and boaters, and we have homes with beautiful coastal views.

Certainly Federal money for helping decision-makers would be welcome, but substituting the judgment of these decision-makers with Federal mandates or requirements is not the answer.

I look forward to working with the proponents of this legislature to make sure that we are offering a carrot without any strings attached.

Again, I look forward to hearing today's testimony on all four of the bills. I look forward to working with the Chairwoman on making these bills better, if the Subcommittee decides to move them forward.

Thank you, Madame Chair.

[The prepared statement of Mr. Brown follows:]

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

Good morning, Madam Chairwoman, today, we will hear testimony on four bills: H.R. 3223 (the Keep Our Waterfronts Working Act of 2007), H.R. 5451 (the Coastal Zone Reauthorization Act of 2008), H.R. 5452 (the Coastal State Renewable Energy Promotion Act of 2008), and H.R. 5453 (the Coastal State Climate Change Planning Act of 2008). I look forward to hearing the testimony from our witnesses on all four of these bills.

Madam Chairwoman, of the four bills before us today, I suspect I like your bill the best of the four. The Coastal Zone Management Act has not been reauthorized since the 105th Congress. Part of the reason for this is that Members have tried to attach controversial amendments or controversial new programs to the Act. I am pleased that you have not done so with your bill and while I may have concerns about the authorization levels, I applaud you for introducing this legislation as a clean reauthorization. I urge you to move the bill as is and resist the temptation to add new programs to this Act.

Madam Chairwoman, two of these bills, H.R. 5442 and H.R. 5453 look very familiar. Both of these bills, although in slightly different forms, were included in H.R. 2337, the Energy Policy Reform and Revitalization Act of 2007. I had problems with those provisions then and I continue to have concerns with these bills.

Madam Chairwoman, while I agree with the general theme of the Keep Our Working Waterfronts bill, I am concerned that this Federal legislation might be viewed as interfering or meddling with local zoning decisions.

There is no question that those participating in water-related activities in the coastal zone need access and that as coastal property value rise, the cost of creating or maintaining this access becomes more difficult. We should certainly provide Federal assistance to local and state authorities for making these important decisions; however, I don't think we want the heavy hand of the Federal government to be seen as making these decisions for the local and state authorities.

I represent a significant portion of coastal South Carolina and I think we have been able to balance the users' needs along the coast. We have a vibrant port in Charleston, we have incredible opportunities for recreational and commercial fishermen, we have beaches with public access, we have marinas for sailors and boaters, and we have homes with beautiful coastal views. Certainly Federal money for helping decision makers would be welcome, but substituting the judgment of these decision makers with Federal mandates or requirements is not the answer.

I look forward to working with the proponents of this legislation to make sure that we are offering a carrot without any strings attached.

Again, I look forward to hearing today's testimony on all four of the bills and look forward to working with the Chairwoman on making these bills better if the Subcommittee decides to move them forward.

Ms. BORDALLO. I thank the Ranking Member, Mr. Brown, for his opening statements.

And now I ask for unanimous consent to enter into the record a statement in support of H.R. 3223, the Keep Our Waterfronts Working Act, submitted on behalf of the Boat Owners Association of the United States.

Hearing no objection, so ordered.

[The letter submitted for the record by the Boat Owners Association of The United States follows:]

Statement of Boat Owners Association of The United States (BoatU.S.) in support of H.R. 3223, the Keep Our Waterfronts Working Act of 2007, to the Fisheries, Wildlife and Oceans Subcommittee, U.S. House of Representatives

February 28, 2008

BoatU.S. is the largest organization of recreational boaters in the nation, with 650,000 members living in every coastal and inland state. Increasingly, members who live and boat in coastal states or who trailer their boats to the coasts report that they are losing access to the very waters they depend upon for their healthy, family-oriented activities.

Recreational boat marinas, launching ramps and boat repair yards suffer the same problems that confront commercial fish docks, bait shops and other water-dependent businesses. They are being pushed off the waterfront as a result of residential development pressures, skyrocketing real estate tax burdens and shortsighted planning.

Because recreational boaters depend upon such small businesses that, by their nature, must be located on the water, H.R. 3223 provides a much-needed solution to this dilemma. Its passage would boost the economic well being of coastal communities as it revitalizes those water-dependent small businesses that serve many sectors of the maritime economy.

H.R. 3223, the "Keep our Waterfronts Working Act," would provide matching grants through state coastal zone management programs to support "water-dependent commercial activities." Local governments could use grant funds to purchase a threatened marina outright, or a non-profit entity could obtain a grant to buy development rights in order to keep a working boatyard, public marina, fish wharf or crab wholesaler in business, rather than let it be sold to the highest bidder for non-water dependent development.

This concept, as embodied in H.R. 3223, is a solution that received thorough discussion at a national conference co-sponsored by BoatU.S. and Virginia Sea Grant, May 9-11, 2007. "Working Waterways and Waterfronts — A National Symposium on Water Access," held in Norfolk, Virginia, drew support and co-sponsorship of 22 organizations, ranging from the National Marine Manufacturers Association to the Southern Shrimp Alliance to the Trust for Public Land. It is important to note that H.R.

3223 incorporates key elements gained by consensus from attendees at that conference, specifically the bill's definition of qualifying "working waterfronts."

Under H.R. 3223, to be eligible a state would have to develop a working waterfront plan and appoint an advisory committee to oversee the program. Grants made under the proposed legislation must "provide for expansion or improvement of public access to coastal waters" and be matched at 25% by non-federal funds. Thus, the "Keep our Waterfronts Working Act" would put the decision-making closer to the local constituents and the businesses that depend on being located on the water's edge, another consensus that emerged from the national conference.

In addition, the grant program to be established by H.R. 3223 has the potential to supplement similar and very successful existing programs such as federal Clean Vessel Act and the Boating Infrastructure Grant Program. In fact, in many states working waterfront grants likely would be administered by the same agencies that already manage federal funding for boating under the Sport Fish Restoration and Boating Trust Fund.

The economic importance of recreational boating cannot be overstated. Boating is an $80 billion a year industry in this country, providing 855,000 jobs. Often overlooked, however, is the social importance of boating — of just being on the water — to the fabric of life in America. Boating reinforces self-confidence in young people, knits families together across generations and creates in all ages an ethic of stewardship toward our natural resources.

In an age when children are increasingly losing touch with the natural world, access to the water — and fun, inspiring activities afloat — can help reconnect today's youth to the environment and nurture future generations of advocates for our nation's marine and aquatic natural resources.

It is for these reasons that BoatU.S. urges passage of HR 3223 and its incorporation into the management of the nation's coastal regions.

Respectfully submitted,
Ryck Lydecker, Assistant Vice President for Government Affairs
Boat Owners Association of The United States
880 South Pickett Street
Alexandria, VA 22304
703/461-2864
rlydecker@BoatUS.com

Ms. BORDALLO. I would like to recognize a member of our Subcommittee who has just arrived, Congresswoman Lois Capps, the State of California.

STATEMENT OF LOIS CAPPS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mrs. CAPPS. Thank you, Madame Chair. And I am happy to submit a statement, which I do have prepared for the record. And I just want to thank you for holding this very important hearing.

[The statement submitted for the record by Mrs. Capps follows:]

Statement of The Honorable Lois Capps, a Representative in Congress from the State of California

Thank you, Chairwoman Bordallo.

Coastal issues have been in the spotlight over the last several years as the nation has paid increased attention to our oceans and marine resources:

- We've had two national commissions make recommendations for transforming the way we manage, study, and protect our coastal areas.
- And just yesterday—the Joint Ocean Commission released its annual report card on the nation's progress toward implementing these recommendations.
- More than half of all Americans live along our coasts, which require a better understanding of how people and our oceans interact.
- And the impacts of global warming, coastal development and pollution, and energy project siting require new approaches to ocean and coastal governance.

But in light of these challenges, Congress last reauthorized the Coastal Zone Management Act—the law that governs important aspects of our coastal resources—in 1999, and the current authorization expired almost four years ago.

I'm glad the subcommittee has turned its attention to this successful Act and decided to advance these important bills which contribute strongly to it.

First, I want to offer my support for the Coastal Zone Reauthorization Act.

The CZMA is a model for state and federal partnerships.

It gives coastal states the necessary resources to balance the protection of its needs with development, recreation, environmental preservation, fishing and other uses of the coastal zone.

As the committee works to develop a reauthorization measure, I want to express my hope that it retain states' rights through federal consistency, and continue our strong commitment to the protection, enjoyment and responsible management of our coast.

Another bill under consideration today, the Keep Our Waterfronts Working Act, has been advanced due to the hard work of our colleague Tom Allen.

Working waterfronts are areas that provide coastal access to support commercial and recreational fishing and a host of other water-dependent coastal businesses.

These areas are the cultural and economic heart of coastal communities, like Morro Bay in my district.

Unfortunately, the loss of working waterfront is resulting in additional pressure on their fragile economies and coastal access.

This legislation seeks to remedy that problem by helping coastal states plan for the future of these communities by investing in the preservation and expansion of working waterfront.

Finally, I'd like to mention two bills I have introduced that would establish new grant programs under the CZMA.

The purpose of the Coastal State Renewable Energy Promotion Act is to encourage coastal states to classify offshore areas for appropriate renewable energy, like wave and wind projects.

This type of advanced planning will expedite state consistency certifications for future projects and eliminate conflicts between state and federal governments.

Similarly, the Coastal State Climate Change Planning Act recognizes the lead role of the States in coastal planning.

It would provide them with incentives to prevent, plan, and prepare for the impacts of global warming, such as sea level rise, increased erosion, and habitat changes.

In my view, the CZMA is one of the best federal statutes that can foster adaptation to global warming at the state and local levels.

Collectively, these bills take significant steps toward restoring sound stewardship to the management of our coastal areas.

And importantly they are consistent with the recommendations from the recently completed NOAA-CSO "visioning" process on the future of the CZMA.

In closing, Madam Chairwoman, thank you again for holding this hearing on an issue that is so very important to us all.

I look forward to working with you, coastal states and other stakeholders to reauthorize the CZMA and advance these bills to strengthen the Act before the 110th Congress adjourns.

Ms. BORDALLO. I thank the gentlelady from California. Thank you again, Mr. Brown, our Ranking Member, for his opening state-

ments. And I would now like to recognize our first witness, a colleague from the State of Maine, the Hon. Congressman Tom Allen.

Thank you for being here this morning, Congressman. And you may begin.

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

Mr. ALLEN. Thank you, Chairwoman Bordallo and Ranking Member Brown. I appreciate the opportunity to testify before you today on my bill, H.R. 3223, the Keep Our Waterfronts Working Act.

In Maine we have 5300 miles of coastline, but only 20 miles remain as working waterfronts. Those 20 miles of working waterfronts provide more than $750 million in state revenue each year, and support 35,000 jobs. More than half of those 20 miles, however, are privately held properties, where access is restricted, and the permission of the owner is required for use.

Critical rights of waterfront access are often steeped in tradition, and not written in the law. These privately held access points are extremely vulnerable to sale for non-working waterfront-related uses, and this trend really threatens both our economy in Maine and in other states, and a coastal way of life.

The situation is very similar around the country's 88,000 miles of coastline, from Alaska down to California, and from Texas around to Maine. Fish houses are being replaced by waterfront condominiums, and public wharfs are being replaced by private docks.

Development pressures and rising property values are profoundly changing the nature of our coasts and shorelines. Working waterfronts provide water access to support both commercial and recreational fishing, and a host of other support industries, such as ice, bait, and processing. And certainly in the State of Maine, those shoreside industries are very much threatened by residential development that eats up our working waterfront.

Since colonial times, the fishing industry has been the cultural heart of many coastal communities in Maine. But in Maine, as in most coastal states, fish stocks and the fisheries that depend on them do fluctuate over time.

For example, right now groundfish is really, the groundfishing industry is really in significant trouble, but our lobster fishery is healthy. So when an industry, the fishing industry struggles, the shoreside infrastructure does, as well.

This is not just the commercial fishermen's issue. Lack of waterfront access affects swimmers, casual boaters, beachgoers and weekend anglers. One hundred and 22 million people go to the beach every year, 95 million take to the water in some kind of boat, and 80 million go fishing. All of these users are competing for a small and diminishing resource.

Around the country states are realizing the need to protect these valuable assets. Florida, North Carolina, Mississippi, and Louisiana, to name a few, have commissioned reports and inventories of working waterfronts left in their states. These reports have found a decrease in working waterfronts, and states are developing approaches to prevent future loss.

The issue is really poised for national legislation to assist states and give them much-needed resources to help them out. The Keep Our Waterfronts Working Act would provide assistance and resources to the coastal states. The objective of this legislation is to preserve access to coastal waters for commercial fishing operations and other water-dependent coastal-related businesses.

Congressman Brown, we hope this is not the heavy hand of the Federal government; this is a partnership, it is designed to be a partnership, and here is how it would work.

The Act would amend the Coastal Zone Management Act of 1972 to establish a competitive matching grant program administered through the Department of Commerce. Coastal states would apply for matching grants to purchase title or development rights to working waterfront, which is defined as land that provides access to coastal waters for water-dependent commercial activities.

To become eligible for the grant program, a coastal state would have to develop a comprehensive working waterfront plan. States with an approved plan would become eligible to apply for working waterfront matching grants under an expedited funding process. And projects funded by the grant program would be required to provide for expansion or improvement of public access to coastal waters at or in the vicinity of the working waterfront, except for those industrial working waterfront access points, such as commercial fishing piers, where the coastal state determines that public access would be a safety hazard.

The bill also provides for technical assistance to states for the development and revision of comprehensive working waterfront plans. We are at a critical point here. We have to preserve our working waterfronts to protect the economic and cultural value they bring to our communities, and pass this heritage on to future generations. We have to ensure that our coasts retain the special quality that has characterized the life along our shores.

And I hope, as the Subcommittee works on reauthorizing the CZMA, that it will consider the need for working waterfront legislation.

I look forward to working with the Subcommittee, and I thank you again for the opportunity to testify today.

[The prepared statement of Mr. Allen follows:]

Statement of The Honorable Tom Allen, a Representative in Congress from the State of Maine

Chairwoman Bordallo and Ranking Member Brown, thank you for the opportunity to testify today on my legislation H.R. 3223 the Keep Our Waterfronts Working Act.

There are 5,300 miles of coast line in Maine yet only 20 miles remain as working waterfronts. These 20 miles of working waterfront provide more than $750 million in state revenue each year and support 35,000 jobs.

More than half of these 20 miles are privately held properties where access is restricted and owner permission is required for use. Critical rights of waterfront access are often steeped in tradition, not written into law. These privately held access points are extremely vulnerable to sale for non-working waterfront related uses which threatening both the economy and a way of life.

This situation is echoed around the country's 88,000 miles of coast line from Alaska down to California and Texas around to Maine. Fish houses are being replaced by waterfront condominiums, and public wharfs are being replaced by private docks.

Development pressures and rising property values are profoundly changing the nature of our coasts and shorelines.

Working waterfronts provide water access to support both commercial and recreational fishing and a host of other support industries such as ice, bait, and processing.

More and more coastal land is being developed for private residential use, increasing pressure on industrial, recreational, and public access infrastructure. Without dock space the whole marine industry collapses, including support businesses like diesel mechanics, welders, shipbuilding and seafood processing.

Since colonial times, the fishing industry has been the cultural heart of many coastal communities in Maine. But in Maine, as in most coastal states, fish stocks and the fisheries that depend on them tend to fluctuate.

For example, our lobster fishery at the moment is healthy but our groundfish industry is struggling. When the industry struggles, so does the shore side infrastructure. With good management practices, we can reasonably hope that the fish stocks will rebound.

However, the loss of working waterfront will likely be permanent.

This is not just a commercial fishermen's issue; lack of waterfront access impacts swimmers, casual boaters, beachgoers, and weekend anglers. 122 million people go to the beach every year, 95 million take to the water in some kind of boat, and 80 million go fishing. All these users are competing for a small, diminishing resource.

Around the country, states are realizing the need to protect these valuable assets. Florida, North Carolina, Mississippi, and Louisiana, to name a few, have commissioned reports and inventories of working waterfronts left in their states. These reports have found a decrease in working waterfronts, and states are developing approaches to prevent future loss.

The issue is poised for national legislation to assist states and give them much needed assistance and resources.

The Keep Our Waterfronts Working Act would provide assistance and resources to Coastal States. The objective of this legislation is to preserve access to coastal waters for commercial fishing operations and other water-dependent coastal-related businesses.

The act would amend the Coastal Zone Management Act of 1972 to establish a competitive matching grant program administered through the Department of Commerce.

Coastal states would apply for matching grants to purchase title or development rights to Working Waterfront, defined as land that provides access to coastal waters for water-dependent commercial activities.

To become eligible for the grant program, a coastal state would develop a comprehensive Working Waterfront Plan.

States with an approved plan would become eligible to apply for Working Waterfront matching grants under an expedited funding process.

Projects funded by the Grant Program would be required to provide for expansion or improvement of public access to coastal waters at or in the vicinity of the Working Waterfront, except for industrial working waterfront access points such as commercial fishing piers where the coastal state determines that public access would be a safety hazard.

The bill also provides for technical assistance to States for the development and revision of comprehensive Working Waterfront Plans.

We must preserve access to our working waterfronts, protect the economic and cultural value they bring our communities and pass this heritage to future generations. We must make sure that our coasts will always retain the special quality of life that our working waterfronts help to create.

I hope that as the subcommittee works on reauthorizing the CZMA, that it will consider the need for working waterfront legislation. I look forward to working with the subcommittee, and I thank you for the opportunity to testify today.

Ms. BORDALLO. I thank you, Congressman Allen, for your statement. And it clearly spells out the necessity in improving, protecting, and expanding commercial coastal access, at a time when access is threatened from private residential development and other activities.

I want to thank you very much for appearing before the Subcommittee. I know you have a busy schedule, but you are welcome to join us on the dais if you do have the time.

Mr. ALLEN. Well, as you said, Madame Chair, I do have a very busy schedule. And I will leave it to you to work through this.

But I want to help in any way I can, and my staff is available, as well. Thank you very much.

Ms. BORDALLO. I understand. I understand. Thank you for your statement.

And the Chair would now like to recognize the Hon. Wayne Gilchrest from the State of Maryland, the former Chairman of this Subcommittee on Fisheries, Wildlife, and Oceans.

Mr. Gilchrest, would you like to make some statements?

Mr. GILCHREST. Well, Tom Allen has a good piece of legislation, so we will see what we can do for the rest of this session to work on it, make it a reliable source of access to coastal areas by local people needing that reliable access.

And the Coastal Zone Management Act is up for, I guess, reauthorization.

Ms. BORDALLO. That is correct.

Mr. GILCHREST. We didn't do it the last couple of years. But I would like to work with you, Madame Chairman, and the other members of the committee, to see that this bill gets not only reauthorized, but reenergized, to help protect America's coastal areas.

Thank you.

Ms. BORDALLO. Thank you. I thank my colleague, Mr. Wayne Gilchrest, who certainly we will welcome your input. You have the experience on this committee.

I now recognize the second panel of witnesses. Would they please step forward and take their seats?

Our witnesses on this panel include Mr. David Kennedy, Director of the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration; Mr. Robert Bailey, Chairman of the Reauthorization Committee at the Coastal States Organization; Dr. Jaime Kooser, President of the National Estuarine Research Reserves Association; and my friend from Guam, Ms. Evangeline Lujan, the Guam Coastal Management Program Administrator, and Director of the All-Island Group.

I would like to welcome Mr. Kennedy and thank him for appearing before the Subcommittee on short notice. Unfortunately, NOAA's initial witness, Mr. Jack Dunnigan, suffered the loss of his father and has, of course, gone back to California to be with his family. And I know everyone on the Committee joins me in extending our deepest sympathies to Mr. Dunnigan. Our thoughts are with him during this difficult and sad time.

Mr. Kennedy, thank you again for being here. And you may now begin your testimony.

STATEMENT OF DAVID KENNEDY, DIRECTOR, OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNITED STATES DEPARTMENT OF COMMERCE

Mr. KENNEDY. Thank you, Chairwoman Bordallo and members of the committee. As you have mentioned, I am David Kennedy, Director, Office of Ocean and Coastal Management within NOAA. And our thoughts are all with Jack, and it is certainly not a problem at all for me to step in. And hopefully I can represent him appropriately here.

So thank you for the opportunity to testify on the future of the Coastal Zone Management Act and the bills before the committee today.

The Coastal Zone Management Act has served as a cornerstone for national coastal policy for more than 30 years. When enacted in 1972, it was the first attempt to balance multiple national interests along the coast.

The CZMA recognizes and attempts to balance national objectives for development and conservation of coastal and ocean areas with the interests of the state, in governing near-shore activities and land use.

While the CZMA has served as a cornerstone for national coastal policy, it has become apparent that the evolving challenges we face in coastal management will require changes in our approach. We need to anticipate the problems the Nation will face in the next 30 years, and promote changes in management approaches.

These approaches should incorporate principles of ecosystem and adaptive management, and focus on effective implementation at the local level, where most of the decisions that cumulatively affect coastal resources occur.

In addition, we need to create new mechanisms to include the public and private sectors to help address the challenges we face today.

So in July of 2006, NOAA and the Coastal States Organization embarked on a partnership effort to envision the future of coastal and ocean management. The process sought input from a variety of stakeholders. Following this process, NOAA and CSO developed a set of four cornerstones to consider when drafting legislative proposals for the CZMA.

Using these cornerstones as a foundation, NOAA has begun an internal dialogue regarding what concepts to include in a CZMA reauthorization proposal. While our internal discussions are still in the early stages, I would like to share with you four main concepts that we are considering.

First, clear and focused goals. A reauthorized CZMA should continue to address a comprehensive set of issues, and could additionally focus on two distinct priorities. Priorities that we have in mind, at least at the moment, is sustaining healthy coastal ecosystems, one of the major issues that we heard in all of our discussions around the country, and increasing coastal community resiliency.

Two, periodic coastal assessments. CZMA requires each participating state to develop a program with adequate policies to manage coastal resources, but does not require periodic assessments of coastal conditions, or updating of state programs.

Periodic assessments of the conditions of natural, social, cultural, historical, and economic resources could help direct planning and resource management activities at the state, regional, and national level.

Three, outcome-based planning and measurable objectives. Today the CZMA requires participating states to have programs, but not action-oriented plans and measurable objectives. Strategic and targeted plans could be prepared by each state, and approved by NOAA, as a requirement for funding. Plans would include measur-

able objectives to help monitor state progress in achieving the goals of CZMA. National objectives would be established as a foundation for state programs and plans.

And then finally, coordinated and strategic Federal agency involvement. We think this is extremely critical. Currently under CZMA, NOAA and other Federal agencies have a limited role in coastal management, with no responsibility for substantive outcomes. Research and technical assistance at the Federal level are not specifically tied to implementation of CZMA.

In order to supplement the existing Federal role, a national-level integrated coastal and ocean management program should be created under the Secretary of Commerce. The primary objective of the national program would be to serve as the coordinator of the delivery of the Federal government's diverse expertise, and serve as a conduit for moving research to operations through the development of targeted products, services, and related technical assistance.

The Subcommittee has also requested the Administration views on three bills, each of which would make separate amendments to the CZMA. Comments on each provision are provided in our written statement.

But in general, the Administration does not support an ad hoc approach to amending the CZMA, because it contradicts the underlying premises of both ocean commissions and the U.S. Ocean Plan to pursue an integrated and coordinated approach to coastal and ocean management.

Thank you for the opportunity to appear before you today. NOAA looks forward to working with you on reauthorizing this important Act, and we will be happy to answer any questions at the appropriate time.

Thanks.

[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

INTRODUCTION

Good afternoon, Chairwoman Bordallo and members of the Committee. I am John H. Dunnigan, Assistant Administrator for Ocean Services and Coastal Zone Management for the National Oceanic and Atmospheric Administration (NOAA). Thank you for this opportunity to testify on the future of the Coastal Zone Management Act and H.R. 5451, as well as H.R. 3223, H.R. 5452 and H.R. 5453.

The Coastal Zone Management Act (CZMA) has served as a cornerstone for national coastal policy for more than 30 years. When enacted in 1972, it was the first attempt to balance multiple national interests along the coast. The CZMA created an innovative intergovernmental partnership that has been of great benefit to the nation, the states, and the public. The CZMA recognizes and balances national objectives for development and conservation of coastal and ocean areas with the historical interests and role of the states in governing near shore development and land use. Under the CZMA, federally-approved state coastal management programs are provided assistance to coordinate their environmental resource management programs, and to promote sustainable coastal development and long-term conservation objectives. The CZMA also authorized the National Estuarine Research Reserve System.

State Coastal Management Programs

Thirty-four of the 35 eligible coastal states, commonwealths, and territories are implementing federally-approved coastal management programs. NOAA is working with the final eligible coastal state, Illinois, to approve its coastal management pro-

gram. Through the CZMA, NOAA provides funding for developing and implementing these programs, and provides technical assistance on best practices for addressing important coastal management issues. Funding for the coastal zone management program is allocated to eligible coastal states based on shoreline mileage and coastal population. This funding is required to be matched on a dollar for dollar basis, yet many states far exceed this match requirement and are able to leverage additional state resources using CZMA dollars. For example, the Maine Coastal Program has been successful in matching state dollars to federal dollars at a ratio of more than 5:1. In past years this ratio has been as high as 11:1.

State programs address a wide range of national objectives, including:

- Maintaining and restoring the natural beach and dune systems for protection from erosion and storms,
- Ensuring appropriate coastal development,
- Protecting and restoring ecologically important coastal habitats,
- Controlling nonpoint source pollution,
- Improving public access and recreational opportunities in coastal areas,
- Enhancing public awareness through education and outreach, and
- Revitalizing local waterfronts.

The National Estuarine Research Reserve System

Under the CZMA's estuarine research reserve program, the states—often in partnership with academia and federal agencies—implement research and education programs to better understand complex coastal processes and share this information with coastal decision makers at the federal, state, and local levels. Critical, long-term research takes place at the 27 federally designated National Estuarine Research Reserves (Reserves) in 22 coastal states and commonwealths. Connecticut and Wisconsin are currently working to develop new Reserves. The Reserves play an important role in meeting the U.S. Ocean Action Plan's goal to "expand our scientific knowledge of oceans, coasts and Great Lakes."

Reserves currently protect over one million acres of estuarine lands and waters, and Reserve programs conduct important research, monitoring, education, and stewardship activities within coastal watersheds. The Reserves have developed system-wide efforts and standards to ensure data compatibility and consistent methodologies are used at all sites. The Reserve's System-Wide Monitoring Program includes 108 water-quality monitoring stations and 27 weather stations. The system provides important environmental data in support of the Integrated Ocean Observing System identified in the U.S. Ocean Action Plan. The Reserve system also supports a fellowship program, training up to 54 graduate students each year in estuarine science. This fellowship program not only facilitates important research, but also encourages the development of the next generation of scientists to sustain the workforce necessary to meet the nation's future coastal research and management needs.

Factors Impacting the Future of Coastal Management

While the CZMA has served as a cornerstone for national coastal policy for more than 30 years, it has become apparent that the evolving nature of the challenges we face in coastal management will require changes in our approach. As federal partners with the states, we need to position ourselves to take greater leadership on coastal issues by anticipating the problems the nation will face in the next thirty years and by identifying and promoting needed changes in management approaches.

Coastal management issues in the next 30 years are likely to be different, or in a very different context, from the last 30 years due to:

- Unanticipated effects and dynamics resulting from climate change,
- Globalization, which will result in changes to the nation's energy, transportation, communications and manufacturing infrastructure,
- New technologies, and
- The changing demographics of coastal communities (greater in number and density, older, more ethnically diverse, and wealthier with a greater economic disparity between those who live on the coast and those who do not).

With greater competition for coastal resources, coastal decision-making, resource allocations, and risk acceptability will become even more complex. To address these complexities, new management approaches are needed to incorporate principles of ecosystem and adaptive management.

Achieving management objectives requires more effective implementation at the local level, where most of the decisions that cumulatively affect coastal resources occur. These objectives can be reached by:

- Building and enhancing local planning capacity for growth management,
- Incorporating natural resource planning and protection tools into local planning processes, and

- Making data and information more accessible and usable for local decision-makers.

Envisioning the Future of Coastal Management

In July 2006, NOAA and the Coastal States Organization (CSO) embarked on an effort to envision the future of coastal and ocean management. The process sought input from stakeholders, coastal management professionals, experts from multiple disciplines, NOAA, and other federal agencies. The response and engagement from across the country was encouraging as hundreds of people shared ideas about how we as a nation can become better stewards of our coasts. Participants exhibited much enthusiasm about new and innovative ways to protect and manage our coastal and ocean resources. They also were clear that a major effort is warranted to meet these challenges.

What We Heard

- Managing growth and development in coastal areas was the most frequently identified challenge; water quality ranked second.
- Local governments were identified as primary partners for addressing growth pressures.
- Climate change was the top emerging issue.
- Federal interagency coordination was stated to be ineffective, as states often have to meet different requirements from different agencies for similar programs such as water quality monitoring. The state resource managers also stated that access to assistance is inefficient and confusing.

What We Concluded

Following the stakeholder process, NOAA and CSO developed a set of four cornerstones and 13 principles that we agreed to consider in drafting our respective legislative proposals for reauthorizing the CZMA. They are intended to reflect both what we heard as well as important concepts that both organizations agreed should be the basis for a new integrated coastal and ocean statute.

The cornerstones identified through the visioning process are:

- The CZMA should ensure the long term sustainability of coastal resources and communities.
- The CZMA should be goal driven and results oriented.
- The CZMA should coordinate and align federal, state, and local governments to address issues of national importance.
- The National Coastal Management Program should remain a voluntary partnership between the federal government and the states, in which each bears responsibilities for achieving program goals.

These cornerstones provide a foundation for the development of more detailed proposals for a reauthorized CZMA. Following the visioning process, NOAA has begun an internal dialogue regarding what concepts to include in a CZMA reauthorization proposal. While our internal discussions are still in the early stages, I would like to share with you some of the concepts we are considering.

TAKING COASTAL AND OCEAN RESOURCE MANAGEMENT TO THE NEXT LEVEL: GOALS, ASSESSMENTS, PLANS, AND MEASURABLE OBJECTIVES

Clear, Focused Goals

The CZMA currently has a very broad scope, calling for the development of programs to "preserve, protect, develop, and where possible, to restore or enhance the resources of the Nation's coastal zone for this and succeeding generations." A reauthorized CZMA should continue to address a comprehensive set of issues, and could additionally focus on two distinct national priorities: sustaining healthy coastal ecosystems and increasing coastal community resilience.

Understanding Coastal Conditions: Periodic Coastal Assessments

The CZMA requires each participating state to develop a program with adequate policies to manage coastal resources, but does not require periodic assessments of coastal conditions or updating of state programs. Periodic assessments of coastal trends and conditions of natural, social, cultural, historical, and economic resources could help to better direct planning and resource management activities at the state, regional, and national levels. NOAA would work with the states and other agencies to compile and prepare these coordinated assessments.

To understand the true national status of our coastal and ocean resources, we must also have a uniform understanding of what defines the coastal area. Currently, each state coastal management program develops its own boundaries based on the needs of the state's enforceable policies. These range from the entire state

or territory (Delaware, Florida, Guam, and Rhode Island), to local units of government (Maine, North Carolina, Washington, and Wisconsin), to certain physical features or a set distance from the shoreline (California, Massachusetts, Ohio, and Alabama). This has made it difficult to develop a consistent set of indicators of the coastal condition that can give a regional or national picture. It also has caused confusion among federal agencies and the regulated community in implementing the federal consistency provisions of the CZMA. In an effort to resolve these issues, each state's coastal planning area would be based on uniform national criteria, and coastal watersheds and the territorial sea would be included in state assessments and plans.

Outcome-Based Planning and Measurable Objectives

Today, the CZMA requires participating states to have "programs," but not action-oriented plans and measurable objectives. State programs must identify enforceable policies that address general areas articulated in national guidance, but they are not required to set and meet benchmarks or measurable objectives. This has hampered efforts to demonstrate and articulate the success of state programs.

Strategic and targeted plans—developed at relevant scales and designed to meet national objectives—would be prepared by each state and approved by NOAA as a requirement for funding. Plans would include measurable objectives to help monitor state progress in achieving the goals of the CZMA. National objectives, such as protecting habitat and making communities more resilient to coastal hazards and climate change, would be established as a foundation for state programs. Each state would then prepare a management plan that would include strategies and measurable objectives to address the national priorities.

Today, funding for coastal management is allocated according to a formula that is driven by state coastal population and shoreline mileage. While these variables are useful for calculating continued support for operation of basic state programs, as coastal management programs move forward the majority of funding would be awarded competitively on the basis of achievement of national objectives. Program performance measures, based on indicators developed through state assessments, would also be used to guide funding.

Federal Agency Involvement

Currently under the CZMA, NOAA and other federal agencies have a limited role in coastal management with no responsibility for substantive outcomes. Research and technical assistance at the federal level are not specifically tied to implementation of the CZMA. In order to supplement the existing federal role, a national level integrated, coastal and ocean management program would be created under the Secretary of Commerce to provide additional leadership for our state and local resource management partners and federal colleagues.

The primary objective of the national program would be to serve as a coordinator for the delivery of the federal government's diverse expertise to complement the expertise and knowledge available at the state and local level. The program would coordinate and build upon existing efforts, such as the National Sea Grant College Program, Coastal Services Center and others while not preempting any existing authorities of other agencies. It would integrate federal research and technical capabilities, and serve as the conduit for moving research to operations through the development of targeted products, services and related technical assistance.

Program Coordination

Developing national goals and the more detailed objectives and outcomes articulated in state plans would allow other NOAA programs and centers to more effectively coordinate, align and contribute to these efforts. The result could be a more integrated effort across NOAA to help support the national and state goals for management of the nation's valuable coastal resources. In addition, the National Marine Protected Area System and the Coastal and Estuarine Land Protection Program could be incorporated into the CZMA, and it could be required that the plans for these programs be developed collaboratively with the state coastal management plans.

Reserves offer a wealth of scientific expertise and conduct extensive outreach at the State and local level. Consequently, States would benefit from coordinating with Reserves on their state resource assessments and plans. The Reserves are currently authorized in a separate section of the CZMA, and in some states Reserves are not integrated with the State's coastal programs.

Implementation of the state coastal nonpoint programs developed under Section 6217 should be refocused on achievable objectives. States should be given more ability to focus on activities that the coastal programs do well, such as influencing land and water use decisions and working with landowners for cooperative conservation.

Improved coordination could include working with programs in the Department of Agriculture and the Environmental Protection Agency to target specific nonpoint pollution-related challenges.

The U.S. Commission on Ocean Policy and the Pew Oceans Commission both called for the development of better regional governance structures. The CZMA should more clearly encourage and support regional coastal and ocean partnerships, both for federal agencies and among the states. State-coordinated, regional efforts should be eligible for competitive federal funding under CZMA. In addition to providing a forum for planning and resource management across jurisdictional boundaries, these partnerships could help leverage resources to address regional research needs and improve distribution of applied science to managers.

OTHER PENDING LEGISLATION

The Subcommittee has requested the Administration's views on three bills, each of which would make separate amendments to the CZMA. Comments on each provision are provided below. In general, the Administration does not support this ad hoc approach to amending the CZMA because it contradicts the underlying premises of both ocean commissions and the U.S. Ocean Action Plan to pursue an integrated and coordinated approach to coastal and ocean management.

H.R. 5452: Coastal State Renewable Energy Promotion Act of 2008

H.R. 5452 would amend the State Grant Program under the CZMA. As amended, the program would support voluntary state efforts to initiate and complete outer continental shelf surveys adjacent to a state's coastal zone and coastal waters. These surveys would identify potential areas that are suitable for the exploration, development, and production of alternative energy in a manner consistent with the enforceable provisions of Coastal Zone Management plans (approved pursuant to section 306A of the CZMA).

We are concerned that this program may result in considerable duplication of effort. NOAA and other federal agencies already have extensive expertise and existing hydrographic, oceanographic and geographic data for many of these areas. Section 388 of the Energy Policy Act of 2005 provided the Minerals Management Service (MMS) in the Department of the Interior with the authority to grant leases, easements, or rights-of-way on the Outer Continental Shelf for the siting of alternative ocean energy activities. Thus, any new surveying or observations should be done in a partnership with MMS, NOAA, any other relevant agencies, and the states, including on a regional basis where appropriate. Any such effort should be consistent with the standards and objectives of pending legislation (H.R. 2342) to authorize the Integrated Ocean Observing System (IOOS). They should also be consistent with ongoing efforts to promote integrated ocean and coastal mapping, including the basic principal to "map once, use many times." The emphasis should be on using existing data and not on funding new surveying activities unless clearly warranted.

H.R. 5453: Coastal State Climate Change Planning Act of 2008

H.R. 5453 would amend the CZMA to require the Secretary of Commerce to establish a coastal climate change resiliency planning and response program. This program would provide assistance to coastal states to voluntarily develop coastal climate change resiliency plans (as amendments to CZMA management plans), and provide financial and technical assistance to enable coastal states to implement these plans through their enforceable policies.

NOAA supports the development and implementation of plans by states and territories for addressing the effects of climate change. With respect to requiring long-term monitoring, NOAA has concerns over the cost to states and Reserves and how the monitoring would be integrated with the IOOS and other ongoing monitoring efforts. While developing plan content, coastal management programs should coordinate with appropriate federal agencies and other state or regional entities to ensure that they are taking advantage of existing resources. Specifically, we encourage states with a Reserve to incorporate the contributions of the Reserves' monitoring efforts into the Climate Change Resiliency Plans.

H.R. 3223: Keep Our Waterfronts Working Act of 2007

H.R. 3223 would amend the CZMA to establish a new grant program to preserve and expand access to "water-dependent commercial activities including commercial fishing, recreational fishing, aquaculture, boat-building, or other water-dependent coastal-related businesses." The Federal grants created by the bill could cover up to three quarters of the cost of supporting these activities in competing against other uses for waterfronts, such as residential development.

The national policy set by the CZMA currently addresses working waterfronts by directing state coastal management programs to give priority consideration to coast-

al-dependent uses when siting major facilities, including fisheries development, or new commercial and industrial development in areas where such development already exists (CZMA § 303(2)(D); 16 U.S.C. § 1452(2)(D)). The CZMA provides, as a national policy, that state programs should assist in the redevelopment of deteriorating waterfronts and ports, as well as sensitive preservation and restoration of historic, cultural, and esthetic coastal resources (CZMA § 303(2)(F); 16 U.S.C. 1452 (2)(F)).

The Administration supports efforts to preserve working waterfronts. However, the Administration does not believe the grant program established by H.R. 3223 is the right tool to address this agreed upon goal. The program, which would have an authorization level of $50 million in 2009, is inconsistent with the President's Budget. Moreover, the Administration believes that Federal funds should be used for public benefit, and is concerned that H.R. 3223 appears to promote one type of commercial activity over others.

CONCLUSION

Thank you for the opportunity to appear before you today. I look forward to working with you on reauthorizing this important program.

I will be glad to answer any questions.

Ms. BORDALLO. Thank you very much, Mr. Kennedy. And thank you for staying within the five-minute allotment. I failed to mention it, but I will mention it to all the future witnesses, that we do have a five-minute rule. But your full, complete statement will be entered into the formal record.

Mr. Bailey, it is a pleasure to welcome you before the Subcommittee, and you are now recognized for five minutes.

STATEMENT OF ROBERT BAILEY, CHAIRMAN, REAUTHORIZATION COMMITTEE, COASTAL STATES ORGANIZATION

Mr. BAILEY. Thank you, Madame Chairman. Chairwoman Bordallo, Ranking Member Brown, and distinguished members of the Subcommittee, thanks for holding this hearing and the opportunity to appear before you today.

My name is Robert Bailey, and I manage the Oregon Coastal Management Program. I am here today on behalf of the Coastal States Organization, the CSO, which represents Governors of 35 coastal states, Great Lakes states, islands, and territories.

I note that you, Madame Chairwoman, and many Subcommittee members represent these same states and islands.

In summary, CSO strongly urges you and the Congress to begin work to enact new legislation to redefine coastal management in this country. CSO has developed some elements and ideas for such a bill that we respectfully offer for your consideration, and we have done so in our written testimony. We also enthusiastically support the three related bills before you today.

Now, from the vantage point of 36 years, many would say that the Coastal Zone Management Act of 1972 has been successful. Thirty-five islands, coastal and Great Lakes states and territories have accomplished a lot of good things through their Federally approved programs.

But the world has changed, and is about to change even more. The coasts are being hit with a triple whammy. The first is an enormous reservoir of retiring baby boomers that is starting to scour the real estate ads in coastal communities. As a result, our coasts will be under even more pressure for development.

Second, climate change is beginning to affect our coastal communities and coastlines in profound ways. Chairwoman Bordallo, I am

sure that as a delegate of an island territory ringed by the coasts and ocean, you join me in understanding just how fragile our coasts are, and appreciating what is at stake for our nation, our coastal areas, and our people.

Third, energy scarcity is driving proposals for renewable energy to wind, waves, and tidal power. We must take care to carefully fit these new uses with our traditional uses.

Meanwhile, governmental budgets at all levels are and will be stretched thin, so our efforts must be efficient, effective, and accountable.

Three years ago a budget review by the Office of Management and Budget triggered what became a terrific partnership between the CSO and the National Oceanic and Atmospheric Administration to thoroughly assess and revision coastal management in the U.S. Together, CSO and NOAA embarked on outreach that engaged hundreds of stakeholders and citizens from around the country to assess needs for coastal management over the next 35 or more years. And what they told us forms the basis of our recommendations to you.

People told us that they care deeply about the coast. They want to take their kids to see tidepools, to wade in the surf, to walk the solitude of the beach. But they told us that they need help in protecting these treasures.

And they also told us that coastal management efforts need to be better if we are to succeed. They told us that our state and Federal coastal programs must be prioritized and strategic. They have told us that our efforts must be coordinated across all levels of government, because people don't make a distinction between local, state, and Federal governments. They want it just to work better.

They also want our government programs to be accountable, and to demonstrate results. And they told us that our programs need significantly increased financial support to make our work successful in protecting the nation's coastal communities.

These principles guide our framework for revisioning coastal management in the United States, and we think of this as a new coastal constitution. We in CSO are willing to work hard to ramp up our efforts, and we believe that the continuing central role of state programs is crucial.

We urge that state and island programs already approved remain so, and that the requirement for Federal agency actions be consistent with approved state programs likewise be retained.

We see the National Estuarine Research Reserve System as a key partner in carrying out this enterprise.

I want to turn quickly to the other three bills. CSO strongly supports H.R. 5453, and commends Congresswoman Capps for introducing this. This will significantly help coastal communities address the enormous challenges of climate change.

CSO also supports H.R. 5452 to make sure that the green power we all want from wind, wave, and tidal energy sources will work for fishermen, coastal communities, and marine wildlife.

Finally, CSO supports H.R. 3223 to protect working waterfronts. Representative Allen's bill gets it right: The heart of coastal communities will be gone if working waterfronts are eliminated. These assets must be preserved.

Chairwoman Bordallo, Ranking Member Brown, we in CSO look forward to working with you and the Members of the House and Senate to move these bills forward.

Thank you for this opportunity to share our views, and I would be happy to answer any questions.

[The prepared statement of Mr. Bailey follows:]

Statement of Robert Bailey, State of Oregon's Representative, Coastal States Organization, and Manager, Coastal Services Division, Oregon Department of Land Conservation & Development

Chairwoman Bordallo, Ranking Member Brown, and distinguished members of the Subcommittee; thank you for the opportunity to appear before you today to discuss a new vision for coastal management in the United States, reauthorization of the Coastal Zone Management Act, and three related issues: planning for climate change on our coasts, planning for alternative energy development, and protecting working waterfronts.

My name is Robert Bailey. I am the Manager of the Oregon Coastal and Ocean Management Program in the Oregon Department of Land Conservation and Development.

I am here today representing the Coastal States Organization (CSO), an organization that represents the interests of the Governors of thirty-five coastal states and territories. I note that many of the members of this Subcommittee are from coastal, islands, or Great Lake states and territories, all of which are members of the CSO. My testimony today will provide comments on behalf of CSO as well as my own perspectives gained from more than 30 years of working in coastal and ocean management for the State of Oregon.

First, however, I want to commend you and the Subcommittee for holding this hearing. This conversation about a new approach to coastal management is a long time coming. We all know that it is easy for the coasts to get lost in the press of world issues and assume they will always be there. But, Chairwoman Bordallo, I am sure that, as a Representative of an island territory ringed by a coast and ocean, you and the other Subcommittee members join me in understanding how fragile our coasts are and appreciating what is at stake for our people and our nation.

What's Happened Since 1972: An Experiment That Succeeded

It is fair to say that the Congressional authors of the 1972 Coastal Zone Management Act had no idea of how successful their efforts would be when seen from this 35-year vantage point. Of 36 coastal and Great Lake states and territories, 35 have federally approved coastal management programs that account for the unique needs and setting of each state or territory. These CZM programs have provided public access to coastal waters and made sure that those waters were clean, kept shoreline development safe from coastal hazards, protected and restored estuarine and wetland habitats, protected dunes, barrier islands and other unique coastal features, helped citizens to be better stewards of the coast, and, importantly, worked hard to coordinate state and federal efforts to conserve the Nation's coastal resources.

The unique federal-state partnership of the Coastal Zone Management Program has enabled states to ensure that federal agency actions affecting coastal resources are consistent with approved state programs, which often include local regulations. This arrangement has been good for coastal communities, coastal states, and the Nation. It is a stellar example of innovative public policy that has worked quietly and well, notwithstanding the occasional headline or controversy. In this democracy of ours, where each state is a laboratory, the 1972 CZMA experiment has been a success.

I also think it is fair to say that these same authors could not have envisioned the demands that are increasingly bearing on our coasts. In 1980, 120 million people lived in coastal counties. Today, 40 million more people have crowded near our nation's coastlines, an increase of 30 %. Nearly 60% of the U.S. population now lives in coastal counties, which make up only 17% of the nation's area. There is clearly something special in our coasts and oceans. I remind my friends in Oregon that you can drive for six straight days across this country and never see a tidepool, an estuary, or waves crashing on an ocean beach. What we live with every day on the coast of Oregon and other coastal states and islands are truly national treasures.

Unfortunately, our coasts are about to get hit with a triple whammy. The first is the enormous reservoir of retiring Baby Boomers with the means and desire to seek coastal living or recreation. Second is climate change, which will place a premium on the naturally air-conditioned coasts even as coastal communities are

stressed from rising sea-level, increasing storm intensity, and higher temperatures. Third is an energy scarcity that will impact economies and development patterns of coastal communities and spawn demand for renewable coastal energy resources of wind, waves, and tides. All the while, the public will demand that all levels of government work more efficiently to protect coastal and ocean resources and be accountable for results.

So, the conditions for our experiment in coastal management are changing drastically. We in the Coastal States Organization believe it is time to meet these challenges with equally dramatic changes in our national and state coastal management efforts.

H.R. 5451: Toward a Vision for the CZMA

Over the past three years a remarkable confluence of circumstances has resulted in a broad consensus among many coastal constituents about how this nation needs to re-tool coastal management for the next 35 years or more. The first was the nearly tandem reports of the Pew Oceans Commission and the U.S. Commission on Ocean Policy that zeroed in on the Coastal Management Program as critical to addressing many issues confronting our coasts and oceans.

The second was an assessment of the strengths and weakness of the National CZM program by the Office of Management and Budget that shook the ground under both NOAA and CSO. While the report found positive effects from state and federal actions to carry out the 1972 program, it also found serious issues about performance, accountability, and the level of effort necessary to truly address oncoming needs on the Nation's coasts.

The third happenstance was leadership within both the Coastal States Organization and the National Oceanic and Atmospheric Administration who read the OMB assessment and recognized that in "crisis" is both "danger" and "opportunity." With so much at stake, CSO and NOAA took the path of opportunity and agreed to vigorously engage stakeholders in creating a vision for an improved Coastal Zone Management Act and to identify methods for improving program implementation at the state and national levels.

The fourth circumstance was—and is—a climate of intense interest and willingness to think boldly among the public, coastal managers, local governments, coastal industries, federal agencies, non-profit foundations, state officials, and even Congressional members. These stakeholders have been nearly unanimous in believing that it is high time to think boldly about the future of coastal management in this country.

The CSO and NOAA reached out to stakeholders around the country. Five national workshops were held, which spawned additional state-level conversations. In all, about 600 participants from across the spectrum of stakeholders participated, including municipalities, maritime industry, environmental organizations, and the public. NOAA met with many federal agencies with coastal programs and began internal discussions to better align NOAA resources. CSO and NOAA both met with a variety of organizations representing a wide range of coastal stakeholders. Discussions were frank and creative.

What we all heard loud and clear was that coastal management needs big improvements. And in so doing coastal management must be 1). prioritized and strategic; 2.) accountable; 3.) coordinated, and 4.) supported by significant financial investments. Together, the CSO and NOAA worked out a set of Cornerstones and Core Principles for coastal management in the United States that has guided us as we have come to agreement within CSO on National Priorities and a framework for achieving them.

We call our framework the Coastal and Ocean Legacy Act of 2008. We think of this as a new "Coastal Constitution."

PROPOSED FRAMEWORK FOR CZMA

The Coastal States Organization urges a new national commitment to coastal management that includes the following elements:

Reaffirm a national commitment to keystone principles of coastal management

Keystone principles include maintaining state-enacted programs and authorities that meet national policies, balancing conservation and development, protecting coastal natural resources, and federal consistency with state programs. These core elements have been the cornerstone of implementing the 1972 Act.

Address National Priorities to meet the needs of the Nation's coasts

The CSO agrees that coastal management must go beyond core programs and be focused on achieving National Priorities that broadly reflect the concerns of stake-

holders from around the country. CSO urges that local, state, and federal programs be organized to meet these four priorities:

- **Support healthy coastal communities and economies:** By this we mean assisting coastal communities to plan for and manage urban growth, revitalize waterfronts, and reduce impacts on coastal resources while building for sustainable economic development and improving the quality of life.
- **Protect and restore coastal natural resources:** Coastal, estuarine, and marine ecosystems, habitats and unique resources are under pressure and will require significant focused effort to protect and, where possible, restore.
- **Prepare for climate change on the nation's coasts:** The Nation's coasts are on the front lines for impacts from climate change. Coastal communities and states must have the capacity and resources to plan and prepare for these impacts.
- **Ensure coordination and integration of coastal and ocean programs:** While seemingly implicit, this should be an explicit National Priority to ensure that local, state, and programs work together to make effective use of scarce public resources in pursuit of coastal management objectives.

Act strategically

States recognize that meeting these National Priorities will require strategic investments and programs. So states will prepare multi-year strategic plans to address these priorities. These strategies will be based on comprehensive assessments of resources, conditions, needs, and opportunities, will describe outcomes and identify performance measurements, and will be the basis of annual implementation plans and funding.

Monitor effectiveness through performance measures and periodic evaluation

States understand that performance measurements will be needed to demonstrate progress in meeting national priorities. To ensure that appropriate, useful measures are used, the states propose that the National Academy of Sciences or the National Academy of Public Administration convene a panel of experts to develop performance criteria and metrics for the national priorities.

Engage and encourage local communities in the coastal stewardship enterprise

Local communities are vital partners in the nation's effort to steward coastal resources. Local governments are on the front lines as on-the-ground decision-makers whose land use regulations and infrastructure investments are pivotal in determining the scope and kind of coastal development. But communities need financial and technical assistance to be effective partners in meeting the national objectives.

Strengthen coordination and integration of management programs for the nation's coasts

The programs of many federal agencies that affect the nation's coastal zone must be aligned and integrated with each other and with coastal state programs. Part of the challenge of coastal management is to integrate non-NOAA agencies such as the EPA, USFWS, USGS, MMS, the USACOE, and the departments of Agriculture and Transportation. Such integration will not be easy, but it is absolutely necessary.

Increase investments in coastal stewardship to meet national priorities

States understand that this new approach to addressing the nation's coastal issues will require significant investments in funding and technical support for both states and federal agencies. Investments must be commensurate with the dimensions of the task or our coastal communities will suffer. At present, federal coastal management funding equates to 46 cents per person per year living on the coast. We believe that our coasts are worth far, far more than that.

Coastal states are ready to tackle these coastal challenges. We must. But we cannot do it alone. We believe that the framework we have developed with our partners will enable all of us to succeed in this most important endeavor.

H.R. 5453 COASTAL STATES CLIMATE CHANGE PLANNING ACT

I want to turn now to H.R. 5453 and what is probably the biggest single reason for thinking differently about how we plan for, manage, and protect our coasts. Climate change.

Climate change is more than just another issue for the coasts of our states and islands. It is a planetary issue with particularly unique effects and challenge for our nation's coasts and coastal communities. According to the Intergovernmental Panel on Climate Change (IPCC), socioeconomic and environmental impacts of climate change are projected to be most significant in coastal areas. As a representative from one of our vulnerable Pacific islands, I suspect that you understand clearly

how critical it is to address the effects of climate change on our nation's coasts—right now.

The CSO commends Representative Capps for introducing H.R. 5453 to amend the Coastal Zone Management Act (CZMA) to authorize assistance to coastal states in developing coastal climate change adaptation plans. With this legislation, Representative Capps has recognized that states have developed skills and authorities to deal with many aspects of adaptation through work on coastal hazards and coastal development. I would note that CSO recently completed a white paper summarizing the work already underway by coastal states to address climate change and to identify needed actions. In my own program, we have begun a somewhat bootstrapped effort to address adaptation and have already recognized that the scale of effort outstrips our available or foreseeable resources.

The CSO applauds the provisions of H.R. 5453 that would enable state coastal management programs to tailor current responsibilities and begin adaptation planning under the CZMA, and significantly, provide grant assistance to implement these plans and additional projects to address climate-related stress factors. CSO understands that if we are going to face the challenges of climate change on our coasts, funding, as well as planning, will be essential. So, no pun intended, H.R. 5453 is right on the money.

H.R. 5452 the Coastal State Renewable Energy Promotion Act of 2008.

The CSO also commends Representative Capps for introducing H.R. 5452. This, too, is a very timely and helpful bill. For example, my state, Oregon, is on the front lines of efforts to develop ocean wave energy conversion facilities. As much as we all want clean, renewable energy, I know first hand that the rush to develop wind, wave and tidal energy is placing unprecedented pressures on coastal states to plan for these new uses and to balance them with existing economic and environmental uses and values.

Coastal fishermen and local communities are keenly interested in how new energy development will affect them. H.R. 5452 would provide critical financial assistance to state coastal management programs to do the planning and assessment work necessary to develop credible public processes, acquire needed data, prepare assessments, and identify areas where energy development is appropriate and where it is not. In Oregon, fishermen and community leaders are demanding this kind of assessment and planning. And because energy industries are in a mini-Gold Rush in response to global energy and greenhouse gas issues, the need is urgent.

I would note that even while this planning is taking place the Federal Energy Regulatory Commission is receiving private sector applications that could result in 50-year licenses for energy facilities located in state waters. The subcommittee might consider addressing this issue. States are concerned that without such planning, it is premature to commit ocean areas to long-term licenses. If it would be useful to the Subcommittee, I would be pleased to provide more information about the kinds of issues that we are addressing as we work with industry, FERC, other agencies, and ocean users in a kind of pioneering endeavor to site wave energy development facilities in the ocean on the Oregon coast.

H.R. 3223, the Keep Our Waterfronts Working Act of 2007

Finally, I would like to acknowledge and thank Representative Allen and Representative Capps for introducing H.R. 3223, the Keep Our Waterfronts Working Act of 2007. The Findings in that Bill get it right: working waterfronts are under enormous pressure from the twin forces of continuing demand for development and changing economies on our coasts. Those who build and live on the coasts know that waterfronts have tremendous financial value, which is why traditional uses of working waterfronts are so vulnerable to elimination. But as the Bill notes, if working waterfronts are eliminated, the economy, culture, and the heart of coastal communities will be fundamentally altered.

In Oregon we regard working waterfronts as scarce and valuable public resources, the same way we regard unique coastal habitats, and we protect them from being lost to inappropriate development. So I am particularly pleased to tell you that CSO strongly supports the Working Waterfront Grant Program that H.R. 3233 would create to help all coastal states address this need. We believe that working waterfronts are national assets and that it is essential to preserve them in order to protect the economic and cultural value they provide to our local coastal communities and to the nation.

CONCLUSION

Chairwoman Bordallo, Ranking Member Brown, and subcommittee members, what I like about all these bills is that while they address governmental programs they are really about the real world of our coastal communities, our shores, and our

oceans, and the kind of coastal world we will pass to my grandchildren and yours. These bills make me optimistic because they offer important tools for our coasts and coastal management in the U.S. CSO looks forward to working with all of you and the members of the House and Senate to advance them. Thank you for this opportunity to share our views.

Ms. BORDALLO. Thank you very much, Mr. Bailey. And again, thank you for staying within the time limits.

Mr. BAILEY. You are welcome.

Ms. BORDALLO. And thank you for your very helpful comments.

Dr. Kooser is here to testify on behalf of the National Estuarine Research Reserves Association. And her colleague, Dr. Michael De Luca, was unfortunately unable to be here today due to illnesses in his family. But I would like to thank Dr. Kooser for coming, and invite her to testify at this point.

STATEMENT OF JAIME C. KOOSER, Ph.D., PRESIDENT, NATIONAL ESTUARINE RESEARCH RESERVES ASSOCIATION

Ms. KOOSER. Thank you, Chairwoman Bordallo and members of the committee.

Again, my name is Jaime Kooser, and I serve as the President of the National Estuarine Research Reserve Association. And I also manage the San Francisco Bay National Estuarine Research Reserve.

I am presenting testimony that was prepared by Mr. Mike De Luca, the Legislative Director of NERRA. And I want to say we support all of the bills that are being discussed in this session.

Our comments emphasize the importance of regional approaches to coastal management, the importance of building capacity in the coastal community, and engaging the public in coastal stewardship.

I also want to say that we echo many of the themes that have already been discussed by Mr. Kennedy and Mr. Bailey. And NERRA has collaborated with NOAA and the Coastal States Organization in the coastal visioning process that Mr. Bailey described. And we look forward to working together to integrate all of the ideas that we have for improving coastal management.

NERRA is dedicated to science-based management of our nation's estuaries and coasts, and it serves as the primary advocate for the National Estuarine Research Reserve System, which is a network of 27 protected areas throughout the states and territories.

Through our state-Federal partnership with NOAA, the reserves play a critical role in national efforts to sustain healthy estuaries and coastal communities. NERRA strongly supports amendments to the CZMA that enable coastal communities to protect coastal resources in the face of rapidly shifting environmental changes.

As the Chairwoman has already described, much has changed since the CZMA was last authorized, in 1996. Devastating storms and natural disasters, intensifying population growth along the coast, and climate change are altering both the pace and the scope of environmental concerns.

Because environmental issues such as fisheries management and habitat loss transcend watersheds and state boundaries, a regional approach to problem solving is necessary. We are already moving in that direction with collaborative efforts, like the Gulf of Mexico Alliance and the West Coast Governors Agreement on Ocean

Health. And likewise, we can align technical capacity with regional needs, as we do with the regional associations that help us implement integrated ocean observing systems. We want to foster similar approaches in other coastal regions.

Second, we recognize the need to base our coastal decisions on the best available science. And we often hear that phrase, that we want our decisions based on the best available science; but the question remains, how do you allow that information to be available to decision makers so that it can actually happen.

And the National Estuarine Research Reserve System has developed a coastal training program to meet this need of linking science to management. We give elected officials, land-use planners, regulatory personnel, coastal managers, and members of the public relevant, science-based information. We offer these programs in partnership with national and local organizations and other NOAA programs, and we want to expand our capacity to do CTP regionally so that we can better address the regional environmental concerns that we have described.

Third, I wanted to say that I recognize the critical role of engaging all members of our community in protecting our resources. Generally people will do the right thing, if they know how. Because, as previous witnesses have stated, people really do care about the coasts, and they do want to know what they can do to help.

And so there are many excellent formal and informal programs that exist at state and local levels, but we need more resources in order to be able to scale up to do the kind of regional-based approach that we think will help us do more effective problem solving.

In summary, NERRA offers a number of recommendations in support of CZMA reauthorization, which are more fully described, of course, in our written testimony. But I did want to note that we want to make the NERRS a leader in leveraging the capabilities of protected-area networks, to engage the public in stewardship of our coasts, and to recognize the special role that estuarine research reserves can play as sentinel sites for adaptive management strategies for climate change, which is certainly an issue that is going to be increasingly upon us.

In closing, reauthorization of the CZMA provides an opportunity to build on our past successes, so as to strengthen our ability to care for our coasts and estuaries.

The National Estuarine Research Reserve System is passionate about our coasts and estuaries, and the people who depend on them. So we thank you for the opportunity to share that with you this morning, and look forward to working with you and all of the members of the committee in order to move us forward.

Thank you so much.

Ms. BORDALLO. Thank you very much, Dr. Kooser.

And finally, I would like to welcome Ms. Evangeline Lujan, all the way from the district that I represent, Guam. And I will say that this is the second time that she has testified before this Subcommittee, and she didn't come out here just for this. We make the most of these 19-hour flights to the nation's capital. She was here for the U.S. Coral Task Force meetings.

And so, Ms. Lujan, I am very pleased that you took the time out to appear before us again. And it is a pleasure to have you. You may begin.

STATEMENT OF EVANGELINE LUJAN, DIRECTOR, GUAM COASTAL MANAGEMENT PROGRAM ADMINISTRATOR, ALL-ISLAND GROUP

Ms. LUJAN. Thank you so much.

[Witness spoke a greeting in her native language.]

Ms. LUJAN. Hello, Chairman Bordallo, Ranking Member Brown, and distinguished members of the Subcommittee. Thank you for the opportunity to appear before you today to discuss island coastal management and reauthorization of the Coastal Zone Management Act.

My name is Evangeline Lujan. I am the Administrator for the Guam Coastal Management Program in the Guam Bureau of Statistics and Plans. I am here today representing the All-Islands Committee on Coastal Zone Management, which is comprised of representatives from Hawaii, Guam, American Samoa, the Commonwealth of the Northern Marianas, U.S. Virgin Islands, and the Commonwealth of Puerto Rico.

In my testimony today, I will provide comments on behalf of the All-Islands Committee, as well as from my own perspectives gained from more than 14 years of working in coastal and ocean management for Guam.

To islanders, the ocean is our heritage and our future. Our island's coastal zones provide economic and environmental services to millions of people. These valuable areas are sources of natural beauty, food, jobs, revenue, recreation and tourism, cultural activities, and shoreline protection.

The inability of coastal management to address environmental issues on an ecosystem-based approach affects islands in a unique way.

For example, no point on Guam is more than a few miles from the shoreline. The entire island is considered a coastal zone. The coastline is affected by activities that occur inland, as is true for all island jurisdictions. Thus, land-use planning, resource exploitation, water quality, and coastal management are all inter-connected.

I would like to provide you with a few outlined items that are important for the island jurisdictions, as we perceive through the reauthorization of CZMA. It is important to recognize that the reauthorization of the All-Islands CZMA program provides a special perspective for the following reasons.

Our islands, coasts, and oceans extend from the top of the mountain to the sea. We are both indigenous and immigrant populations. We recognize the importance of culture and tradition in management practices. Many of our jurisdictions include non-contiguous land masses with unique characteristics, limited natural resources, and a finite land base surrounded by ocean waters. And we are more directly affected by sea-level rise and climate change needing effective and immediate action to ensure the survival of ecosystems and cultures.

With these distinctive characteristics in mind in reauthorizing the Coastal Zone Management Act, I urge Congress to strengthen the Coastal Zone Management Act to maintain a balance between coastal conservation and economic development, provide adequate funding for states and territorial coastal programs, so that levels of investments are aligned with economic contributions. Islands are especially susceptible to economic pressures to develop in inappropriate areas to economic pressure—I am sorry—and coastal management is considerably under-funded given these economic impacts to coastal areas.

Increased funding for emerging issues, such as sea-level rise and climate change, such issues are not presently factored into the original CZMA. Provide funding for the non-point source program for islands especially, this problem is critical and has direct impact on our valuable coral reef ecosystems.

Craft national priorities to support healthy coastal communities and economies, protect and restore coastal natural resources, enable states and territories to adapt climate change, and ensure integration of coastal and ocean programs.

And I have a list, but in my written testimony, so I would like to just add this one also. Strengthen Federal consistency to apply to the entire island, including the ecosystem, including Federal lands. This will ensure that natural resources are managed through an ecosystem approach. For Guam, strengthening of Federal consistency may be critical in this time of military buildup.

In reauthorizing the Coastal Zone Management Act, and in considering the role of the bill in coastal management, I urge you and the members of your committee to be mindful of the unique perspective and needs of island states and territories, recognizing that coastal jurisdictions are distinctive, and have very different values and needs.

The CZMA ensures that national interests are expressed and carried out through local initiatives. The Guam Coastal Management Program and other island jurisdictions comprising of the All-Islands Committee look forward to working with you and members of the House Natural Resources' Subcommittee on Fisheries, Wildlife and Oceans to advance these bills.

Again, thank you for the opportunity to testify. And I will be pleased to answer any of your questions. Thank you.

[The prepared statement of Ms. Lujan follows:]

Statement of Evangeline Lujan, Guam's Representative, Coastal States Organization and Administrator, Guam Coastal Management Program, Guam Bureau of Statistics and Planning

Chairwoman Bordallo, Ranking Member Brown, and distinguished members of the Subcommittee; thank you for the opportunity to appear before you today to discuss island coastal management and reauthorization of the Coastal Zone Management Act.

My name is Evangeline Lujan. I am the Administrator of the Guam Coastal Management Program in the Guam Bureau of Statistics and Planning.

I am here today representing the All Islands Committee on Coastal Zone Management representing Hawai'i, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, U.S. Virgin Islands, and the Commonwealth of Puerto Rico.

My testimony today will provide comments on behalf of the All Islands Committee as well as my own perspectives gained from more than 14 years of working in coastal and ocean management for Guam.

The island's coastal zone provide economic and environmental services to millions of people as valuable areas of natural beauty, sources of food, jobs and revenues, recreation and tourism, cultural activities and shoreline protection. The inability of coastal management to address environmental issues on an ecosystem-wide basis affects islands in a unique way: for example, no point in Guam is more than 11 miles from the shore. The entire island is considered a coastal zone. As is true for all other island jurisdictions, the coastline is affected by activities that occur inland. Thus, land management decisions, resource exploitation, water quality and coastal management are interconnected. Management of impacts to habitat is critical to the protection of natural resources. To islanders, the ocean is our heritage and our future.

Firstly, I would like to provide a few outlined items that are important to the island jurisdictions as you proceed with support of the reauthorization of the CZMA.

OUTLINE OF TOPICS:

It is important to recognize in the Reauthorization that the All Islands CZM programs provide a unique perspective because Island coasts and oceans extend from the top of the mountain to the sea (three miles seaward) which should address;

- Indigenous and immigrant populations;
- Cultural & Traditional importance in management practices;
- Island environments of non-contiguous land masses with unique characteristics, limited natural resources (terrestrial and marine), a finite land base, surrounded by ocean waters; and,
- Uniquely affected by sea level rise and climate change, needing effective and immediate action to ensure the survival of ecosystems and cultures.

With these distinctive characteristics in mind, in reauthorizing the Coastal Zone Management Act, I urge Congress to:

- Strengthen the Coastal Zone Management Act to maintain a balance between coastal conservation and economic development.
- Provide adequate funding for states' and territories' coastal programs so that they receive the investment aligned with their economic contribution. Islands are especially susceptible to economic pressure to develop in inappropriate areas. As an island jurisdiction, coastal management is considerably underfunded given the economic impact of coastal areas. This is true not only for Guam but to all our island CZM programs.
- Provide for adequate base funding for the core programs, on a non-competitive basis. Competitive funding available for additional programs.
- Increase funding for emerging issues such as climate change. Such issues are not presently factored into original CZMA.
- Provide funding for the non-point source program. For islands especially, this problem is critical and has direct impact to their valuable coral reef ecosystems.
- Craft National Priorities to support healthy coastal communities and economies, protect and restore coastal natural resources, enable states to adapt to climate change and, ensure integration of coastal and ocean programs. Recognizing that "One size fits all" policies are not appropriate for different physical settings, most especially for islands.
- Monitor effectiveness of coastal programs through measures and evaluation.
- Engage and encourage local communities and indigenous people in coastal stewardship. Noting that there is a mix of diverse cultures and traditional practices. Finding ways to incorporate both scientific knowledge and traditional knowledge in resource management is important.
- Strengthen coordination and integration of management programs for the nation's coasts taking the unique needs of territories and islands into account. Islands, as well as other coastal communities, struggle with competing Interests (multiple users, achieving balance, and setting priorities). There is also a need for coordination among federal agencies and among levels of government.
- Strengthen federal consistency to apply to the entire island. This will ensure that natural resources are managed through an ecosystem approach. For Guam, strengthening of federal consistency will be critical during the military build up.
- Strengthen NOAA's ability to coordinate and collaborate with federal agencies in support of local jurisdiction's coastal policies.

Secondly, I would like to provide a few outlined points that are important to island jurisdictions to authorize CZMA with emphasis on coastal climate change;

Islands Are Uniquely Affected by Climate Change.

Islands have an urgent need for adequate coastal planning for sea level rise and other expected impacts from climate change. I commend Representative Capps for introducing H.R. 5453, a bill to amend the Coastal Zone Management Act of 1972

(CZMA) to authorize assistance to coastal states and territories to develop coastal climate change adaptation plans. The future of Guam's as well as other island jurisdictions' economic stability are reliant upon protection and management of coastal resources and adaptation to climate change and rising sea level. This legislation provides a mechanism for coastal management to address one of our most pressing coastal issues.

The Intergovernmental Panel on Climate Change (IPCC) report confirmed what managers of island coastal programs know: small islands have characteristics that make them especially vulnerable to the effects of climate change, sea-level rise, and extreme storm events. Characteristics such as limited size and proneness to natural hazards increase the vulnerability of islands to climate change. In most cases they have low adaptive capacity, and adaptation costs are high relative to gross domestic product.

With "very high confidence," the IPCC found that especially for islands, sea-level rise is expected to exacerbate inundation, storm surge, erosion and other coastal hazards, threatening vital infrastructure, settlements and facilities that support the livelihood of island communities. Specifically, sea-level rise could lead to a reduction in island size, particularly in the Pacific. Island infrastructure is predominately located on the coast and in the Caribbean and Pacific islands, more than 50% of the populations live within 1.5 km of the shore. Almost without exception, international airports, roads and capital cities in the small islands of the Indian and Pacific Oceans and the Caribbean are sited along the coast, or on tiny coral islands.

Climate change will also compromise water resources, heavily impacting coral reefs, fisheries and other marine-based resources (high confidence), and adversely affecting human health, subsistence and commercial agriculture, tourism, on small islands.

H.R. 5354 would provide essential funding and management capacity to island coastal programs to address these front-line needs. These specifically are encouraged for the following priorities:

- Need of data/information for effective adaptation to Climate Change:
  - Higher resolution topography useful for land use permits;
  - Current, seasonal, coast-wide imagery to assess shoreline change and rates of change over time; and,
  - Images for inland areas in order to connect land uses with shoreline change, needed at a resolution of land use parcel or better.
- Need for training, outreach and education:
  - Software and training for spatial analysis using GIS;
  - Island-specific funding for experts to evaluate a problem and provide expert advice/recommendations on how to solve it;
  - A Toolkit of Best Management Practices for land use tailored for the islands, include links to available resources; and,
  - Develop local strategies on coastal management issues, adapt the tools to the island, county, and local management level.
- Support the need for island-specific information and research
  - Translate federal smart growth programs and tools to be applicable in the islands.
  - Studies on the water carrying capacity of islands, including in-water use impacts.
  - Methods to document real-life land use instead of general policies and information, needed to capture the impact of variances issued by local zoning.
  - Recommendations for innovative, protection alternatives for shoreline change caused by sea walls on Guam.
  - Information on the social science impacts (cultural, economic) of resource degradation.
  - Island-specific case studies and examples for improving the governance structure for addressing land use and land use designations (zoning).

Conclusion

In reauthorizing the Coastal Zone Management Act and considering the role of this bill in coastal management, I urge you to be mindful of the unique perspectives and needs of island states and territories. Recognizing that coastal jurisdictions are unique and have different values and needs, the CZMA ensures that National interest are expressed and carried out through local initiatives. The Guam Coastal Management Program and island jurisdictions looks forward to working with the House Natural Resources Subcommittee on Fisheries, Oceans and Wildlife to advance these bill.

Ms. BORDALLO. You all get an A-plus for staying within the time limit.

[Laughter.]

Ms. BORDALLO. It is very unusual, you know. We always have to tap this gavel several times.

I want to thank Ms. Lujan for her statement, and all the rest of you. And I do have some questions that I would like to begin with.

Mr. Kennedy, I want to thank you for your statement. Considering that the Administration does not support any of these bills, I am left to conclude that the Administration has developed its own thoughtful proposal to reauthorize the Coastal Zone Management Act in an appropriate manner.

So, number one, can you please tell me when the Administration will be forwarding this proposal to Congress? And second, for the record, can you tell the committee how many legislative proposals the present Administration has transmitted to prior Congresses that would reauthorize the Coastal Zone Management Act?

Mr. KENNEDY. What a way to get started.

[Laughter.]

Mr. KENNEDY. We certainly have, as you can tell from the testimony, done a lot of discussing about what a new Coastal Zone Management Act would look like. And we currently are drafting such a document, and it is going to be vetted internally. And we anticipate that some time in late spring, early summer, this would be vetted within NOAA.

But I cannot tell you, and I do not believe that we have a schedule that would then prepare me to be able to say exactly when we would submit this to Congress.

So right now the schedule is let us make sure that the ideas that we have, that we have gotten collectively from all of our visioning and with our partners, get put into a bill that we have some agreement with NOAA with. And then we would take the next step of attempting to determine how we will submit it forward.

So I apologize, but I cannot give you a specific date when it would come to Congress. But we are working diligently to develop something internally that at some point would be prepared to come up.

Ms. BORDALLO. Mr. Kennedy, on the first question I asked you, you said that, you gave an affirmative answer. But in checking with the committee here, since this Administration has taken over, we haven't received any proposals. So I just want that on the record.

Mr. KENNEDY. Yes, ma'am. No, you have not. And I hope I made that clear. We are discussing where to go internally, but there has been no proposal.

Ms. BORDALLO. And on the second part of the question, you don't have a definite date as to when this proposal will be concluded. Do you think it will be within the year?

Mr. KENNEDY. I think we will have clearance through NOAA within the year. Again, I am not prepared to say when we would have it available.

Ms. BORDALLO. Should Congress then move ahead with whatever we have on hand? Would this be your suggestion?

Mr. KENNEDY. We would like to work with you. We would like to discuss what you have already submitted, but we do not have an alternative that we are ready to submit to you. That is true.

Ms. BORDALLO. Thank you. Thank you, Mr. Kennedy.

I do have a question for Ms. Lujan. I want to thank you for your testimony this morning, and I appreciate your being here to give us an island perspective on some of the issues that are before the committee.

Could you be more specific on how to strengthen the Coastal Zone Management Act to maintain the balance between coastal conservation and economic development?

And the second part of the question is, how might greater consideration of cultural traditions be factored into this Act?

Ms. LUJAN. Thank you for the question. I think on Guam, especially within our programs on the islands, economic development and the balance with the environment is very critical. In all our decisions, we have to take huge consideration as to maintaining that balance.

Island economies are very small. They depend a lot on the Federal government, and they depend a lot on tourism. And especially right now, we are in a very important phase of our history on Guam, where the military is going to be coming in. And there is a lot of pressure on our natural resources.

But as we have proceeded through the last 20 years of the CZMA and the implementation within islands, we have developed strong partnership with all the other Federal agencies and local agencies in ensuring that decisions are made to take into consideration the most valuable asset of our economy. And fortunately, we see it often, because it is in tourism.

And in tourism we are able to see that people come to our islands for sand and surf, clean water, clean air. And so in implementing it on Guam, you really have to take into consideration what it means when you put up a development, how much resources will be lost or gained by any kind of development. And it is very critical. It is a very delicate balance. It is also very political at times. And so sometimes we have to really do a good assessment about how that will work, and how it will infringe on very fragile island environments and ecosystems.

The cultural aspect is so critical. As you see, there is a wide variety of culture and heritage, and identities and different types of people that we have to ensure get represented in the way of life that we want to have.

I think the most important thing for islanders is having a good quality of life. We come to the mainland, and we see a variety of cultures and lifestyles. And I think when we go home, we appreciate the slower pace type of lifestyle; the ability to get engaged with the different types of communities, and also have the very wide variety of cultures that exist harmoniously within our islands.

And in order for you to ensure that that is maintained, that needs to be incorporated in all your decisions, and in the way that we develop our island and the way that we determine what our economy is going to be. There are times I think that decisions are made where you, you may not assume the entire full benefit of an economy. Because knowing that you have to protect the indigenous

people that live there, because their language and their culture are the reasons that we exist together in a community, and we have to protect them.

Ms. BORDALLO. Thank you very much, Ms. Lujan. That was very well put. And she brought out the fact that because of our distance from the mainland United States and our culture, I think whenever we legislate here in the U.S. Congress, we should take into effect the territories, and how they will react to the laws that we are putting into place.

I would like to invite everyone standing back there—I never like to see people standing for a long period of time—you can take the chairs up around the table here. Please come forward. Yes, you could be Members of Congress for a few hours.

[Laughter.]

Ms. BORDALLO. I am sorry, I should have mentioned this earlier. The committee reminded me, and I forgot. Good, because it may be a long morning.

The Chair now recognizes the Ranking Member, Mr. Brown, for any questions he may have.

Mr. BROWN. Thank you, Madame Chairman. Before I start the questions, I guess I would like to introduce our newest Member: Rob Wittman from the historic First Congressional District of Virginia. And welcome to the Subcommittee, and to the committee. I understand you have a fisheries background, and we look forward to your expertise.

Thank you all very much. That was interesting dialogue. And like the Chairlady said, we are grateful that you all kept the train on time.

And before I start my question, I certainly would like to welcome Ms. Lujan myself. We really appreciate the Chairlady. And she has been certainly encouraging me to come out to Guam, and one day I might. And I think in about two or three weeks, she is going to come to Myrtle Beach, which is my Congressional District. I represent the coast of South Carolina, and so, you know, we are certainly interested in coastal issues.

I guess South Carolina has about a 200-mile coastline, and we are grateful in South Carolina that we have been able to partner with the state and the Federal and local efforts to preserve at least a third of that coastline. So we are grateful for that opportunity.

And Mr. Bailey, I would like to get some input from you about how you address in your coastline there in Oregon. I know that we partner with the local people, particularly in the Ace Basin, which is about 135,000 acres, that we are encouraging them to—in fact, we have given them some incentives, financial incentives and tax incentives—to place their property into this, this bank, so to speak.

And what we are doing, we are actually buying their development rights. So that we will know that those pieces of property will be preserved forever. And we have had Mr. Yawkey, you know, to preserve I guess about 10,000 acres up to Georgetown. And so we are blessed in our part of South Carolina.

We recognize that my Congressional District is like the 21st-largest in the Nation now. And of course, everybody, you know, in Oregon and other places too, everybody is wanting to move to the coast. And so it is absolutely important that we develop some proc-

ess to, you know, be sure that we leave our next generation with some of those good qualities of life that we enjoy.

But tell me how you address an issue.

Mr. BAILEY. Representative Brown, I appreciate the question. The coasts of the U.S.——

Ms. BORDALLO. Excuse me. Could I ask all the witnesses to come closer to their mics? Some are working, and some are not working so well. Thank you.

Mr. BAILEY. Are we on? All right. Is it rolling?

In Oregon we embed our coastal management program really within a statewide system of land-use planning, where all cities and counties adopt local land-use plans. And those land-use plans are based on a set of state-wide standards to provide for adequate housing, you know, economic growth, transportation, protecting agricultural lands, and so on.

But on the coast, then, we are, about 35 years ago some of the principles were developed into law that really require us to set back from the ocean shore, that dynamic dune line, the beach erosion. Sands shift and blow over time. So we really rely on local governments to make those land-use decisions. We try to provide them as much information as we can. As Dr. Kooser said, the best available science on dune dynamics, how the beaches are moving, what we think are the erosion rates, and try to provide them with the best technical information on setting back from the bluffs, and so on. But the local governments, the cities and counties make that land-use decision.

Now, is that going to be enough for sea-level rise and climate change? We are not sure it is. And this is really resetting the clock for all of us.

So one of the things we are very interested in, and one of the reasons we are interested in Rep. Capps' bill, is we are really looking to ramp up our efforts on understanding this very dynamic ocean shore. And do we need different tools along that back there, or can we simply continue to rely on our current planning and zoning? Are we going to need to buy properties and help homeowners and property owners relocate? We are not sure of that yet. But we do need to continue to work with that local-level government.

Mr. BROWN. Are you all engaged in beach renourishment?

Mr. BAILEY. No, we don't. We have enough sand moving around right now, that so far we are not doing beach renourishment.

Mr. BROWN. So you are satisfying the ocean rise and the erosion by a setback, further setback line?

Mr. BAILEY. That is correct. That is our strategy for now, and I think that is probably the strategy we will pursue. We have been talking with a number of local governments, and they are already beginning to look at erosion rates along their ocean shore. We just had worked with a small city last week that adopted a much tougher ocean erosion safety line along their beachfront, and they did that themselves. They went beyond our recommendation, because they think it is important.

Mr. BROWN. So you don't make any effort to protect the big hotels and other properties along the seacoast?

Mr. BAILEY. The way our program works, Rep. Brown, is that when our coastal management program was passed in 1977, and

enacted into law, the assumption was a property that was developed prior to that date, they are eligible for protection. Riff-raff, shorefront seawalls, whatever it takes. We call them tacos, the soft taco approach, where you have big fabric structures to protect.

But after 1977, the assumption was that local governments and property owners were on notice that if they built in this environment, they needed to be built back far enough to take into account erosion rates, and sort of sand over topping, and—that has been, by and large, successful. We have gotten, there is a couple places on the coast where it is dramatically different. Pre-1977, those people are ringed with riff-raff. After 1977, they are well back of that line, and it has not been a problem.

But again, as I say, sea level rise is going to recalibrate all of our assumptions, I think.

Mr. BROWN. Madame Chairman, I know my time is gone. I just would just leave with one further question.

Other than dollars, do you think the Federal government should have any further reinforcement, I mean enforcement responsibilities?

Mr. BAILEY. Enforcement? At the current time, the Federal government, at least as far as beachfront protection, they are not involved. It is strictly a state and local decision. And no, I don't think anybody is ready for additional, or for new Federal intervention in that process. And I am not sure they want it, either.

Ms. BORDALLO. I thank the Ranking Member of the committee, Mr. Brown.

And now the Chair recognizes Congresswoman Lois Capps of California.

Mrs. CAPPS. Thank you, Madame Chair. Before I begin, could I inquire that you have such an excellent panel of witnesses, will you be having a second round?

Ms. BORDALLO. Yes.

Mrs. CAPPS. OK. Then I can go as long as I want. I have several questions for two witnesses.

[Laughter.]

Mrs. CAPPS. I won't go as long as I want in this round. I will note that I have another chance at it.

I will start, then, with Mr. Kennedy. I am going to get specifically to an issue in southern California today.

Earlier this month the California Coastal Commission objected to a plan to build a toll road through San Onofre State Beach in San Diego County, because it was inconsistent with our state's coastal program. That project sponsor, the Transportation Corridor Agency, has appealed the decision to the Secretary.

This is the first appeal to the Secretary under the regulations adopted in the Energy Policy Act of 2005. So my questions are asking you to explain the timeframes on this appeals process, and how the Secretary will develop the record to make a decision in this particular appeal of the case.

Mr. KENNEDY. Yes, indeed, this is the first appeal. And basically what has happened is there is a limited timeframe now associated with this appeal process.

Mrs. CAPPS. Well, that is what I want to inquire, the specifics of that timeframe.

Mr. KENNEDY. Yes. And so that timeframe initially is 250 days.

Mrs. CAPPS. And we are already, the clock is already on?

Mr. KENNEDY. Well, the clock is just starting now, yes. Just at the receipt of the actual appeal, then the clock starts, and we have 250 days.

There is the potential for extensions that would run that out as far as 325 days, but that is it.

Mrs. CAPPS. And that is the absolute maximum?

Mr. KENNEDY. Yes, that is the maximum. By then we have to have a decision.

So what happens is, once the appeal is received, we——

Mrs. CAPPS. Has the appeal been received?

Mr. KENNEDY. Yes, there has, one has just been received.

Mrs. CAPPS. Yes, that is what I——

Mr. KENNEDY. I don't know the exact date, but this month.

Mrs. CAPPS. OK.

Mr. KENNEDY. Then, basically, a schedule is set to start the process. And the process includes receiving input from all affected parties. They basically have the right to submit testimony, if you will, for each of their particular positions. And then, within that timeframe that I just mentioned—and there is a schedule that is all set on how this works, works as in getting the materials in and then processing and developing the whole event—the Secretary makes a final ruling within that timeframe.

Mrs. CAPPS. And all the parties do understand this, as of right now.

Mr. KENNEDY. I believe they do, yes.

Mrs. CAPPS. OK. I just have to say that I hope, if you can pass the word along, that the Secretary won't override this objection. Because it goes to the heart of what the CZMA is all about.

This project, which has been proposed, is inconsistent with the objectives and purposes of our CZMA. And one of the core principles, and I am quoting now, of the word "visioning," of the visioning process, was retaining the state's rights through Federal consistency. And this is, as I said, the hallmark of the CZMA.

Now I will turn to another topic with you, please. A regional governance received an A-minus, and that was actually the highest grade, from the Joint Ocean Commission yesterday. And that is good. And I want to ask you, how can the next CZMA reauthorization legislation support this kind of partnership, which has been complimented, if I may interpret that, to address regional issues? How can it compliment, for example, what is happening with the West Coast Governors' Ocean Plans?

Mr. KENNEDY. I was at the roll-out of the report card, and I think the Federal governance got a D.

Mrs. CAPPS. Yes, that is why I am highlighting the positive.

Mr. KENNEDY. So I think we would be foolish if we haven't, and we have, looked at some of these regional endeavors. And so I would say that we have looked closely. NOAA has been involved in many of those regional efforts.

Mrs. CAPPS. That is right. Can they, is it too much to hope that they would be included in the reauthorization, or re-strengthening of that?

Mr. KENNEDY. I think specifically naming them might be too much to hope. But certainly as we have thought about reauthorization, a regional component to support what is already out there—not to replace, but to support——

Mrs. CAPPS. Right, right.

Mr. KENNEDY.—and to somehow be able to have built in the idea that either direct or funding support be made available to continue to sustain and develop those very successful programs, is something we do endorse.

Mrs. CAPPS. That is good to hear. Thank you very much. And I am counting on that second round, Madame Chair.

Ms. BORDALLO. You will get the second round.

The Chair now recognizes Mr. Wittman from Virginia.

Mr. WITTMAN. Thank you, Madame Chairman.

Mr. Bailey, I just wanted to ask you a question to get your perspective on things. In Virginia the CZMA program has been a very useful program through the years; it has helped us to protect wetlands. It has funded some of our non-point source protection programs. It has helped us with oyster reefs, and it has helped us in a mapping system there. So we see a number of utilities with it.

We also see some continuing challenges in our coastal areas. Just in the Virginia area, we have had a 60 percent population increase in our coastal areas, which creates a number of significant challenges.

And I wanted to get your perspective on how you see this increasing population in our coastal zone affecting natural resources. And then, since its last reauthorization, I want to know if you believe the CZMA has been able to keep up with these trends, to make sure that we are able to offset the impacts of these population increases in our coastal zones.

Mr. BAILEY. Thank you for the questions, Congressman. To go to the second part of your question first, in general, the framework of the Coastal Management Act, as we play it out in Oregon, I think gives us at least the adequate sort of legal tools and planning processes, and all that stuff, from the ground level up to the state level, to do the job.

What we lack in the middle are the resources to really identify the key resources that are at risk. We have communities, as you are suggesting, that are building out like crazy. Although, interestingly enough, what we are finding on the Oregon coast is that in many communities, the majority of those are second homes and vacation homes. So we are using up a big footprint of ground, and impacting resources, for second homes and retirement, or just simply investment. And we are not getting the kind of livable communities that we need.

So when real people, as it were, are looking to develop communities, to live there, to work there, then we are impinging on some of the wetlands and the forested areas.

What we do in Oregon is we require—well, first of all, it is a little bit of an anomaly probably nationally. We have urban growth boundaries around even the smallest of the coastal communities. And those are projected based on their 20-year assumption about population.

Well, along comes this demand for, really, second-home housing that fills up those urban growth boundaries. So when the City of Yachats or the City of Newport was doing a population estimate, suddenly they are having to expand that urban growth boundary.

So we have been providing them funding, although not nearly enough, to do the inventories of what we call buildable lands. Where are the buildable lands? We want to stay out of the wetlands, we want to stay away from steep slopes. We want to be providing efficient sewer and water services, so that we are not leapfrogging out and then relying on septic tanks.

So the whole buildable lands inventory thing, we need help on that. We have the process in place, but we don't quite have the tools to do it.

So that is really how it works. We are relying on good information, a good process, and then making, at the city council level, that tough decision about what is going to get developed, and then what is not.

Mr. WITTMAN. Second question.

Mr. BAILEY. Yes.

Mr. WITTMAN. You talked a little bit earlier about local land-use planning and the link with CZMA activities. Do you believe that there is, that there is an effective mechanism within the current CZMA to give the tools to localities to make land-use decisions in a way that will allow them to consider the impacts of this development in a meaningful sort of way?

Mr. BAILEY. Again, Congressman, I think it is a question of the structure is there. I feel pretty good about that. And I have been a local elected official myself, making these decisions. And what you need is the information, the ability to really back up the decision you are going to make, because the public is going to demand it. At least in Oregon, they don't tolerate a sloppy decision on land use. You have the neighbors coming in, you have interest groups coming in.

So it is really a question of better information, doing a better job of identifying the key resources and impacts, and then educating and informing the local decision-makers as to the consequences of their decision, and the balance they have to make. I think the structure is there. We need a reenergized and more, really, resources, as they say, in the system to make it work.

People want to do the right thing. But as my colleague here said, they need better information to do the job.

Ms. BORDALLO. Thank you very much, Mr. Wittman. I have a couple of questions, and then we will go through a second round. So get ready with your questions.

Mr. Bailey, I want to thank you for your statement. And I would like to ask you about the coastal states, and I want to add, and territories, organization. And NOAA's national stakeholders workshop.

What was the tenor of these meetings? Were people demanding action?

Mr. BAILEY. Madame Chairwoman, I think it is safe to say that in some respects, they were. I mean, nobody had picket signs saying we demand action. But they were enthused, they were con-

cerned. They were happy for, and really thrilled with, the opportunity to weigh in on such an important issue.

And I think what we heard was, they weren't there just to take up space. They were there because they want action. And I think your characterization of it as demand I think is correct.

In fact, we were amazed that even in what I would consider large urban areas, where people sometimes can get disconnected from the real world around them, people were there, and passionate.

So I think your characterization of demand is probably accurate.

Ms. BORDALLO. Good. In the Coastal States Organization's proposed framework for coastal zone management, you describe the need for states to prepare multi-year—states and territories—to prepare multi-year strategic plans to address priorities, such as protecting and restoring coastal natural resources.

Have all of the states and territories signed on to this idea? And would it be mandatory or voluntary to prepare these multi-year strategic plans?

Mr. BAILEY. I think it is safe to say that all the states and territories agree with the idea that strategic plans are a good idea, and that we ought to be doing them.

Now, the level of mandated outcomes from those is, I think, still open to debate. But I don't think anybody disagrees with the idea that we need to know where we are going in five to six years. It is often, sometimes we talk about 10 years, but who knows.

At least in the five- to six-year arc, I think it is safe to say that there was no disagreement around the table that strategic planning can help us all be better and more effective in what we do.

Now, what is within those plans and the degree to which states have flexibility to identify their own strategies to meet these objectives, I think that is the key. And that is what we are talking about, is that yes, Oregon's strategic plan will look different from California's, will look different from Guam's, will look different from Maine's. But we are going to make those strategic plans, we are going to make them fit our needs, based on these national priorities.

Ms. BORDALLO. Thank you.

Mr. BAILEY. You are welcome.

Ms. BORDALLO. Dr. Kooser, I want to thank you for your statement, especially your insights into the National Estuarine Research Reserve System.

My question to you is, in terms of building capacity among coastal decision makers, can you explain how the reserve's coastal training program interacts with this, if at all, with NOAA's Coastal Services Center?

Ms. KOOSER. Yes. I am glad you asked the question, thank you.

In my longer testimony I, in fact, named a number of our partners, because we not only partner with NOAA's Coastal Services Center, but also with Sea Grant and the coastal programs within NOAA, as well as other sections of NOAA that have programs that relate to the work that we do.

And those partnerships are very vital for us, because one question that I am often asked is, why are there different parts of NOAA that are doing what may seem to be similar activities, in the sense of well, gee, are we really coordinated with each other.

And I want to emphasize that the amount of work that we need to do in order to accomplish that kind of coastal training program is so large, we need to engage all of those different parts of NOAA, because all of us are contributing a different element of the overall program that we need to be able to make happen.

In other words, there is so much work to be done, we are all doing different parts of it. And because we are collaborating in partnership with each other, we are actually achieving that synergy that you want to have in effectively using resources, as we work on programs together.

The Coastal Training Program has been one of our biggest success stories, and I feel like the demand for our training programs is just growing. And as we continue to deal with the kinds of issues that Mr. Bailey and others have described, I think that we are going to have even more people wanting to have a workshop that helps them figure out oh, what do I need to do about this aspect of sea-level rise.

And so with that, I will ask if I have, if you have any further question.

Ms. BORDALLO. Thank you very much, Doctor. All right. We are having votes in about five minutes. However, as a Territory Representative, I do not vote on the main legislation; I vote on amendments only.

But our Ranking Member will have to leave, and he does have a couple of questions here. So Mr. Brown, please go forward.

Mr. BROWN. Thank you, Madame Chair. I was interested in, I guess, Ms. Kooser, on your assumption about the rise in the ocean. And do you have a feel of how fast it is rising, and whether there is any deterrent to that acceleration? Or, how do you sense it? Are you all tracking over there in San Francisco the rise, and exactly how much is rising a year?

Ms. Kooser. Thank you for your question. And I wanted to say that my colleague is here from the Bay Conservation and Development Commission, and I want to acknowledge the work that they have done in San Francisco Bay. Because they have actually developed maps that show anticipated sea-level rise, so that you can look at a before, during, and after, so to speak.

The first picture is how the San Francisco Bay looked in the 1850s, and then, with development and landfill, how the shape of the bay changed as it was filled in. But now that sea level is rising, it is not surprising that the waters are anticipated to flow back into the areas where they had once been. And so the after picture looks surprisingly similar to the original picture.

And to answer your question about the rate of change, there are many different kinds of models that are out there with information regarding the factors that would affect sea-level rise. And that is a little bit harder to predict, but we have a couple of different variations on that, what that map would look like year by year, based on the different models that are in use.

One thing I want to also add is that there is work now on a Bay Area Climate Change Action Plan. And I think that that is one of the ways in which we are addressing the anticipated sea-level rise.

The National Marine Sanctuary Program is collaborating with the National Estuarine Research Reserve Program and the Coastal

Program, and also the Local Association of Bay Area Governments and other agencies like the Air Resources Board, so that we can have a program for addressing climate change in the Bay that addresses each of those separate elements.

And I think that that is very important, because there are many different ways in which each person, each locality might be thinking oh, my gosh, what are doing about sea-level rise? But then the question becomes, how do we integrate that at a regional level, so that we can be more effective in the use of the resources, the financial resources and the people resources that we have to actually address that problem.

Mr. BROWN. So you feel like that this is a cyclic movement of the oceans. I know in South Carolina, for instance, I guess probably about at least 80 miles inland one time used to be under the sea. I mean, we got evidence of, you know, fossils and marine life, and this sort of thing. And so we are not sure exactly whether this cyclical movement will cause it to be impacted that much, and I guess that could happen over thousands and millions of years really, rather than just, just a short period of time.

So I am looking at the pictures now, of your assumption that something is going to happen within 100 years, do you think?

Ms. KOOSER. Yes. That is my, that is my——

Mr. BROWN. And so you all are planning now, you are going to put seawalls up, or are you just going to let the water come in normal?

Ms. KOOSER. You have asked a great question, because obviously one way of adapting to the sea-level rise is to build seawalls. And if you have the maps in front of you, you will notice that the San Francisco International Airport and the Oakland International Airport are two obviously important infrastructures that we see anticipate being underwater, because of their location in the Bay.

Mr. BROWN. Sure, right.

Ms. KOOSER. And so those are, given the importance of that to our economy, it is not surprising that we would be thinking about how best to protect those kinds of infrastructure investments, so that we can maintain our economy.

And so I, in my own mind it is like a patchwork. As you move around the Bay, you are thinking well, this is where we can build seawalls to protect this, and then maybe we will have setbacks here. Or maybe this is where development rights will be bought up.

For example, in the Delta, that is a question right now, because there is a lot of pressure for development within the Delta of the San Francisco Estuary. And people are anticipating that that is an area where there will be a lot of subsidence. And so as the land is already subsiding, there are already levee systems developed in the Delta, and those are going to be under increased pressure with sea-level rise.

And so that is going to call for a different approach to addressing both the need for development and the environmental resource protection. Again drawing on my comments from my colleague here from Guam about the balance between the two.

Mr. BROWN. Right. Well, thank you very much for that insight.

And Madame, if I could just ask Mr. Kennedy one question. I didn't have a chance to do that yet today. Thank you for being here.

But H.R. 5452 appears to change the existing role of the states and the Federal government in the Coastal Management Act as it relates to planning for alternative energy activity.

Under the bill it appears that if states can survey in Federal waters and make the determination about what areas of Federal waters would be off limits to alternative energy facilities, does the Administration support such a role reversal?

Mr. KENNEDY. I think on the surface, to your statement the answer is probably, is no. We don't support that.

However, in the discussions that we are having, we believe that in thinking through where we are going to go with the Coastal Zone Management Act, that there has to be more of a partnership in that interface; that we have to make sure that both parties are communicating and discussing those types of issues on a much more regular basis, with better information shared between them.

So from that perspective, we certainly support there has to be more of a dialogue, and states have to be at the table as we discuss what is going to happen off-shore, because of the impact.

Mr. BROWN. Right. Well, let me tell you, thanks to the panel. This has been a great dialogue. And Madame Chair, I appreciate you putting it together. And I have to apologize for leaving. I will leave Mrs. Capps here.

Ms. BORDALLO. I thank the Ranking Member. He has to go and vote, and he has another appointment. But I will give Mrs. Capps the opportunity. She has to also vote, but the committee will continue.

Mrs. CAPPS. Thank you, Madame Chair. Mr. Bailey, you discussed, as you discussed, there is strong momentum to bring new off-shore energy sources on line. I want to support that, as you know, too.

But I also want to support development that occurs in a timely manner, in the right locations, and fully protects the public's interests.

You are the expert, because you are a coastal manager. And I want you to tell us now why a bill, the bill I have introduced, H.R. 5452, could lead, and hopefully will lead, to responsible off-shore renewable energy development.

I have three other questions, so a brief answer would be great.

Mr. BAILEY. Thank you very much. Yes, we are facing this head-on in Oregon. We have seven applications in the works right now for off-shore wave energy development.

As you can imagine, these are through the FERC process, the Federal Energy Regulatory Commission process, where the applicant basically doesn't have to talk to anybody. They can file an application, and the next day the crabbers, crab fishermen, local communities are saying, holy cow, that is right in the middle of my, our valuable crab grounds.

So actually, we have gotten the attention of the industry, I must say. But what we need now is to back up and do some comprehensive planning; to take a look at the current uses, the resources of these areas. The sweet spot for wave energy development in Or-

egon happens to straddle the 50-meter isobath, which in some places is half in state waters and half in Federal waters. And on either side of those two, it is a different regulatory regime.

So we have to do some good planning to account for commercial fisheries, to protect those; to locate energy development; and to protect the marine wildlife habitats, as well.

Mrs. CAPPS. Let me ask you an even more specific question.

Mr. BAILEY. Yes, ma'am.

Mrs. CAPPS. Off-Shore Renewable Energy Coalition suggests that we encourage states to dedicate specific personnel to off-shore renewables as a way maybe to get, and put that in the legislation. Many programs are operating with little funding, and it is happening now.

What do you think of this?

Mr. BAILEY. Yes.

Mrs. CAPPS. Yes. OK.

[Laughter.]

Mrs. CAPPS. Took care of that one. Let me turn to another, the other bill that I have introduced, the Climate Bill, which will help states develop adaptation plans, which will include several factors.

Some states have expressed interest in perhaps going further than adaptation planning, and wanting to develop themselves reduction or mitigation strategies. Do you think we should allow more flexibility in the bill to help accomplish this kind of goal?

Mrs. CAPPS. Oh, I think we can use all the tools we can get. And if a state would like to use some funding to build capacity to do that kind of mitigation and reduction strategies, they certainly ought to be able to do it.

Our big—in the Coastal Management Program in Oregon, we are going to be working on adaptation. We are not going to be working on——

Mrs. CAPPS. You are going to.

Mr. BAILEY.—mitigation and reduction. Except to say that throughout the statewide land use program, trying to link land use policy to transportation and other ways of reducing the impacts of automobiles, for instance, is a way of reduction.

Mrs. CAPPS. Exactly.

Mr. BAILEY. But primarily we are interested in adaptation right now.

Mrs. CAPPS. OK. A final thought that I would like your comment on.

This is what you are talking about, and what I hope we can get to, is really preparing for advanced planning. Or it is really kind of like pre-disaster mitigation, isn't it? It is cheaper to do, and I think about how you set out so smartly in Oregon to protect your coastline right from the beginning.

This is what we need to do now as we think about renewable energy. It is cheaper to do the planning and prevention, right, than to try to fix it after somebody makes an unwise decision.

Just one final word about, how could the Federal government give the right kind of assistance in this area? To the regions, to the states.

Mr. BAILEY. To the states. Two things. One is, obviously some additional financial tools and financial resources that we can use

at the local level to do that kind of assessment. And as you say, if a city or a county is going to be building for instance, and there is a number of them facing this, new water treatment facilities or sewage treatment plants, they are down in that zone of vulnerability. And if they are going to be using Federal money to help leverage their investment, we don't want them putting it in the wrong place.

Mrs. CAPPS. Right. You want to make the decisions, but you need some assistance to help make the right decision.

Mr. BAILEY. We do. And we likewise need, then, the ability to rope in a number of the other Federal agency programs, not just NOAA.

Mrs. CAPPS. Right.

Mr. BAILEY. But the Corps of Engineers, Transportation and others——

Mrs. CAPPS. Right.

Mr. BAILEY.—to help us in these decision making so we are not working at cross purposes.

Mrs. CAPPS. That goes right back to my question to the Representative on the road proposed to go through—everybody has to be at the table.

Thank you so much, all of you, for being here today.

Mr. BAILEY. Thank you.

Ms. BORDALLO. Thank you. I thank the gentlelady from California, Mrs. Capps, and I know she has to run off to vote. But we are going to keep this Subcommittee meeting ongoing. I am a Territorial Representative, and we only vote on amendments on the Floor.

All right. I have, my first question here is for Ms. Lujan.

Ms. Lujan, I agree that monitoring effectiveness of coastal programs through measures and evaluation is important. Do you think that the island jurisdiction should be treated differently with regards to performance criteria?

Ms. LUJAN. I think that it is important that all of us meet national standards, and that we all—in many other programs, performance measures are incorporated.

Our agency deals with different sections or different varieties of Federal programs. And a lot of them are social programs and educational programs. And some of those things are very easy to count. The performance measures for them are how many students receive this, or they take a test. It is easy to evaluate that.

I think on the Guam and other islands, and especially the way that our coastal programs are treated, it is very difficult for us to obtain some types of performance measures that are, they don't necessarily apply to islands.

One of them happens to be, for example, on Guam public access to beaches. On Guam, in 1971 I think Paul Bordallo and Carlos Titan introduced the Seashore Reserve, which set aside 10 meters from the mean high-water mark as public property.

And so we don't necessarily have access issues. And I think that this is the same in many other islands, as well. And some of that, in American Samoa for example, the beaches and the coastal, and the direct, the waters belong to the communities.

Some of these things that are very different from other states and territories—I mean, other states—they don't necessarily apply to Guam. And so I think there needs to be in place in the performance measures flexibility, and be more adaptive to these island situations. Because if we are going to count how many public access, it is all accessible to the public. It is only on Federal properties. And I mean, it is very difficult to try to get public access on Federal properties. We don't have enough funds to have as many lawyers as the Federal government does to have that.

[Laughter.]

Ms. LUJAN. And so I don't know. If the CZMA program is prepared to give us the funding to do such a thing, I think then we should be able to do that.

But our island won't grow. I know in Hawaii, their island pretty much grows because of the volcano. But it won't, we cannot see any kind of measurement. We already are at the 100 percent of all our properties. And so that particular component of the performance measure may not apply to Guam, or may not be standardized the way that you would do it.

It would be nice if it is as easy as counting, but it is not. In many instances it is not. Certain types of legislation that states have, that they are able to enforce, are not necessarily.

And I think that one of the things that is so critical that we can't measure are the value of the public, and how much that they have embraced some of the policies or some of the concepts of allowing certain types of development to happen, or certain types of practices to occur that is not necessarily measurable. The aesthetic value, the cultural value of a resource. You can't necessarily pinpoint that in an Excel spreadsheet.

And so I think not just for territories, I think certain types of consideration should be given for jurisdiction in general.

Ms. BORDALLO. Thank you, Ms. Lujan, for those very excellent comments.

Mr. Kennedy, I have a few questions before we release the second panel and go into the third panel.

You recommended in your statement that each coastal state and territory's planning area should be expanded based upon uniform national criteria that would include coastal watersheds and the territorial sea. Can you further elaborate, or describe the factors or the elements that would make up these national criteria?

Mr. KENNEDY. As I mentioned, we still are discussing this, and there is no finalized plan. But conceptually, we talked a little while ago about regional, and how we have seen tremendous success in regions getting together to address their common problems.

And that is somewhat what we are talking about here, in that we think that a number of the issues, certainly as we have talked to folks in our business around the country, many of the issues really transcend a state boundary or an identified state coastal zone. They are a watershed issue. And that watershed in many cases is bounded by two or three states.

And so what we are looking at is an attempt to try and embrace the issue as it relates to the whole watershed, and not just stop the debate and/or the coordination at an individual state boundary.

And so conceptually, what we are looking to do is try and encourage that broader look at some of the issues.

Ms. BORDALLO. Thank you, Mr. Kennedy. I have another question. If I understand the Administration's position, NOAA would maintain some level of base funding for coastal state management programs; but over time, a larger percentage of funding would be awarded competitively.

Exactly what percent of funding does the Administration intend to aware competitively? Do the coastal states support this transition to a competitive process?

Mr. KENNEDY. We don't have an exact percent, but again I can talk to you a little bit about the concept.

And that is that we basically have three tiers of funding. And one would be kind of a base or maintenance fund, which, quite frankly, as we have developed this whole idea, we have said from the beginning that the funding that we currently have is not adequate to address the kind of problems that we are asking the states, and the states are telling us that they have to address.

So as I talk about this issue, I must tell you that we would, were projecting that the existing funds could not make this whole process work the way that we are describing it. So you would have base funds that are roughly maybe what the states currently get to maintain their infrastructure.

Then there is a second tier, which is to help assist in this planning concept that we are talking about. We don't expect that to be done with no new money; there has to be some money to actually develop these plans, do the assessments, and get that right.

And then the third tier is competitive funding. And that, then, would be that tier—and again, no percentages—where we are looking at trying to encourage some of these regional discussions, and helping with maybe supporting funding more specific proposals to look at our priority areas. And that could be done, again, across states or by individual states. Put that more on a competitive basis, to try and focus some of those issues.

Ms. BORDALLO. Mr. Bailey, what is your perspective on this?

Mr. BAILEY. Excuse me. I think it is safe to say that CSO definitely supports this approach. We want to maintain core program functions. That is going to take some serious money that is not sort of open to competition.

The states' programs are embedded in law. We have local governments working on this. We need to maintain the core capacity.

David is right that the next level of strategic planning is going to take significant resources, especially the first time out. And we want to be able to do that, and have the best possible plan.

The third level, the competitive funding, I prefer to use a different term than competitive, which often implies winners and losers. I like to think of it, and I think most of the states are thinking of this more as proposal-driven funding. What do we intend to do, and what are the outcomes to meet these various objectives that we have identified in our strategic plan? And those are going to take significant more dollars to accomplish if we are going to get the job done.

But in general, we are on the same page as NOAA in terms of thinking about the three levels of funding that it is going to take.

Ms. BORDALLO. Thank you, Mr. Bailey. You know, competitive is what drives people, you know. And also, the same competitive model, would that be applied to grants awarded to the National Estuarine Research Reserves? Mr. Kennedy or Mr. Bailey? Yes, Dr. Kooser.

Ms. KOOSER. Thank you. The National Estuarine Research Reserve System is a part of the CZMA, as are the coastal programs. And so generally, our funding has had the same types of, the way it has been given to us has been similar over time.

In other words, we have a core amount of money that goes to fund our programs. Although I will say that at the present moment, the core amount of funding is not really adequate to address all of the needs that the 27 Estuarine Research Reserves presently have at the moment, and there are anticipated that we will have more reserves coming on line. So I will say that as far as looking at the core funding part of it, we would welcome an additional amount of resources to just do what we are doing now.

And then, in keeping with what Mr. Bailey has said, I would say that we recognize that to do the kinds of needs assessments that you would want to have to compliment what is going on in the states, that the reserve program would be able to really be well-positioned to absolutely support the coastal programs in doing that. Because when they are talking about having baseline assessments, it is the Estuarine Research Reserves that have been the heart of doing research that is going to inform the types of data needs that would be part and parcel of those kinds of strategic plans.

And so I see us as a key partner in actually helping the coastal states to do those kinds of strategic assessments. And so we, too, would be thinking about participating in that second tier.

And I agree with, again with Mr. Bailey, about proposal-driven, in the sense of if there is more funding available, there are some states that have—for example, in California we have three National Estuarine Research Reserves, and we really collaborate very well together. And it is quite possible that we would be able as a group, for example, to say you know, there is this really excellent project that we can take on. And if we had more resources available, we could do that.

Whereas another state might feel like well, in this particular planning year, we are not necessarily able to do that. And so having that kind of flexibility and being able to apply for that kind of additional funding would be a welcome resource.

Ms. BORDALLO. Doctor, if you could give me just a quick answer to this. When will the new reserves be designated?

Ms. KOOSER. The new reserves that I have been referring to is Wisconsin, and they are in the designation process now. And I do not know the exact anticipated date of their designation.

The other state is Connecticut, and they are still in the planning process.

Ms. BORDALLO. Thank you very much, Doctor. And I would like to remind the witnesses that whenever we refer to the states, we must add the territories.

[Laughter.]

Ms. BORDALLO. It is very important. And you know, you can get into a lot of trouble with legislation here in Congress. If it is not

specifically stated that the territories are included, then I have to do my extra work.

Ms. KOOSER. Thank you for the reminder. Because in fact, there is a National Estuarine Research Reserve in Puerto Rico. So thank you.

Ms. BORDALLO. Very good. Mr. Kennedy, I will just wind up this panel with a question for you, and I would just like to have a straight yes or a no on these questions.

Mr. KENNEDY. Oh, boy. OK.

[Laughter.]

Ms. BORDALLO. Just a yes or a no. Regarding H.R. 5452, for the record, the surveys that states and territories would develop for renewable energy would be entirely voluntary. Is that correct?

Mr. KENNEDY. I don't know the answer to that, I am sorry to tell you.

Ms. BORDALLO. That is all right, you just don't know.

Mr. KENNEDY. Really I don't think I should answer that, because I don't know the answer.

But I will tell you what. I know this much. For the record, we will be happy to get back to you with the answer.

[Laughter.]

Ms. BORDALLO. Also, these surveys would only indicate areas for renewable energy that would be consistent with a state and territory coastal program. Is that correct?

Mr. KENNEDY. Again, I think I need to get back to you, for the record.

Ms. BORDALLO. All right. The third one.

Mr. KENNEDY. Oh, boy.

Ms. BORDALLO. Finally, nothing in H.R. 5452 changes existing Federal or state or territory permitting or licensing authorities. Is that correct?

Mr. KENNEDY. I think that is correct. But again, for the record, I want to make sure and confirm that, and get back to you.

Ms. BORDALLO. OK. Should we give him a report card grade?

[Laughter.]

Ms. BORDALLO. Thank you, Mr. Kennedy and Mr. Bailey, Dr. Kooser, and of course Ms. Lujan, for your testimony. You had very, very excellent testimonies today.

Ms. LUJAN. Thank you.

Ms. BORDALLO. Thank you. I would like to call on the last panel, the third panel. Who is the third panel? Thank you.

The third panel includes Dr. Robert Stokes, the Chairman of the Board, Restore America's Estuaries; Mr. Jim Connors, Senior Planner at Maine State Planning Office, Maine Working Waterfront Coalition; and third, Ms. Carolyn Elefant, General Counsel for the Ocean Renewable Energy Coalition.

We will begin, and I hope you are as good as the last panel. Five minutes. We do include your full formal statement for the record.

I recognize Mr. Stokes to testify. And there is a timing light in front of you, so if you would be aware of that. And you can begin.

STATEMENT OF ROBERT STOKES, CHAIRMAN OF THE BOARD, RESTORE AMERICA'S ESTUARIES

Mr. STOKES. Thank you, Madame Chairwoman. My name is Robert Stokes, and I am Chairman of the Board of Restore America's Estuaries. I am also the President of the Galveston Bay Foundation, located in Webster, Texas. We are a non-profit bay conservation organization.

I am pleased to be here today to discuss Restore America's Estuaries comments regarding legislation you are considering to amend the Coastal Zone Management Act.

Restore America's Estuaries is a national alliance of 11 community-based organizations that protect and restore coastal and estuarine habitat. We join with government agencies, corporations, civic organizations, scientists, and local volunteers to conduct restoration projects with real impacts.

Since its creation, Restore America's Estuaries and its 11 member organizations have invested more than $28.5 million in local restoration projects, restored more than 56,000 acres of estuarine habitat, and mobilized more than 250,000 volunteers across the country in coastal restoration and education activities.

Estuaries and other coastal ecosystems are critically important across the country, both ecologically and economically. Estuaries provide essential habitat for over 75 percent of the nation's commercial fish catch. They help stabilize shorelines and provide flood control, and they provide numerous recreational opportunities.

While incredibly valuable, estuaries are in a perilous state due to an increasing level of stress. Some of the causes of the decline in the health and productivity of these systems include wetland loss, shoreline armoring, sea-level rise, pollution, invasive species, and over-harvesting of resources.

A growing threat to our nation's estuaries is climate change. Climate change threats to estuaries include changes in rainfall, temperature, sea level, soil conditions, and especially sea-level rise.

Restore America's Estuaries strongly supports reauthorization of the Coastal Zone Management Act. We need to modernize and bring change to the CZMA by providing new tools to match today's critical needs. We believe these tools can be far more action-oriented, and involve a broader array of non-governmental partnerships than currently exists.

Restore America's Estuaries respectfully requests that you consider the following key recommendations.

To begin with, we have seven key recommendations regarding H.R. 5451. The first is straightforward and fundamental. We need to provide adequate funding to implement the Coastal Zone Management Act.

I heard Mr. Bailey earlier refer to the triple whammy faced by coastal states as we move forward. We need appropriate funding to address this triple whammy.

Second, we must conduct comprehensive ecological and socioeconomic assessments of our nation's coastal lands and waters. Coastal management decision making needs to be based on the best information available. These assessments should be ecosystem-based, comprehensive, and include both ecological and socioeconomic parameters.

Third, we should establish coastal habitat restoration as a specific national priority. Habitat restoration is a proven and viable tool for improving the health of our nation's estuaries. The inclusion of coastal habitat restoration as a national priority in the Coastal Zone Management Act will help provide a link between aligning national and state-level restoration planning.

Coastal habitat restoration should be included as a new Congressional finding and statement of policy.

Fourth, we need to develop state habitat restoration strategies. Having long-term habitat restoration strategies with specific goals and objectives is crucial for proper planning and prioritizing.

Fifth, we must make additional efforts to preserve critical coastal lands and waters. The Coastal Zone Management Act should authorize the Coastal and Estuarine Land Conservation Program, known as CELCP, to secure the long-term protection of lands that have significant conservation, recreation, historic, economic, and aesthetic values.

But we also recommend that as lands are given priority rankings, those that can be restored to effectively enhance ecological function should be given priority.

Sixth, we should give non-governmental organizations a meaningful role in planning and implementing restoration strategies. Non-governmental organizations have proven to be essential as convening bodies that can reach out and bridge government, private sector, and scientific community interests to collaboratively develop and implement habitat restoration strategies.

Our seventh suggestion would be to strengthen the Federal role in coastal management. The CZMA establishes and promotes a NOAA-state partnership. We need improvements at the Federal level to coordinate and collaborate between Federal agencies involved in coastal management, and between Federal, state, and local entities. This includes clarifying roles of the different Federal agencies working on coastal issues. We strongly encourage you to empower NOAA to lead these efforts.

We have three, excuse me, quick comments on H.R. 5453. First, habitat restoration should be an integral part in our efforts to combat climate change. Healthy estuaries help counter climate change by capturing carbon from the atmosphere. Scientists have found that tidal salt marshes are particularly effective in helping to counter climate change. We recommend tidal salt marsh restoration as an important strategy to capture and hold carbon from the air.

Second, a new CZMA must address climate change by providing assistance to coastal states to develop plans and implement projects to adapt to the impacts of climate change.

And then third, we should explicitly include coastal habitat restoration as an eligible activity for coastal adaptation project grants.

Madame Chairwoman, I have additional comments in my written testimony, and I will leave it at that. And I will be glad to answer any questions.

[The prepared statement of Mr. Stokes follows:]

Statement of Robert Stokes, Chairman of the Board, Restore America's Estuaries, and President, Galveston Bay Foundation

Good morning Madame Chairwoman and Members of the Subcommittee. I am Robert Stokes, Chairman of Restore America's Estuaries Board of Directors. I am also the President of the Galveston Bay Foundation, which is located in Galveston Bay, Texas. The mission of the Galveston Bay Foundation is to preserve, protect, and enhance the natural resources of the Galveston Bay estuarine system and its tributaries. I am pleased to be here today to discuss Restore America's Estuaries' comments regarding the legislation you are considering to amend the Coastal Zone Management Act (CZMA).

Before I present our recommendations, I would like to provide you with a little background about Restore America's Estuaries and discuss several issues of interest to our organization.

Restore America's Estuaries is a national alliance of 11 community-based organizations that protect and restore coastal and estuarine habitat. Our mission is to preserve the nation's network of estuaries by protecting and restoring the lands and waters essential to the richness and diversity of coastal life. Restore America's Estuaries has been working since 1995 to restore our nation's greatest estuaries and bring them back to life. We join with government agencies, corporations, civic organizations, scientists and local volunteers to conduct restoration projects with real impacts. We seek to achieve a return of abundant fisheries, strong local economies, and shorelines that are resilient to storms and flooding.

Restore America's Estuaries is results-oriented. Since its creation, Restore America's Estuaries and its 11 member organizations have:

- INVESTED more than $28.5 million in local restoration projects;
- BUILT more than 300 oyster reefs and planted over 2.6 million oysters;
- RESTORED more than 56,000 acres of estuarine habitat;
- MOBILIZED more than 250,000 volunteers, including more than 80,000 young people in coastal restoration and education activities each year; and
- CONVENED the largest biennial national gathering for the coastal restoration community. Our next National Restoration Conference will be in Providence, Rhode Island, October 11-15 of this year. We expect over 1,200 restoration professionals from across the country to participate.

All this is done through partnerships and community involvement. My own organization, the Galveston Bay Foundation, typically hosts as many as 25-30 habitat restoration events each year, some with as few as a handful of Boy Scouts, or as many as 300 citizens and local business employees. Our annual signature restoration event is called Marsh Mania, a nationally recognized, community-based wetlands restoration and education event of the Galveston Bay area. The goal of Marsh Mania is to involve local citizens in hands-on wetlands restoration activities while increasing their awareness and appreciation of wetland habitats and functions. The first Marsh Mania was held in 1999, that year known as "Marsh Bash." This one-day event set a national record when 1,500 volunteers planted nearly 70,000 stems of smooth cordgrass to create 14.5 acres of new habitat at eight sites around the bay. In the nine years since it began, Marsh Mania has involved more than 4,700 community volunteers in the restoration of 107 acres of vital wetlands at 41 coastal sites around Galveston Bay.

At the national level, Restore America's Estuaries has been a leader in bringing all sectors of the restoration community together to advance the knowledge, science, policies, and best practices in coastal and estuarine habitat restoration. Restore America's Estuaries engaged in a 2-year initiative to create a multi-sector consensus document, A National Strategy to Restore Coastal and Estuarine Habitat, which outlines the objectives and methods for reaching the goal of restoring one million acres of our nation's coastal and estuarine habitats. In a previous effort, we worked closely with the Estuarine Research Federation to build a consensus framework for habitat restoration through a collaborative process between scientists and field practitioners to define scientifically sound and technically feasible principles of estuarine habitat restoration. These principles are delineated in the publication, Principles of Estuarine Habitat Restoration.

Importance of Estuaries

Estuaries are where fresh water rivers meet the salty sea in shallow protected bays. Native American Indians called these beautiful places "Between-Land", not quite land and not quite water. Estuaries and other coastal ecosystems are critically important to keeping the U.S. competitive, through their roles as centers of population growth, commerce, military activity, recreation, and ecosystem services (e.g., providing natural resources and shoreline protection). Many of the estuarine re-

sources such as salt marshes, flats, and beaches are also important because they help stabilize shorelines and provide flood control.

In my home state of Texas, the coastal wetlands of our estuaries serve as nursery grounds for over 95 percent of the recreational and commercial fish species found in the Gulf of Mexico, and provide breeding, nesting, and feeding grounds for more than a third of all threatened and endangered animal species as well as supporting many endangered plant species, and provide permanent and seasonal habitat for a great variety of wildlife, including 75 percent of North America's bird species. Coastal wetlands also serve important functions ranging from reducing waterborne pollutants to providing natural buffers against flooding and erosion. Texas coastal wetlands are also extremely important economically. In Galveston Bay alone, the recreational and commercial fishing industries combined are valued at over $3 billion annually, and support over 40,000 jobs in the area.

Threats to Estuaries

Estuaries and their associated natural resources and important ecosystem services are in a perilous state due to an increasing level of stress. In addition to physical impacts (e.g., wetland loss, shoreline armoring, and sea-level rise) to these ecosystems, nutrient and other chemical pollution (e.g., pharmaceuticals and personal care products), invasive species, and over-harvesting of resources are major causes of declines in the productivity and health of these systems.

Along the Gulf coast habitat is still being lost, and in the estuary I know best, Galveston Bay, we've experience a significant loss of wetlands over the last 50 years. Between the 1950s and the 1990s, the Galveston Bay system experienced a net loss of nearly 35,000 acres of its wetlands, due to a variety of human and natural causes. Recent research indicates that wetland loss is continuing at rapid rates. Because of this loss, habitat degradation has been identified as the most critical of all the problems currently facing Galveston Bay. Although we have had many successes, the losses are great and they continue. These losses have dire consequences for our environment, our economy, our way of life, and our health.

Estuaries around the country have also lost varying degrees of habitat and biological function. For example, 70 percent of the eel grass beds and 50 percent of the salt marshes around Narragansett Bay in Rhode Island have been lost due to human activity, and the Raritan Bay area in lower New York Harbor has lost over 80 percent of its original wetlands. In New Jersey, only a mere 2 percent of the historic native oyster populations have survived after suffering from disease, over-harvesting, and habitat destruction. In the Chesapeake Bay over 16 million bushels of oysters were harvested in the early 1900's, but the harvest has collapsed to only 45,000 bushels in 2006. In Long Island Sound more than 40 percent of the original wetlands are gone. The story continues on the west coast as well. San Francisco Bay has lost 95 percent of its original marshland.

A growing threat to our nation's estuaries is climate change.

Climate change—caused by human greenhouse gas emissions—threatens the health of our nation's estuaries, the fish, and wildlife, as well as the surrounding communities. The impacts of climate change will exacerbate the already increasing stresses on our sensitive coastal resources. Estuary wildlife and the habitat they depend on are threatened by changes in rainfall, temperature, sea level, soil conditions and air pollution. For example, altered rain and snowfall patterns throughout the U.S. will affect the volume and timing of fresh water flowing into our estuaries, consequently changing salinity and sediment conditions, which will impact sensitive habitats and species. While no one knows how precipitation patterns might be altered, changing fresh water flows would affect the distribution and abundance of some shellfish such oysters, as well as rare species, that depend on high salinity salt marsh habitats.

Sea level rise is of particular concern. As sea level rises, the frequency and duration of coastal flooding and inundation will increase, severely impacting sensitive coastal resources and adjacent properties. For example, in San Francisco Bay, sea level rose about seven inches over the last century at the Golden Gate, and the Intergovernmental Panel on Climate Change and the 2006 California Climate Action Team project it could rise another two to three feet by 2100, which could cause coastal flooding of Bay wetlands and shoreline cities.

Reauthorization of the Coastal Zone Management Act

Support for the management and stewardship of our keystone coastal ecosystems that bridge land and sea has never been more important due to the accelerating pace of environmental change now occurring. While environmental degradation of the coastal area has continued in recent years, the Coastal Zone Management Act (CZMA) has been a valuable tool to policy makers and environmental managers in

balancing human activities with environmental health to help reduce the rate of degradation. Establishment of the National Estuarine Research Reserve System through the CZMA has been particularly successful in setting aside valuable estuarine areas for long-term protection and supporting science-based coastal management through long-term research, monitoring, education, and stewardship.

But having said that, it has been almost forty years since the CZMA was first passed, and we desperately need to modernize and bring change to the CZMA by providing new tools to match today's critical needs. We also believe these tools can be far more action-oriented and involve a broader array of nongovernmental partnerships. I encourage you and the Members of this Subcommittee to think broadly, and boldly, as you consider reauthorization of the CZMA.

Our recommendation on the proposed legislation to amend the CZMA fall into three broad areas: 1) reauthorization of the CZMA is essential; 2) coastal habitat restoration is a viable tool to restore the health of estuaries and should be recognized as a national priority; and 3) nongovernmental organizations have the capacity to leverage state and Federal programs. Restore America's Estuaries respectfully request that you consider the following key recommendations.

H.R. 5451—Coastal Zone Reauthorization Act of 2008

Provide adequate funding to implement the CZMA.

As population and development pressure along the nation's coasts continues to rise, increased funding will be required to fully address the complex problems facing the coastal zone. It is crucial that Congress provide stable and adequate funding to implement the programs authorized under the CZMA to better address growing challenges to our nation's estuaries and coasts.

Conduct comprehensive ecological and socioeconomic assessments of our nation's coastal lands and waters.

Coastal management decision making needs to be based on the best information available. Hundreds of decisions are made every day throughout our nation's coastal zone that affects the health and sustainability of estuaries. Yet, in most cases, little is known about the estuarine resources involved, how they might be impacted, or how they are changing over time. Restore America's Estuaries believes it is absolutely critical that a comprehensive baseline condition of our nation's estuaries be established as soon as possible. These assessments should be ecosystem based, comprehensive, and include both ecological and socioeconomic parameters. Ecological parameters should include: habitat types and extent, condition of those habitats, causes and rates of habitat decline, services being provided by the habitat, and opportunities for habitat restoration within the ecosystem. Socioeconomic parameters should include human use indicators (i.e., fishing licenses, boat launchings, beach use, etc.), land uses, population migration rates, etc. It is also essential that these comprehensive assessments build on existing data and information. Much research and data collection has been done to determine the state of our coasts, and this information should be fully utilized in developing comprehensive assessments in order to achieve fast progress toward accomplishing the goals set forth by a new CZMA.

Establish coastal habitat restoration as a specific national priority.

Habitat restoration is a proven and viable tool for improving the health of our nation's estuaries. It is time for coastal management to recognize and embrace this tool on equal footing as our efforts to preserve and protect critical habitats. Habitat restoration was set forth as a national priority through the Estuary Restoration Act. We believe that the inclusion of coastal habitat restoration as a national priority in the CZMA will help provide a link between aligning national- and state-level restoration planning. Coastal habitat restoration should be included as a new Congressional Finding and Statement of Policy that highlights the need for adaptation to sea level rise and the important role of habitat restoration to reduce global warming from greenhouse gases.

Develop state habitat restoration strategies.

Having long-term habitat restoration strategies with specific goals and objectives is crucial for proper planning and prioritizing. In 2002, Restore America's Estuaries released a multi-sector consensus document, A National Strategy to Restore Coastal and Estuarine Habitat, which outlines the objectives and methods for developing comprehensive restoration plans. A copy of that document has been provided to you. Developing state restoration strategies that can be incorporated into broader comprehensive coastal management strategic plans provides planners and practitioners with a framework for comprehensive and inclusive planning to identify restoration needs and opportunities down to the estuary level. The development of these strate-

gies should take into account other water resource requirements such as the Clean Water Act, Total Maximum Daily Loads analysis to help establish restoration needs and priorities. Currently, through the Coastal and Estuarine Land Conservation Program, states develop plans to address their priorities for land acquisition, and a similar focus on restoration planning should be undertaken by states. Sound science must be an essential component of the planning process and implementation of the strategies.

Preserve critical coastal lands and waters now and into the future.

The CZMA should authorize the Coastal and Estuarine Land Conservation Program (CELCP), within NOAA's Office of Ocean and Coastal Resource Management, to secure the long-term protection of lands that have significant conservation, recreation, historic, economic, and aesthetic values to the residents of coastal communities. Protection of critical coastal and estuarine areas provides numerous public benefits by improving water quality, increasing access to shoreline areas, conserving wildlife habitat, and sustaining recreational and commercial fisheries.

We recommend that as lands are given priority rankings, those that can be restored to effectively enhance ecological function be given priority. While land conservation and protection is absolutely critical to maintain water quality and ecosystem functions, restoring a property will improve water quality and ecosystem functions. Many nongovernmental organizations have played an active role in this program and are poised to continue to provide support for land conservation. As Congress considers authorization of CELCP, we recommend that you allow land owned by nongovernmental organizations to be used as non-federal match. We also support having costs associated with habitat restoration of a property be eligible to be used as non-federal match.

Give nongovernmental organizations a meaningful role in planning and implementing restoration strategies.

Nongovernmental organizations have proven to be essential as convening bodies that can reach out and bridge government, private sector, and scientific community interests to collaboratively develop and implement habitat restoration strategies. Restore America's Estuaries has demonstrated the ability to facilitate action. Mobilizing this power across our country's coastal areas in a concerted way would provide additional support to Federal and state agencies in their efforts to restore the health of our estuaries. One way to recognize and strengthen the nongovernmental role in coastal habitat restoration is to provide the explicit authority to establish cooperative agreements between NOAA and nongovernmental organizations to carry out the purposes of the CZMA.

Strengthen the Federal role in coastal management.

The CZMA establishes and promotes a NOAA/state partnership. To date this partnership has worked with the states assuming, and appropriately so, most of the responsibility for the planning and implementation of their coastal plans. But this partnership equation is no longer sufficient to make progress against many stressors affecting the coastal zone. We need improvements in coordination and collaboration between Federal agencies involved in coastal management and between Federal, state, and local entities. This includes clarifying roles of the different Federal agencies working on coastal issues. Essentially, we need an effective network of communication that operates vertically and horizontally and provides for efficient information exchange that gives state and local entities the tools and information necessary to address local challenges. It is time for NOAA to step up and lead efforts to provide integrated and coordinated support to the states for research, monitoring, science translation, education, training, capacity building for local officials, and technology. We strongly encourage you empower NOAA to lead these efforts.

H.R. 5453—Coastal State Climate Change Planning Act of 2008

Habitat restoration creates healthy estuaries to combat climate change.

Healthy estuaries help counter climate change by capturing carbon from of the atmosphere and providing natural flood protection. Scientists have found that tidal salt marshes are particularly effective in helping to counter climate change, and recommend tidal salt marsh restoration as an important strategy to capture and hold carbon from the air. According to scientists, every acre of restored, healthy salt marsh captures and converts at least 870 kilograms of carbon dioxide into plant material annually—equivalent to the greenhouse gas emissions from driving 2,280 miles. Restored tidal salt marshes also provide natural flood control and may reduce the need to build seawalls to protect developed shoreline areas against sea level rise.

Address climate change through adaptation planning.

A new CZMA must address climate change by providing assistance to coastal states to develop plans and implement projects to adapt to the impacts of climate change. H.R. 5453, the Coastal State Climate Change Planning Act provides a good start to developing an adaptation planning framework. We suggest that coastal state adaptation plans take into account disaster response and recovery programs to make sure that rebuilding is done in a way that reflects our need to adapt to climate change. Plans should consider relocation of infrastructure and people out of hazardous areas as a recovery response, and use these relocation strategies to facilitate habitat restoration since many of these locations were originally wetlands and vegetated buffers that provided for healthy environmental quality. Recognizing the key role that healthy estuarine habitat plays in combating climate change through carbon sequestration, we encourage Congress to specifically include development of strategies for habitat restoration to mitigate climate change as part of the adaptation plans.

Explicitly include coastal habitat restoration as an eligible activity for Coastal Adaptation Project Grants

Habitat restoration needs to be part of the solution to combating climate change. We strongly support the inclusion of habitat restoration as an eligible activity for the coastal adaptation project grants. H.R. 5453 does include several restoration-related activities that are eligible for the adaptation project grants, such as activities to address the loss, degradation, or fragmentation of wildlife habitat; however, we recommend the explicit inclusion of habitat restoration as an eligible activity. With the strong track record and accomplishments of nongovernmental organizations in implementing habitat restoration projects, we recommend that these organizations also be eligible for funding in addition to state agencies.

H.R. 3223—Keep Our Waterfronts Working Act of 2007

Restore America's Estuaries recognizes the need to ensure coastal access and water-dependent coastal-related business. We particularly endorse the ability of nonprofit organizations to qualify to receive working waterfront grants to assist state or local governments and/or hold title to or interest in property. This clearly recognizes the new and demonstrated role that nonprofit organizations can play to help local coastal communities.

Thank you for the opportunity to address you today. I would be happy to answer any questions.

Ms. BORDALLO. Your entire statement will be entered into the record. Thank you, Mr. Stokes.

Mr. STOKES. Thank you.

Ms. BORDALLO. And now, as Chair, I recognize Mr. Connors. You may begin your testimony.

STATEMENT OF JIM CONNORS, SENIOR PLANNER, MAINE STATE PLANNING OFFICE, MAINE WORKING WATERFRONT COALITION

Mr. CONNORS. Thank you very much, Chairman Bordallo. I welcome the opportunity to come to Washington to get out of my house doorway, which has two feet of snow at the moment sitting there. So this is a welcome relief, actually. It might feel cold to you.

Ms. BORDALLO. A better solution would be go to Guam.

[Laughter.]

Mr. CONNORS. I would love to do that. I usually go to South Carolina, but your co-chair is not here to appreciate that.

I am here this morning representing the Maine Working Waterfront Coalition. This is a broad-based coalition of fishing industry associations, non-profit organizations, state agencies, and individuals dedicated to supporting and enhancing Maine's working waterfronts through policy, planning, investment, and education.

We are here to testify on H.R. 3223, which we strongly support. We feel that this bill, and we compliment Rep. Allen and Capps for entering this bill, would have three significant impacts in the discussion about CZMA.

First, it would recognize the importance of the issues related to the loss and decline of working access to the coastal areas, and bring attention to the problem in a formal program element.

Second, the bill would establish working access as a priority to CZMA, in addition to existing ports and harvest programs and public access programs.

And third, the bill creates, would create a program with funding and access to NOAA programs and tools that can augment and support state-level efforts to preserve working waterfronts.

And mostly what I hope I can accomplish here today is to portray the experience we are having in Maine with an active working waterfront protection program.

The committee asked, my testimony includes some additional research-based information, where we have surveyed local communities about access needs and losses. And that is reported in the testimony, so I won't recite that here.

I did want to emphasize that, as Rep. Allen indicated and the bill indicates, the genesis of the problem is the shift of population to the coastal zone, competing demands for a limited resource, economic pressures on traditional water-access-oriented businesses, particularly commercial fishing, but also other waterfront enterprises, such as mariners, boat yards, and other businesses that have to be on the water to conduct their enterprise. And that the focus of the Maine's work so far has really been at the issue of commercial access to the coast.

So you asked, the committee asked, in the invitation letter, for us to comment on three or four elements of the bill. One was on the scope of the bill. And the point I wanted to make here is that it is important, I think, for the committee and Congress to keep in mind that we are talking about commercial working access when we are talking about working waterfronts. And when time allows, we would like to be able to explain a little more clearly what we mean, what public access really means in that particular kind of setting.

Second, the committee asked for comments on the state plan requirements, and the coalition does support a planning function. But I think it would like to see a planning function that models or supports the program being implemented at the state level. The coalition did have some reservations about the comprehensiveness of the planning requirement that is in the bill at the moment. That does seem like a lot of work, and it could actually be an impediment to getting a program up and running. So I think some refinement on what the planning requirements might be would be useful.

Third, in the arena of comments on the application process on H.R. 3223, we just reinforced the interest in it being a responsive bill. Rep. Allen mentioned the fact that the bill needed to be able to turn around fairly quickly to help provide support in a complimentary way to existing state programs. We think that is very important. And we hope that the program could be responsive in that instance. Which might be difficult for aa government competi-

tive grants-type program, but we do want to just sensitize the committee's awareness of that particular issue.

And then finally, on CZMA, as I have already alluded to, we feel that this program is really lacking in the current pantheon of NOAA programs, and this really needs to be added into that array of opportunities. It would be a very valuable addition to CZMA programs.

So I would be happy to answer any questions.

[The prepared statement of Mr. Connors follows:]

Statement of Jim Connors, representing the Maine Working Waterfront Coalition

Good morning Chairwoman Bordallo and members of the House Subcommittee on Fisheries, Wildlife and Oceans. My name is Jim Connors. I am representing the Maine Working Waterfront Coalition today to provide testimony on H.R. 3223, Keep Our Waterfronts Working Act of 2007.

The Working Waterfront Coalition (WWC) is a coast-wide group of fishing industry associations, nonprofit organizations, state agencies, and individuals dedicated to supporting and enhancing Maine's working waterfronts through policy, planning, investment, and education.

Over the past few years the Coalition has worked closely with political leadership in the Legislature and the Governor's Office, as well as the fishing industry to create new tools and programs aimed at protecting and securing working access to the tidal waters. The Coalition has been successful in helping to envision and create an active working waterfront protection program, using public bond funds approved by the voters of Maine.

Section 320, (a) Findings and Purpose:

The Problems confronting working waterfronts is well summarized in the Findings and Purpose section of the bill. To support these findings we offer the following research based information.

In 2001, The Maine State Planning Office engaged the services of Coastal Enterprises Inc. to conduct a survey of 25 coastal fishing communities that are representative of the array of commercial fishing centers found along the coast from Kittery to Eastport. The purposes of this study were to (1) document the status of working waterfronts and the present and future threats of change or loss, (2) to identify municipal responses and technical needs for dealing with problems, and (3) to make recommendations regarding the best ways of monitoring changes and trends in the future. The study was conducted by interviewing knowledgeable people in each selected community in order to better understand the status of their working waterfronts, and how the towns are handling changes confronting their commercial fisheries.

A summary of major findings follows:

The loss of commercial fishing access takes many forms, which adds to the complexity of tracking change and formulating effective public policy. A number of types of loss are identified:

1. Loss of access to inter-tidal areas due to posting of private lands, and new land owners closing off/contesting established public access ways, traditionally used by clam and worm diggers;
2. Loss of tenuous lease or use arrangements with other private pier and wharf owners;
3. Conflict and competition for use of public facilities, especially those with limited parking and equipment storage space;
4. Conversion of working wharves to residential/recreational or other commercial use.

Threats to established commercial access facilities and sites are real, persistent, and pervasive. The surveyed communities identified a list of problems:

1. Intense development pressure to use waterfront lands and facilities for non-commercial fishing/water dependent uses;
2. As fishing families sell waterfront facilities, access use moves to town/public piers, which increases use pressure on these facilities;
3. The use of public wharves must balance and serve both commercial and recreational use, which can lead to conflicts;
4. Limited parking areas, combined with increased tourism use, can intensify potential conflicts;

5. In some areas with heavy recreational boating use there are limited moorings available;
6. Boats are getting bigger (both commercial and recreational), which requires more berthing and mooring space;
7. Increased cost for coastal towns for legal challenges over access rights;
8. Sales of higher value property triggers re-valuation, leading to higher taxes;
9. Municipal and private wharves have costly infrastructure and upkeep; and resulting challenge to keep them economically self-sustaining;
10. Towns and individual fishermen cannot afford inflated market price for waterfront property.

There is strong support and concern for protecting commercial fishing access. 64% of the 25 towns surveyed indicated that commercial fishing access is a problem now, and 80% of the towns surveyed are planning to address this issue.

Commercial fishing access is provided through publicly owned facilities, privately owned commercial piers and through arrangements with other privately owned wharves. 25% of access usage is at publicly owned facilities, and 75% at privately owned facilities. Of the usage of privately owned facilities, 35% occurs at commercial business facilities, and 40% at other privately owned wharves.

(Taken from A Review of the Effectiveness of the Maine Coastal Plan in Meeting the State's Public Access and Working Waterfront Policy Goals. 2002)

In 2007 in preparation for the National Symposium on Working Waterways and Waterfronts the National Sea Grant Network conducted a coastal zone-wide survey to characterize the scope of coastal access issues and the effects on coastal communities. In a report entitled Access to the Waterfront, issues and Solutions Across the Nation they highlighted three issues:

- Concerns over the loss of access for commercial fishermen
- Problems with conflicts over recreational access
- Shrinking access for the public

The report goes on to discuss three important conclusions:

1. The tools and solutions to address and resolve access loss and conflicts will need to be localized;
2. Given the wide spread nature of the problems, there is a need for national strategies to support local efforts;
3. Although there are many tools being used, there are more innovative solutions yet to be identified and developed.

Scope of the Bill

The Committee has asked for Comments on the scope of the bill. We offer comments on three important elements of the bill:

1. Keeping an emphasis on working access for commercial fishing and other water dependent uses and businesses;
2. Differentiating between commercial facilitated access vs general public access; and
3. Comments on the definition of working waterfront.

We recognize that the problem of maintaining working access to the coast varies from state to state and includes issues related to the loss of recreational boating access, particularly in areas experiencing re-development into condominiums and dockaminiums. We think that a national program has to cover the needs of commercial fishing and those water dependent business that serve the recreational and boating needs of the public at large, such as marinas and boatyards.

The Maine WWC is specifically concerned about the plight of commercial fishermen, who must have adequate working access to conduct their fishing operations. Fishermen are in a unique position in which they sell their catch into markets with set prices that they cannot influence. At the same time they face all of the cost associated with harvesting and landing the catch. They are caught between set market based prices and their production costs. They do not have the opportunity to push costs forward through to the consumers (such as a fee for business might) so they get pinched by rising costs such as increasing property values and taxes that have to be absorbed in the narrow gap between production costs and market price. It's no wonder that fishermen are being squeezed off the waterfront.

We think that the program should be focused on commercial water dependent uses that need to be on the waterfront to successfully conduct their businesses. This is not to say that certain assurances of "public access" cannot be incorporated into the outcomes of the grant program. But the issue of public access in general, at publically owned sites, is and has been a fundamental part of CZMA that should continue to be a coastal program priority but separate from a working waterfront program. The emphasis in this bill should be on "commercial" working access. That is, assuring that access is secure for businesses that require access to tidal waters.

We think that the public access requirement should be removed as an element of this working waterfront program, but certainly retained as a key element of CZMA, otherwise it is a deal killer! H.R. 3223 provides an opportunity to recognize the importance of dealing with the problems being faced by fishermen and other water dependent businesses by creating a program that fills an existing gap in CZM programs between public access programs and major port and harbor development programs.

Definition of Working Waterfront—Members of the Maine WWC participated in a Working Waterways & Waterfronts Symposium Conference held in Norfolk, VA 5/8,9,10,11/07. The concept of working waterfront was a unifying concept, but we learned that people have differing views of what makes up a water dependent use based on their particular local access issues and needs. In a wrap-up planning session the participants described working waterfront in terms ranging from commercial fisheries activities through marinas, boatyards, commercial sports fishing services, ferry services, tourist oriented nature cruising, to heavy industrial uses. A common theme of working waterfront is "commercial" access for water dependent businesses. For the marine industries the water access may be for recreational leisure time pursuits, but for those waterfront companies they are a business serving the public at large for a fee. Which in a way is part of the supply of public access which is facilitated by the business enterprise. I want to be clear that this bill is aimed at addressing the water access needs of businesses that need physical access to the water.

One small point, in the Definitions section, aquaculture needs to be added to the definition of the term "working waterfront", to be consistent with the use of this term in the body of the bill.

State Plan Requirement

The Committee has asked for comments on enhancements to requirements for the development of a state plan.

In general, the WWC supports a planning function that positions the state to deliver a good and efficient program. But it needs to be a plan that is practical and useful, more of a functional "program" plan rather than a "comprehensive" water access plan. We are concerned that preparing (and updating) a big, expensive, comprehensive access plan as a requirement for participating in the grant program will be a major impediment to coastal states that could otherwise put the program to good use. We agree that state Coastal Programs should be doing this type of planning, but it creates a major hurdle to implementing the grants program.

As written, the current bill is asking for more planning work than is really needed to guide a Federal Program at the state level. We would ask the committee to consider the difference between a plan to guide the operation of a program and a plan that is a comprehensive analysis of the coast and access needs. A good example of a program participation is provided by the current Coastal Estuarine Land Conservation Program, which is administered by NOAA.

The Maine Working Waterfront Access Pilot Program offers an example of a program that is competitive, guided by a set of project selection criteria, and responsive to opportunities to work with fishing businesses, property owners, municipalities, and willing sellers as the opportunities arise. More information can be found at the program website: www.wwapp.org

Comments on the application process

The Committee has asked for comments on the application process. The WWC offers comment on five elements of the application and granting process;

Responsiveness to immediate opportunities
State responsibilities, capacities, assurances, and process
Non-profit organization as a qualified holder
Creation of a Working Waterfront Covenant
Violation of a Working Waterfront Covenant

The WWC recognizes that NOAA has a long, well established record for running competitive grant programs, which the Committee should value and take full advantage off. As written, however, the WWC has several suggestions for your consideration regarding the application and granting process:

Responsiveness to immediate opportunities—The bill as written correctly implies that there is a need to be responsive as opportunities arise or a need for action is paramount. We know that there is a difficult balancing act between administering a competitive grants program and the responsiveness needed to proceed in a timely manor when a critically important opportunity arises. The responsiveness (or lack thereof) of a government funding program is an issue for the WWC and other working waterfront advocates when they see the need to move quickly to take advantage

of an opportunity. We have found that working waterfront projects must be fairly patient when dealing with government programs (usually for good reasons related to due diligence and program capacities), but still we ask the committee to consider carefully how the program can be operated to be responsive to crisis situations.

State responsibilities, capacities, assurances, and process—The grant program, as envisioned, would be run in cooperation with the appropriate state Coastal Program, or other state, regional, or other unit of government. It is up to the coastal state to figure out how to run a working waterfront program. The state retains the responsibility to assure the grant funds are used as proposed, make certain certification of matching funds, hold the working waterfront Covenant (or designated holder) and enforcement responsibilities (including policing qualified holders). In Maine, and a few other states, compatible working waterfront programs exist which could assume and exercise these responsibilities, but in other coastal states creating and implementing a working waterfront program will be a relatively greater challenge.

Non-profit organization as a qualified holder—the bill provides that a state may designate a non-profit organization (such as a land trust or working waterfront heritage trust) as a qualified holder of a property or an interest in a property. Recognizing and authorizing this role for a non-profit non-governmental entity is a significant step for Congress. Certainly in Maine and across the country, duly incorporated 501,c land trusts are playing a vital role in conserving the nations resources. In one Maine working waterfront project the holder (owner) of the protected property is a new nonprofit foundation dedicated to the continued operation of the property as working waterfront. So the model exist and a track record for nonprofits is established, the WWC feels that a nonprofit fishing heritage trust has a role to play in the future as the experience with these programs unfolds.

Working Waterfront Covenant—The bill calls for the use of a working waterfront covenant as a means to gain permanent protection of the subject property. This is a relatively new mechanism for holding property interests with its roots in conservation easements and affordable housing covenants. The Maine Legislature has enacted statutory language to guide the purpose and scope of a working waterfront covenant. A model covenant has been created by the Land for Maine's Future Program, and specific covenants are currently being prepared for six working waterfront projects. The first one was consummated last week and a second is due to close on March 12th.

Violation of the Covenant—this section needs further work, guided by consideration of due process, legal practice, and enforcement experience with Conservation easements. Reference to the Maine model covenant would be useful.

CZMA

The committee asked for views of how the CZMA might be amended, in general, to better attain the goal of preserving working waterfronts and marine-dependent uses and the public's access to them.

The WWC is not in a good position to comment on the re-authorization of the CZMA. We understand that many good minds have been hard at work on this task. The WWC does feel that a working waterfront program has a place in the CZMA and state coastal programs. Various members of the WWC have a long, successful, and productive working partnership with the State's Coastal Management Program and we would not want to see that change.

The program envisioned in H.R. 3223 seems like a natural fit with the purposes and goals of the CZMA. A working waterfront program would be an additional tool to help the state achieve its objectives. A working waterfront program element in the CZMA, with funding support would send a strong message to state programs about the importance of these issues.

In summary

We think that H.R. 3223 has three significant impacts:

First it recognizes the importance of the issues and brings attention to the problem;

Second, the bill establishes working access as a priority in the CZMA (in addition to ports and harbor programs, and public access programs);

And third, the bill creates a program with funding and access to other NOAA programs and tools that can augment and support state level efforts to preserve working waterfronts.

The Maine Working Waterfront Coalition is pleased to be able to help craft this important program and stands ready to continue to assist as its experience and expertise allows.

Ms. BORDALLO. Thank you very much, Mr. Connors, for your careful consideration of H.R. 3223.

And finally, I would like to invite Ms. Elefant to present her testimony.

STATEMENT OFCAROLYN ELEFANT, GENERAL COUNSEL, OCEAN RENEWABLE ENERGY COALITION

Ms. ELEFANT. Thank you, Madame Chairwoman. As you said, my name is Carolyn Elefant, and I am legislative and regulatory counsel to the Ocean Renewable Energy Coalition, or OREC. Our organization is dedicated to the commercial, to advancing and promoting commercialization of marine renewables in the United States, which include off-shore wind, wave, tidal, and current.

OREC is grateful to the committee for inviting us and giving us this opportunity to testify, specifically on H.R. 5452. We support the bill's goals of streamlining the marine renewables licensing process, and most importantly channeling funding to the states, states and territories, so that they can evaluate proposed projects more efficiently, while still carrying out their responsibilities under the CZMA.

However, OREC believes that many of the goals of streamlining marine renewables are better carried out through giving funding for data collection and creating designated marine renewable personnel, rather than through the proposed zoning concept contained in H.R. 5452.

Now, as this legislation recognizes, regulatory delay and uncertainty has been a major impediment to developing our marine renewable resources in the United States. And there is one thing I do want to be clear about. When people hear about regulatory delay, they assume it is because industry is not being cooperative.

And what I want to point out is, the obstacles in this case isn't because of intransigence on the part of our developers; rather, because of their commitment to comply with the litany of Federal, state, and local regulations.

Our companies have devoted significant resources to complying with environmental regulations; and in fact, the cost of compliance comprises 30 percent to 60 percent of some of the prototype and demonstration projects currently under development.

So it is for that reason that we really applaud the goals behind H.R. 5452 to try to streamline the process and move ahead.

We believe that funding coastal states to survey the elements outlined in Section 2[b] of the legislation will help developers more readily identify suitable sites, and cut down on the need for them to gather information and try to figure out what they need to do to comply with the statute. And most importantly, the data will allow coastal states, and also territories, to fulfill their responsibilities under the CZMA mandate more efficiently, and with more confidence in their decisions.

However, OREC doesn't support the concept of zoning, at least at this time. And one reason is just because the industry is so nascent. Right now there is not a single commercial off-shore renewable project in the United States, and for that reason it is important that any streamlining process remains, allow for maximum flexibility.

There are other problems that we have with the zoning concept. For example, while we are confident that states would implement it responsibly, an unfortunate reality is sometimes zoning is vulnerable to politicization. And also, a zoning process, especially one that would rightly involve multiple agencies and stakeholders, can be very time-consuming and create delay at a time when the industry is really picking up some momentum.

So this is our preferred approach. We do like the idea of funding studies for the elements outlined in the legislation. We would like to see states have the ability to study, to survey all of these different criteria, and to make that information available within their agency to other agencies that are partners in the process, and most importantly to developers.

We are confident that if developers have information about a sensitive environmental area, or about an area that might be optimal for development, that they will take that information into account when they make their development decisions. And that, in turn, will help expedite the process.

We also support the idea of funding designated marine renewable energy personnel within state agencies. That is something that is very important, because it helps to build a body of institutional knowledge within the agency. And those experts can help guide our developers, and they can work as part of a partnership.

Ultimately, we do view the state coastal agencies as partners in the development of marine renewable resources. And with well-staffed, well-informed, and well-funded agencies that can provide data on the environment, transmission infrastructure, and other elements, states and developers can work together and make informed decisions about marine renewable energy projects. And it is for that reason that we support the goals of H.R. 5452, if not the precise mechanism for carrying those out.

Like my colleagues on the panel, I am also happy to answer questions.

[The prepared statement of Ms. Elefant follows:]

Statement of Carolyn Elefant, Legislative and Regulatory Counsel, Ocean Renewable Energy Coalition (OREC)

My name is Carolyn Elefant and I am legislative and regulatory counsel to the Ocean Renewable Energy Coalition (OREC). OREC is the national trade association for the marine renewables energy industry in the United States with a mission of promoting the commercialization of marine renewable technologies such as offshore wind, wave, tidal and current. Founded in April 2005 with three members, OREC now represents forty companies, including marine renewables developers within the United States, Canada and Europe, environmental consultants, law firms, engineering firms, investor owned and municipal utilities and investment bankers. OREC members share the common goal of helping our nation build a domestic marine renewables industry to eliminate our dependence on foreign oil, diversify our energy supply and develop an important source of emission free energy.

OREC is grateful to the House Subcommittee on Fisheries, Wildlife and Oceans for extending an invitation to our organization to participate in these hearings and specifically, to offer testimony on The Honorable Congresswoman Capps' bill, H.R. 5452, the Coastal States Renewable Energy Promotion Act.

We support the legislation's goals of streamlining the marine renewables licensing process and most importantly, channeling funding to the states so that they can evaluate proposed marine renewable projects more efficiently while still carrying out their mandate of ensuring responsible and orderly development in coastal zone areas. However, OREC believes that these goals are better achieved through funding for data collection and creation of a designated marine renewables expert posi-

tion within state agencies rather than the zoning concept described in the legislation.

My testimony is organized in three parts. First, I will describe the present regulatory impediments to marine renewables development. Second, I will discuss some of the problems inherent in the zoning concept and explain why this mechanism is not appropriate, at least right now while the marine renewables industry is in a nascent stage. Third, I will offer alternative suggestions for directing funding to states in a way that will help them carry out their statutory mandate under the CZMA and also help developers identify suitable project sites.

Part I: Regulatory Delays and the Impact on the Industry

To date, regulatory delay and uncertainty poses one of the primary impediments to the emergence of the marine renewables industry. Let me be clear—regulation poses an obstacle not because our member companies seek to evade regulation, but rather, because they are absolutely committed to "doing development right." OREC's member companies have devoted considerable financial resources to complying with the litany of applicable federal, state and local laws and taking into account the interest of multiple stakeholders who use our nation's coastal waters. But complying with so many agencies proves costly—our present statistics show that permitting costs can account for as much as 30 to 60 percent of the total project cost, which is a deterrent to private investment.

The length and uncertainty of the regulatory process also deters private investment. Thus far, companies like Verdant Power or Finavera have spent more than seven years in an effort to obtain authorization to install 6 turbines or four buoys. Part of the lag comes from state agencies—not because they oppose development, but simply because they lack the resources and staff to evaluate these projects. The burden then shifts to developers to gather sufficient information—which can also prove time consuming and expensive. And there is no guarantee of when or if an authorization for the project will issue. OREC is aware of several instances where this regulatory delay and uncertainty has killed private financing arrangements, which is a huge blow to the entire marine renewables industry.

Part II: The Proposed Legislation's Goals

OREC applauds H.R. 5452 for recognizing the critical importance of expeditiously developing marine renewables and the need to streamline the regulatory process. We believe that funding coastal states to survey the elements outlined in Section 2(b) of the legislation[1] will help developers more readily identify suitable sites, thereby cutting down the need for costly information gathering studies. Most importantly, this data will allow coastal states to fulfill their responsibilities in issuing certifications under the CZMA certification more efficiently and confidently.

However, OREC does not support the concept of zoning—at least at this time, when the marine renewables industry is new and so much remains unknown about siting, operation and the environmental effects of projects. Quite simply, a zoning process locks the industry in a place at a time, when flexibility is paramount because technologies are still evolving.

For example, a zoning process might block off an area which at present, lacks transmission access or may appear to have inadequate power potential. But a few years forward, a new technology may emerge that is capable of efficiently capturing the power resource or transmission access may improve. Alternatively, a zoning process may block an area deemed environmentally sensitive. However, a technology might later emerge that could prove compatible with the environmental characteristics of the area.

By freezing conditions in place, zoning also arguably deters the emergence of more benign technologies. If certain areas are permanently off limits, developers have no incentive to innovate and come up with designs that might even have the affect of improving a sensitive area. Many of OREC's members have, over time, improved or changed the design of their projects to respond to environmental considerations, which represents a positive development.

Moreover, while OREC is confident that states would responsibly implement a zoning process, the unfortunate reality is that sometimes, the zoning process is vulnerable to politicization. Stakeholders intent on preventing any renewable development offshore might attempt to unduly influence the zoning process. Though we stress that we do not anticipate this type of mischief, past experiences suggest that it is a possibility.

---

[1] These elements include surveys of the hydrographic, bathymetric and seismic characteristics of an area, environmental characteristics, other marine uses and availability of infrastructure and transmission to support renewable energy development.

Finally, a zoning process—particularly one that involves multiple agencies and stakeholders—can take time. OREC is concerned that development of projects would be put on hold pending completion of zoning. Any delay at this time will stop the marine renewables industry and quite likely, send many member companies overseas in search of greener pastures, or more aptly "bluer waters" that will allow for expeditious siting, testing and development of projects.

III. OREC's Preferred Approach

As we have emphasized throughout, we commend the intent of H.R. 5452 and its recognition that states need funding so that they can evaluate the effects, and eventually realize the benefits of marine renewables development in coastal waters. We believe that the legislation will work more effectively in the following manner.

First, states should be given funding to study all of the elements listed in Section 2(b)(1)-(7). States would then make this data available both in-house, to resource agency staff and to developers. Developers could use this data to make informed decisions about where to site a project. For example, where a data survey shows baseline information about an area used by migratory mammals, a developer could choose to do the following: (1) it could decide to avoid the site entirely or (2) it could site a project there, but realize that it would need to evaluate potential effects and devise mitigation. A rational developer would recognize that option 2 poses more risk than option 1, but a developer might determine that the risk is worthwhile if for example, the resource offers substantial power potential or convenience to transmission. Because marine technology companies still bear the full cost of developing this new technology that will benefit our entire nation, ultimately, they are best suited to make the final decision about siting.

Second, OREC would also like to encourage states to designate specific personnel dedicated to marine renewables development. The legislation might consider suggesting this option. A dedicated marine renewables office within each state coastal planning office will help build a body of institutional knowledge that will expedite certification decisions and give states more confidence in the decisions that they make.

IV. Conclusion

OREC views the state coastal agencies as partners in the development of marine renewables resources. Well staffed, well informed and well funded state agencies that can provide data on the environment and infrastructure allows both states and developers to work together and make informed decisions about marine renewable energy projects in an expeditious manner. For that reason, OREC supports the goals of H.R. 5452.

Ms. BORDALLO. Thank you very much, Ms. Elefant, for your testimony before the committee. And I do have some questions. And I understand Congresswoman Capps will be returning to the committee; she has some questions, as well.

But I will begin with Mr. Stokes. I want to thank you for your support of the reauthorization of the CZMA.

Do you have any idea how much it would cost to conduct a comprehensive ecological and socioeconomic assessment of our nation's coastal lands and waters?

Mr. STOKES. I don't have a specific idea.

Ms. BORDALLO. Do you have a ballpark figure?

Mr. STOKES. It would be difficult for me to even give a ballpark figure. I could go back and think about it a little bit, but I know we are talking, we are talking about investing some dollars to ensure that our future actions are appropriate.

You know, in the State of Texas we have elements of some of this stuff going on already. So it is not like we would be recreating the wheel. But we need more collaboration. We have a lot of very good research entities, academic entities that are doing some type of this research already. Either, you know, using Coastal Management Program grants, or other sources of funding.

It may not be as expensive as what you would think, because it may simply be coordinating a lot of what is going on out there. But again, I don't have a specific dollar figure for you, and I apologize.

Ms. BORDALLO. Could you provide this when you——

Mr. STOKES. I would be glad to go back and see if we could put something together——

Ms. BORDALLO. To the committee?

Mr. STOKES.—and bring it back to you.

Ms. BORDALLO. Thank you. And similarly, do you have a sense of what it would cost to develop state habitat restoration strategies for all 34 coastal states and territories?

Mr. STOKES. Again, I am hesitant to put a dollar figure on that. But I mean, again, we have elements of this already in place.

For instance, my organization, the Galveston Bay Foundation. We have something called the Habitat Conservation Blueprint that we put together about 10 years ago, that talks about literally over 170 different places around Galveston Bay that could benefit from a restoration project.

You know, we haven't taken the step of prioritizing necessarily all 170 of those places. But again, I think it is taking advantage of some of the existing information that is in the community, and really taking it a step further.

Ms. BORDALLO. Again, the committee would like to have the figures once you have them.

Mr. STOKES. OK.

Ms. BORDALLO. I understand from the committee here that the territories are defined in the CZMA. So I am resting a lot easier up here.

Mr. STOKES. Good, good.

Ms. BORDALLO. The third question I have, does Restore America's Estuaries support H.R. 1907, the Coastal and Estuarine Land Protection Act?

Mr. STOKES. Yes, absolutely. We are supportive of bringing the Coastal and Estuarine Land Protection Act within the Coastal Zone Management Act, because we think protecting land is a comprehensive part of coastal stewardship.

However, if, for other reasons, it needs to be a stand-alone bill, we are very supportive of the program in general.

Ms. BORDALLO. Thank you. And I have a couple of questions for Mr. Connors. I want to thank you also for your testimony before the committee.

You mentioned that public access is a fundamental part of the CZMA, and should continue on as a priority, but separately from a working waterfront program.

Should access that is appropriate not be facilitated by this grant program?

Mr. CONNORS. Well, thank you for the opportunity to address that distinction.

I think that the coastal zone programs through CZMA have had very active and high-level priority activities around public access. So when we use that term public access, we mean for all sorts of uses: view sheds, physical access to the shore, access across into the water for recreational pursuits, and that sort of thing.

And the distinction we were trying to draw here is to say that working access is really related to commercial enterprise, those businesses that are operating on the waterfront and need to have that space and that opportunity to get back and forth from the water to carry out their activities.

Some of those enterprises serve the general public in the sense that they are open for business, at a fee, such as a marina or a boat yard. And so in one sense you could think of them as providing a form of facilitated public access. That is, as part of their business enterprise. But they have to be there to carry out that enterprise. That type of public access could be distinguished from the kind of public access that we often operate looking for as a public arena, as a publicly owned boat ramp, a public park, a facility or an area that is open to the general public to come and to go. So we are just trying to draw that distinction, that when we are talking about working waterfronts, we are really talking about businesses conducting their business.

I left a little room in the testimony to be able to say that it is not unreasonable to consider that in a government granting program, that you couldn't somehow continue to assure that that facilitated public access, at a reasonable fee to the general public, couldn't be guaranteed as part of a business operation. I don't know exactly how that might work out, and it might not be acceptable to some business operators. But you could conceive of a marina operator, for example, that could designate part of the property for a general access to the public, and another part of the property more dedicated to specific services, and so forth, for its customers.

So that is the distinction I am trying to draw.

Ms. BORDALLO. Thank you. Thank you very much, Mr. Connors.

A member from California, my colleague, Lois Capps, has just returned. And she does have some questions of the panel.

Mrs. CAPPS. Thank you all for your testimony. Ms. Elefant, I want to start with you if I could, please.

You state that zoning could lock in, your words, the renewable energy industry when flexibility is needed. How would the identification of areas found suitable for renewable energy development lock in industry?

Ms. ELEFANT. Well, right now the industry is in a very nascent phase. As I point out in my testimony just before the committee, there are no commercial renewable, off-shore marine renewable projects in the U.S., either wind, wave, or tidal, right at this time. And in fact, the only project that is in place is a commercial-size project in the East River comprised of six units. So that is all we have so far.

The industry is still learning a lot about what works and which spots are appropriate. And what might appear, look appropriate today, based on some of the technologies we have, may turn out to be less than optimal at some future point.

Now, we certainly do not foreclose the possibility that at some point, as these technologies reach commercial stage, that zoning might be appropriate. We are just concerned at this time, when we don't know enough about the technologies. And also where a lot of the projects that are being proposed, at least with wave and tidal

and current, at least thus far, and probably for the next five to 10 years, are going to be small-scale demonstration projects.

Mrs. CAPPS. Thank you. Just to push it a little further. When you say that zoning may block transmission access, would you support surveys of off-shore areas that are updated regularly? In other words, kind of keep up with as the technology develops, and as the industries figure out what they want to do?

Ms. ELEFANT. Right. Well, certainly for something like transmission, which is prone to change, and also where there is information available about planning. I mean, that would be something that would be easy to update the surveys for.

Again, you know, certainly having regular updates would be an improvement; but at the same time, we still would have some concerns about putting in zones, even with updated——

Mrs. CAPPS. For example, can I give an example?

Ms. ELEFANT. Sure.

Mrs. CAPPS. If this was, if the update was sort of scheduled for every five years, would that account for changes in technology and electricity delivery? For example, that might—is that a good time, or too little, or too long?

Ms. ELEFANT. Probably at this stage, it really is too long. One of the arguments we have made to MMS, which is doing sort of five- to seven-year planning, is it really should be more frequent.

But the other thing is, again, until we can start getting at least a little bit of operational experience with some of these projects, we don't really known entirely what to look for in the zoning process. And obvious things to avoid, you know, like a nesting area for endangered species.

Mrs. CAPPS. Right, right.

Ms. ELEFANT. I mean, certainly having data. And when I say that, you know, it states gather data, our developers will take that into account. They are not going to site a project on a nesting area for endangered species because no investor is going to finance something like that. And the technology is risky enough, you know, having this type of backlash is just going to, you know, it will sort of, the market will regulate the decisions at that point.

Mrs. CAPPS. One final question for you. You mentioned that states and other stakeholders might influence the development of the zoning process, which would prevent projects from advancing.

On the contrary, we have heard from stakeholders and states that it would be more helpful to do this under statutory directives. In other words, CZMA, they want that partnership to facilitate renewable energy, rather than an ad hoc approach currently underway.

You don't agree with this, right? And why?

Ms. ELEFANT. Well, I guess, as I said, we don't agree with it right at this time, just because we would like to see some flexibility.

We also have some concerns about having a planning process at a time when there is no technology in place. Our industry, back in the 1970s, actually there was ocean thermal energy conversion legislation. It put into place a whole comprehensive scheme for licensing and permitting. And it turned out nothing was ever built. The technology wasn't ready, the scheme was too comprehensive.

Mrs. CAPPS. I have got you.

Ms. ELEFANT. And so we just have concerns that a lot of resources are going to be devoted to zoning and planning at this time, when really what we need to see is get some technologies in the water, and see really will they work; and if they work, what their potential is, if they are economically feasible at this time.

Mrs. CAPPS. You have made your point well. Thank you.

Ms. ELEFANT. OK, yes.

Mrs. CAPPS. I have one more question, and I might run over time. If I could ask, approach Mr. Connors now.

There is a race to the coastline going on right now. We have heard from Mr. Bailey that such advance planning of the kind I have been asking Ms. Elefant about would reduce future consistency conflicts, and lead to better projects that protect the environment and grow the industry.

Now, public access is a focal point of the CZMA, and it is recognized prominently in my bill, or in the bill H.R. 3223. But you suggest removing that requirement as an element of the Working Waterfront Program. The shortage of access to the water impacts broad segments of the population, not just those directly tied to the water for its livelihood. We heard this from our first, very first witness.

How can we enhance public access and commercial working access through existing and some new grant programs?

Mr. CONNORS. Thank you for asking that question. I would like to say again that we suggested that that particular section of the bill that directly specified public access be provided at these particular kinds of places, where the business enterprise wouldn't be suitable, or just wasn't physically, perhaps, possible.

I also do public access planning and work for our coastal program. And we have in place a number of programs that would be considered part of what you heard was core programs. And certainly every state I think has a public access program for all of the purposes. Those certainly need to be retained, and I think that what we offered in the testimony was that that is an important element of CZMA that needs to be retained and supported where necessary.

We certainly need to make sure that the public, the various publics, are getting access to the water.

I think the coalition's concern here was that there was a danger perhaps of trying to do too much in this one program; and that by keeping it more focused on commercial problems, and that we still would have other programs available to use, would be appropriate.

Mrs. CAPPS. Thank you. I was offered the opportunity to go further, which I would love to do, but I am going to thank our Chairwoman for allowing me this indulgence of going over time.

Thank you. And thank you all.

Ms. BORDALLO. I thank my colleague, Mrs. Capps, from California.

I have just a couple of more questions before we wrap up this Subcommittee hearing.

To Mr. Connors, can you speak further to the balance between administering a competitive grants program and a need to proceed in a timely manner when a critically important opportunity arises?

Are you asking for some type of emergency grant authority? Or what would trigger the use of such an authority?

Mr. CONNORS. Well, what is underlying that point is the fact that the opportunity to work with a, in our case commercial fishing business, really is driven by the willing seller at a fair market value. And those provisions, by the way, are good provisions.

And what happens is that you have to have a project that is fairly patient, in the sense that it can wait for the dollars to make it through the process. So, and probably what underlies a process of grant-making, to make it as quick as possible, it was adequate capacity in the program manager's hands to get the paperwork done, because there is a process of due diligence that has to be undertaken. But basically, program capacity.

NOAA has a long track record of providing competitive grants. And we all participate in that process. And I really don't know the precise mechanism for an emergency. You could have a hold-back of a certain percentage of grant, you know, of appropriated funds for emergency. But emergency is always a little difficult to define, so I am not going to push too far on that. I just want to make sure that the committee is sensitive to the fact that these projects do have a quick turn-around time sometimes, perhaps a little quicker even than a land conservation project, because you have business owners trying to turn the property over, and you have people trying to buy it, and you can hold them up.

Ms. BORDALLO. Very good, thank you. Mr. Stokes, I have one question for you, as well.

In your statement you said that a way to strengthen the non-governmental role in coastal habitat restoration is to provide the explicit authority to establish cooperative agreements between NOAA and the non-governmental operations.

Is this authority not already provided to NOAA under Section 310 of the CZMA? And do you mean for this authority to be more specific to environmental restoration activities?

Mr. STOKES. I think there are elements of the authority there. I think we have partnerships with NOAA, and we felt like it would just be more helpful to explicitly have that listed, and certainly as it applies to restoration activities.

Ms. BORDALLO. So you do want to be more specific, is that what I am hearing here?

Mr. STOKES. Yes.

Ms. BORDALLO. Yes. Well, again, I want to thank Mr. Stokes, Mr. Connors, and Ms. Elefant—is that the way——

Ms. ELEFANT. Elefant, that is right.

Ms. BORDALLO. Elefant.

Ms. ELEFANT. Yes.

Ms. BORDALLO. For your testimonies this morning. And thank you for your patience in waiting for the third panel to be seated. But we appreciate all your input.

Also, to the members of the Subcommittee, if any of you may have—they are not here right now, but I am sure their committees will pass the word—if any of them have additional questions for our witnesses, we will ask you to respond to those in writing. And the hearing record will be held open for 10 days for these responses.

If there is no further business before the Subcommittee, the Chairwoman again thanks the members of the Subcommittee and our witnesses this morning.

The Subcommittee stands adjourned.

[Whereupon, at 12:10 p.m., the Subcommittee was adjourned.]

[A letter submitted for the record by Frank Blum, Executive Director, South Carolina Seafood Alliance, follows:]

The Honorable Madeleine Z. Bordallo
United States House of Representatives
427 Cannon HOB
Washington, DC 20515-5301

21 February, 2008

Dear Representative Bordallo,

The South Carolina seafood industry is contending with a number of problems and one in particular has the potential to disrupt the infrastructure to such an extent that total failure of the system will follow.

Lurking in the wake of the real estate race to the bottom line is an insidious unintended consequence that will negate all past efforts to rebuild the local seafood industry. Dock spaces for commercial fishing activity, "Working Water Fronts", are being priced out of existence.

Provisions should be made to set aside some areas of the coast for the purpose of commercial fishing facilities because countries like China and India with large populations and accelerated economic growth will continue to consume more and more goods and services and this massive increase in demand will decrease supply thus opening the door for local production.

This phenomenon is in the near future and provisions should be made now to insure that we are as self-sufficiency as possible, especially in our ability to feed ourselves.

The Alliance asks that you pass the bill, "Keep Our Waterfronts Working Act of 2007", so that the U.S. will be prepared to meet some of the challenges of food production.

Sincerely yours,

Frank Blum
Executive Director (SCSA)

SOUTH CAROLINA SEAFOOD ALLIANCE
815 Savannah Hwy. Suite 204
Charleston, SC 29407

[A letter submitted for the record by Hugh Cowperthwaite, Fisheries Project Director, Coastal Enterprises Inc., follows:]

February 25, 2008

Chairwoman Bordallo
Subcommittee on Fisheries, Wildlife and Oceans
U.S. House of Representatives Committee on Natural Resources
187 Ford House Office Building

Dear Ms. Bordallo,

I am writing today in support of H.R. 3223 (sponsored by Representative Tom Allen): To amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure coastal access for commercial and recreational fishermen and other water-dependent coastal-related businesses. *(Keep Our Waterfronts Working Act of 2007)*

I am the Fisheries Project Director at Coastal Enterprises, Inc. (CEI) a non-profit community development organization based in Maine with a mission to help create economically and environmentally healthy communities in which all people, especially those with low incomes, can reach their full potential. For thirty years CEI has worked to support Maine's fishing and marine trade industries through financial support, business counseling, strategic investment and research and development.

Over the last 6 years, CEI has been working with others throughout Maine and the country seeking new and creative ways to secure access to our working waterfront. Through this work in Maine, the need for a public investment tool was identified to help address the financial gap that many people engaged in commercial fisheries are faced with when trying to purchase property to remain on Maine's expensive coastline. In 2005 Maine voters approved the creation of just such a tool and approved $2 million to fund the Working Waterfront Access Pilot Program. The Fisheries Project at CEI was contracted by the Maine Department of Marine Resources (DMR) to administer this ground breaking program which not only provides matching grants funds but assures the future availability of these properties through legally binding deed restrictions.

The Maine Department of Marine Resources Working Waterfront Access Pilot Program has been well received and viewed as an important tool needed to facilitate the work of saving and securing Maine's commercial access to the water, access that many commercial enterprises in our coastal communities rely on. We've seen communities and disparate fisheries come together to improve and secure the guarantee of this access for generations to come. During this time we have had ongoing contact with other coastal states and have learned together how programs like Maine's and others in the world can best addresses the threats our communities face. Through this work we also have made important and invaluable connections with other coastal states who share the common interest of preserving their commercial waterfront heritage and tradition. State's which include: North Carolina, Florida, Virginia, Louisiana, Rhode Island, Massachusetts, California, Oregon and Michigan to name a few.

Congressmen Tom Allen's Keep Our Waterfronts Working Act of 2007 is a critically important step to creating a much needed Federal Program. A Federal public investment tool would provide coastal states with the opportunity to secure the necessary funds to match their own investment and bridge the financial

Two Portland Fish Pier • Suite 206 • Portland, Maine 04101 • (207) 772-5356 • Fax (207) 772-5503

gap to secure water dependant enterprises their requisite access for the future. Adding the invaluable leverage of federal dollars couched in a program that requires planning at a state level, this program would greatly increase the efficacy and potential of the existing programs we have worked so hard to create here in Maine. It will help others who are working to create a program in their own states and it will increase our abilities to protect vital working waterfronts as the pressures threatening them increase nationwide.

Thank you for the opportunity to write in support of H.R. 3223.

Hugh Cowperthwaite
Fisheries Project Director
Coastal Enterprises Inc.
hsc@ceimaine.org
www.ceimaine.org

CEI's mission is to help create economically and environmentally healthy communities in which all people, especially those with low incomes, can reach their full potential.

[A statement submitted for the record by Michael P. De Luca, on behalf of the National Estuarine Research Reserve Association, follows:]

Statement submitted for the record by Michael P. De Luca, on behalf of the National Estuarine Research Reserve Association

Introduction

Chairwoman Bordallo and Members of the Subcommittee, thank you for the opportunity to testify today on behalf of H.R. 5451, the Coastal Zone Management Act Reauthorization Amendments, and related coastal amendments. My name is Mike De Luca and I serve as the Legislative Director for the National Estuarine Research Reserve Association (NERRA). I also manage the Jacques Cousteau National Estuarine Research Reserve and serve as the Senior Associate Director of the Institute of Marine and Coastal Sciences at Rutgers University. With the broad expertise in working waterfronts, climate change, and coastal renewable energy represented by the other witnesses today, my comments will focus primarily on H.R. 5451. I will emphasize the importance of regional approaches to coastal management, the need to capitalize on emerging ocean technologies for coastal applications, and the importance of broadening efforts to build capacity among the coastal management community and engage the public in stewardship of our coasts.

Appended to my testimony is a draft NERRS subtitle for consideration in the CZMA developed by NERRA. The draft aims to codify core programs established since the last reauthorization of the CZMA, establishes a regional role for the NERRS to leverage the capabilities of protected area networks on behalf of regional coastal and estuarine conservation issues, and seeks support for technologies for research and monitoring, education and training, and stewardship activities. I respectfully request that this Appendix and my complete written statement be included as part of the written record.

National Estuarine Research Reserve Association

NERRA is dedicated to science-based management of our nation's estuaries and coastal systems, and serves as the primary advocate for the National Estuarine Research Reserve System (NERRS), a network of 27 (soon to be 29) regionally-based programs representing diverse estuarine and coastal ecosystems throughout the U.S. and its territories. Through a state-federal partnership codified in the Coastal Zone Management Act, the reserves play a critical role in national efforts to sustain healthy estuaries and coastal communities. NERRA strongly supports amendments to the CZMA that enable coastal states and communities to protect coastal resources in the face of a rapidly shifting environment and new demands for renewable energy resources.

Comments on CZMA Reauthorization Amendments

Much has changed since the CZMA was last authorized in 1996. Devastating storms, natural disasters, declining natural resources, booming population growth along the coast and changing climate have altered the pace and scope of environ-

mental change. This has led to alteration and loss of coastal resources, and degraded water and habitat quality throughout much of the nation's coastal zone. The rapid pace and scale of change demands regional approaches to coastal conservation, use of innovative technology, broad efforts to build capacity among coastal decision-makers, and heightened public awareness to engage citizens in active stewardship of our coasts. Collectively, these actions can help to reduce the vulnerability of coastal resources and communities to unwanted change, but will require substantive resources.

Regional Approaches to Coastal Conservation

The broad national mandates that constitute the CZMA are administered through state-based programs. Many successful coastal management strategies, tools, and programs have resulted from past support. Successes, as well as some failures, are shared through a variety of information and learning networks. Today, an increasingly broad suite of regional environmental issues transcend state boundaries and bear on coastal ecosystem health, and the quality of life and economic vitality of coastal communities. These include sediment and water contamination, fishery management, nutrient enrichment, declines in natural resources, habitat loss, beach erosion, and harmful algal blooms.

A myriad of government, academic and private agencies and institutions deliver coastal programs and services at many scales. Two excellent regional mechanisms have emerged to coordinate coastal activities in the Gulf of Mexico and on the West Coast—the Gulf of Mexico Alliance and the Western Governors Association. Although relatively new, these organizations show promise as regional conveners and a means to leverage resources on behalf of regional coastal issues. Long-term support will be required to stabilize these organizations and to foster similar approaches in other coastal regions.

Broader regional networks also are in place that coastal managers can capitalize on to align technical capacity with regional needs. One example is the Regional Associations created to implement the integrated ocean observing system. User needs and management priorities vary from region to region and the Regional Associations are presently engaging a broad representation of industries, government at all levels, academic institutions, and the public. Broader representation from the coastal management community is needed in the leadership of these and other regional structures to focus capacity on regional coastal issues.

It should also be noted that the NERRS have expressed strong interest in leading efforts to leverage the capabilities of protected area networks to address regional coastal and estuarine conservation issues. Capabilities that could benefit these networks include mapping and characterization of marine and coastal protected areas, engagement of citizens in stewardship of marine and coastal protected areas, and building capacity of coastal managers to conserve, manage and protect coastal and estuarine ecosystems.

Innovative Technology

Advances in undersea research and technology have enabled us to enter a new era in oceanography—that of the well-sampled ocean. New samplers, sensors, autonomous vehicles and ocean observatories now allow us to sample the ocean at time and space scales never before achieved. Technology development, including development of samplers and sensors for the emerging network of ocean observing systems, represents an opportunity for the coastal management community. Emerging technologies such as coastal ocean observing platforms and autonomous undersea vehicles have begun to provide timely information on coastal processes. When complete, this system will enable integration of real-time physical and biological data from chemical, optical, and acoustic sensors, satellites, undersea robots, and a high-frequency radar system for synoptic measurement of surface currents. Real time data from arrays of sensors and forecast models will be used to mitigate the effects of flooding and erosion from hurricanes, tsunamis, and other severe storms. The sources, fates, and effects of pollutants will be better understood using better means of tracking sediments and pollutants in the ocean. High resolution surveys of ocean habitat using autonomous underwater vehicles, and use of the observing system will advance tracking and sampling of fish populations. The maritime, coastal recreation, and power industries require accurate forecasts to maintain efficient and reliable operations. All coastal stakeholders will benefit from better observations of our coastal ocean surroundings.

As a result of observing system technology, efforts are under way to develop a predictive capability to enable resource managers and coastal decision makers to use science-based decisions to address management issues. The success of these efforts will benefit from expansion of the estuarine components of the observing system

(e.g., NERRS System wide Monitoring Program), provision of technical assistance to develop coastal information products in response to management needs (e.g., scale up of the NERRS Coastal Training Program), and use of regional networks to bring the capacity of the science and technical community to bear on the needs of the coastal management community.

To date, technology development efforts at NOAA have been driven by operational research needs in the ocean and Great Lakes, and the undersea research needs of the academic community. This has led to development of an impressive inventory of undersea assets and capabilities in response to scientific demand. A mechanism is required to harness this capacity on behalf of pressing coastal issues. One approach is to align the capabilities of the National Undersea Research Program with the information needs of coastal managers. This can be accomplished in a number of ways, but certainly could benefit by inclusion in the CZMA.

Build Capacity Among Coastal Decision-makers

One of the most significant challenges in managing the nation's coasts today is the need to link science-based information to local coastal communities. Decisions made by coastal communities can have profound, long-term consequences for estuarine and coastal environments. Issues such as nonpoint source pollution, stormwater management, fisheries management, habitat loss and alteration, and shoreline management are the subject of constant debate by the public, the media, and coastal decision-makers. A common feature of these debates is the need for better information and training about the coastal environment. Elected officials, land use planners, regulatory personnel, coastal managers, and agricultural and fisheries interests are key decision makers who often do not have adequate access to relevant science-based information, training, or available technology to make informed decisions affecting the coast. Building on past success with services for coastal decision-makers (such as workshops on global climate change or the transfer of management-oriented research to coastal decision-makers in many states using an interactive format via the Internet), the NERRS has developed a Coastal Training Program (CTP) to meet this need.

The CTP enhances existing NERRS training delivery systems to provide the best available science-based information, tools, and techniques to individuals and groups that are making important decisions about resources in coastal watersheds, estuaries, and nearshore waters. Programs have taken the form of workshops, seminars, distance learning, technology applications and demonstrations. Opportunities for information exchange and skill training are expanding coastal management networks and collaboration across sectors, and improving local understanding of the environmental, social, and economic consequences of human activity in the coastal zone. These programs also make use of field experiences, relevant research and monitoring, and facilities provided by the site-based reserves.

The CTP was designed to increase the current capacity of Reserves to deliver technical training services to under-served constituent groups. Reserve staff continues to work closely with State coastal programs and others to identify critical issues in the region and key coastal decision-makers that could benefit most from relevant science and training. Participants in CTP have included state and local elected and appointed officials, agency staff, volunteer boards, members of NGOs, business organizations, and state and regional professional associations whose daily decisions impact coastal resources.

Reserve staff implement the CTP in partnership with national and local organizations. At the national level, NOAA's Estuarine Reserves Division provides strategic and budget planning and support in partnership with NOAA's Coastal Management Programs, Sea Grant, and the Coastal Services Center. At the local and regional levels, individual Reserves are developing CTP partnerships with State coastal programs, Sea Grant programs, local universities and researchers, professional organizations, local government agencies, non-profit organizations, and a variety of others with expertise, skills, training sites, and logistical support. Support is needed particularly to support delivery of CTP programs at these regional scales.

Citizen Engagement in Coastal Stewardship

Many of us in the hearing room today are well aware of the value of coastal resources to the environmental quality and economic vitality of coastal communities. What continues to be surprising though, is the general lack of awareness of this value among the public, especially those who reside in or vacation in coastal areas. My home state of New Jersey has 130-miles of shoreline and our beaches receive millions of recreational visits annually. Despite our close connection to the shore for recreation, and its dramatic effect on our weather, recreation, and economy, New Jersey students are not required in the state science education standards to learn

about our coasts and oceans. In general, concepts and topics about the coastal ocean are hardly taught in K-12 schools, and rarely appear in a meaningful way in curriculum materials, textbooks, assessments or standards. The burden of advancing coastal and estuarine literacy is increasingly the responsibility of the coastal and estuarine science and management communities and educators who are willing to teach "outside the box."

Many of us are very familiar with grass roots education efforts that have made a difference with recycling programs, litter control, seat belt use, and cigarette smoking to name a few. The common denominator among these programs was heightened awareness about how changes in individual behavior could produce broad societal benefit. Support for broad national efforts is needed to increase understanding and awareness of estuarine systems and improve decision-making among key audiences (K to Gray) to promote stewardship of the nation's coastal resources. Many excellent programs exist at the local and state levels, but lack the resources and delivery system to scale up nationally, and to be made regionally relevant. Formal and informal education and interpretation programs must be tailored to key audiences around priority coastal resource issues and incorporate science-based content. We must also make new technologies and real time, real world coastal science information accessible to the classroom and the general public. Programs such as the CoolClassroom that harness real-time data streams from ocean observing systems for classroom applications are good models. These programs do not have to be created, they just have to be tailored to coastal issues. These programs do not have to build new administrative structures, they just need to be advanced in partnership with existing organizations such as the National Marine Educators Association, Centers of Ocean Sciences Education Excellence and the NERRS.

Summary Recommendations

NERRA offers the following recommendations in support of CZMA Reauthorization.

- Codify the research and monitoring, education and coastal training, and stewardship programs as core elements of the NERRS.
- Establish a role for the NERRS to lead efforts to leverage the capabilities of protected area networks to address regional coastal and estuarine conservation issues
- Authorize traditional funding for construction and land acquisition as a core NERRS element
- Authorize funding for technologies for research and monitoring, education and training, and stewardship activities.
- Provide incentives for regional approaches to coastal management
- Capitalize on emerging ocean technologies for coastal applications
- Align the capabilities of the National Undersea Research Program with the information needs of coastal managers
- Broaden efforts to build capacity among the coastal management community
- Broaden efforts to engage the public in stewardship of our coasts
- For grants under section 315, authorize funding for FY 2009 at a level of $40 million for operations, $15 million for construction, land acquisition and improvement, and technology, and $10 million for regional coordination, with authorized levels increasing in the out years per the attached appendix.

With respect to authorization levels, the annual appropriation for the NERRS has remained flat since FY 2002 when the budget was $ 16.4 million. Costs for operations and the addition of new sites have impeded efforts to expand existing successful programs (SWMP and CTP) in response to growing demand, and have stifled growth of system wide initiatives such as KEEP, an emerging K-12 education program. Two additional sites may be designated soon compounding the static budget situation even further.

H.R. 5452 Coastal State Renewable Energy Promotion Act of 2008

This represents a laudable effort to survey coastal state and federal waters to assess areas for potential development of renewable energy sources. Data to be collected, such as hydrographic and bathymetric surveys, characterization of sensitive marine ecosystems, and surveys of existing marine uses will have many other uses beyond the intent of this amendment. Given the need to develop regional approaches to coastal management, and the value of these types of data for regional programs, the amendment should direct the Secretary to establish consistent standards for data collection to optimize use and value of the data.

NERRA also notes that the cap on annual grants of $750 thousand may not be suitable to survey certain areas that are relatively inaccessible to conventional survey equipment. For example, the Hudson Submarine Canyon off the coast of New

Jersey and New York requires advanced undersea technology to sample and survey. A single cruise to this important marine ecosystem may easily exceed the proposed cap.

NERRA also notes that a bill to authorize integrated ocean mapping is pending in Congress. Mapping and survey activities conducted under the authority of these two bills should be coordinated.

H.R. 5453 Coastal State Climate Change Planning Act of 2008

Climate change has been an issue of strong interest for the NERRS, especially in relation to the role of reserves as long-term reference sites. The NERRS receive regular consideration by funding agencies as preferred systems in which to conduct long-term research. This is based primarily on the relatively low level of human disturbance at reserve sites, history of targeted research on estuarine variability, and the commitment to a long-term monitoring program that helps to characterize the natural variability that governs structure and function of estuarine ecosystems. NERRA recommends that the amendment recognize the role that reserves can play as pilot and demonstration sites for adaptive management strategies for climate change. Coastal states should be encouraged to capitalize on reserve sites for this purpose, as well as for assistance with training programs that can be supported by the existing Coastal Training Program and monitoring programs that can be informed by the existing System wide Monitoring Program, the only national monitoring program for estuaries in the U.S..

H.R. 3223 Keep Our Waterfronts Working Act of 2007

Working waterfronts have increasingly become difficult to sustain with rising property taxes and competing interest from private developers to build residential, waterfront properties. Many benefits are derived from working waterfronts and a grant program to help preserve, protect and expand access for this stakeholder group is certainly warranted. Inclusion of a public access requirement in the vicinity of a working waterfront is a good and necessary element of a working waterfront plan.

Closing

Reauthorization of the CZMA provides an opportunity to enhance the capabilities of coastal communities by:

- Providing effective regional mechanisms and harnessing new technologies to meet information needs
- Strengthening the capacity of the state-federal partnership to support research and monitoring, education and coastal training, and stewardship efforts relevant to local, state and especially regional needs, and
- Improving the access and delivery of science-based information to build capacity to forecast and inform community responses to changes in coastal systems.

Existing capabilities within the NERRS, combined with regional approaches to coastal management and application of emerging technologies to coastal management issues can help build science-based capacity for decision-making, actively engage the public in coastal stewardship, and enable us to make informed decisions with respect to the dynamic drivers that govern change and stability in our coastal systems.

I'd like to thank Chairwoman Bordallo and members of the Committee for the opportunity to present testimony on behalf of amendments to the Coastal Zone Management Act. I will be pleased to answer any questions the Committee may have at this time.

Appendix. NERRS Subtitle for inclusion in CZMA Reauthorization

Title I. The National Estuarine Research Reserve System 1/23/08

1. Purpose

The purpose of this Title is to support science-based management of the nation's coastal and estuarine systems through a national network of estuarine research reserves. The network shall play a critical role in efforts to improve the understanding, management, and protection of coastal and estuarine resources. Each reserve shall conduct research, monitoring, education, training and stewardship programs tailored to meet local, regional, and state information needs. Reserve programs shall support coastal management through a process that engages a diverse community of coastal stakeholders, and that complements or supports the state-based coastal zone management programs.

2. Establishment and Responsibilities of the National Estuarine Research Reserve System

A National Estuarine Research Reserve System (hereinafter referred to as the "Reserve System") is established as a state-federal partnership program between the National Oceanic and Atmospheric Administration (hereinafter referred to as NOAA) and the coastal states. The Reserve System shall be dedicated to science-based management of our nation's estuaries and coastal systems, and shall represent the diverse estuarine and coastal ecosystems throughout the U.S. and its territories. State-federal cooperation shall be used to develop system-wide plans, partnerships, initiatives and any other national activities of the Reserve System.

The Reserve System consists of those estuarine research reserves designated under section 3 of this act and in operation as of January 1, 2008.

Primary responsibilities of the Reserve System are to:

- Deliver science-based information to local, state, and national decision-makers to further the sound management of coastal and estuarine resources and communities,
- Serve as a national model for the stewardship of coastal and estuarine resources and best management practices using a system of protected areas,
- Support research and monitoring relevant to local, regional and national needs,
- Provide effective mechanisms to assess the research, technology and information needs of coastal communities at local and regional scales, and
- Increase the nation's awareness of coastal and estuarine environments through education programs for educators, students, adult learners and the public.

3. Designation of National Estuarine Research Reserves

As of January 1, 2008, the Secretary may designate a coastal and estuarine area as a national estuarine research reserve if "

- the Governor(s) of the coastal state(s) nominates the coastal and estuarine area for such designation,
- the Secretary finds that
  - the area is a representative coastal or estuarine ecosystem that is suitable for long-term research, monitoring, education and training, and stewardship, and contributes to the biogeographical and typological representation of the Reserve System,
  - existing state laws provide adequate, long-term protection of reserve ecosystems including relevant watersheds and coastal ocean areas, and ensures a stable environment for research, monitoring, education and training, and stewardship,
  - the reserve designation will promote public awareness and understanding, science-based actions and decisions, and provide suitable opportunities for public education, interpretation, and training,
  - the coastal state(s) in which the reserve is proposed has complied with any regulations promulgated by the Secretary to implement this section.

The Reserve System shall be complete when there is at least one reserve in each coastal and Great Lakes state. Coastal and Great Lakes states with more than one major biogeographic region may establish an additional reserve(s) to represent these areas.

4. Research and Monitoring

Research

The Reserve System offers a wide range of relatively pristine estuarine environments in which to conduct both basic and applied research, and provides a stable capacity for research through long-term protection of coastal and estuarine resources. An overarching priority for the Reserve System shall be to collaborate with scientists to conduct and support research activities within reserve boundaries and adjacent areas that address significant coastal management concerns through coordinated research and monitoring, and to make results of this research available to inform science-based management of coastal and estuarine systems.

Research and monitoring efforts of the Reserve System shall focus on integrating themes that can be addressed at local, regional and national scales in response to coastal resource management needs. Examples of integrating themes include but are not limited to:

- Estuarine and coastal ecosystem response to climate change;
- Land-sea-air linkages and interactions with estuarine and coastal ecosystems; and
- Human interactions with estuarine and coastal ecosystems.

Site-specific research and monitoring programs shall be directed at improving understanding of ecosystem function and responses, restoration success, anthropogenic

impacts on critical estuarine resources, and human health connections to these resources. Reserve education and training programs shall ensure that findings from the research and monitoring programs are incorporated into timely education and outreach materials and workshops.

Monitoring

The Reserve System shall establish and maintain a System-wide Monitoring Program to advance knowledge of coastal and estuarine ecosystem function, detect trends in water and habitat quality, support ecosystem modeling, science-based ecosystem management, education and training programs, and to serve as a reference site for long-term studies. The System-wide Monitoring Program shall be designed to identify short-term variability and long-term trends in coastal environmental quality and health at national, regional, and local levels, and focus research efforts on three critical areas: 1) coastal and estuarine water quality, 2) coastal and estuarine biodiversity, and 3) coastal and estuarine land use and habitat change. System-wide monitoring data collected by the Reserve System shall be managed and accessed via a central repository and made available to state and federal agencies, universities and coastal communities.

The System-wide Monitoring Program shall be operated as a backbone element of the nation's coastal ocean observing system, support development of information products for coastal managers and stakeholders, and support enrichment of science education and public awareness of coastal and estuarine issues.

The Reserve System shall establish and maintain training opportunities for graduate students including the conduct of research that responds to coastal management priorities identified by the Reserve System and individual reserves.

Results of research and monitoring programs shall be synthesized on a periodic basis for the coastal management and research communities.

5. Education and Coastal Training

Education

The Reserve System shall establish educational programs for K-12 educators and students, adult learners, and the general public to enrich science education, advance ocean literacy and raise awareness of coastal and estuarine issues. The Reserve System shall support education opportunities for the next generation of coastal and estuarine researchers, educators, natural resource managers, and the public.

Coastal Training Program

The Reserve System shall establish and maintain a Coastal Training Program to build capacity of coastal communities to address issues of coastal protection and development, meet the need for science-based information to inform coastal decision-making at the federal, state, and local levels, and to improve local understanding of the environmental, social, and economic consequences of human activity in the coastal zone. Specifically, the Coastal Training Program shall advance science-based management of coastal and estuarine ecosystems, build technical capacity and transfer best management practices to the coastal management community. This program shall respond to coastal management needs at national, regional, and local scales.

6. Stewardship

The Reserve System shall provide long-term protection of natural resources within a national network of protected areas, serving as a model for sustainable management practices to coastal communities. Stewardship efforts shall be conducted through an integrated program involving protection, management, and restoration of estuarine and coastal ecosystems and their associated uplands.

Stewardship efforts of the Reserve System shall focus on integrating themes that can be addressed at local, regional and national scales in response to coastal resource management needs. Examples of integrating themes include but are not limited to:

- Effects of invasive species,
- Restoration science, and
- Public use of coastal and estuarine habitats and resources.

7. Technical Assistance

The Reserve System shall provide science and technical assistance to improve the capacity of coastal communities to protect and conserve coastal resources through research and monitoring, education and training, and stewardship programs. Where suitable, these programs shall be conducted in collaboration with relevant partners to leverage resources, complement the mutual interest of other protected area programs, and to avoid duplication of effort. Particular emphasis should be given to

partners that manage marine protected areas, and to partners that have coastal management responsibilities. Support shall be provided by the Secretary to foster interagency collaboration on coastal management programs, activities and services, and to support seamless networks of marine protected areas.

Cooperative Institute for Coastal and Estuarine Environmental Technology

The Cooperative Institute for Coastal and Estuarine Environmental Technology shall collaborate with the Reserve System to develop and apply innovative coastal and estuarine technology, and to support the development, application, training, technical assistance, and transfer of coastal management technology, information, and practices.

Coastal Service Center

The Coastal Service Center at NOAA shall collaborate with the Reserve System to develop and apply innovative coastal management products and services, and to support the development, application, training, technical assistance, and transfer of coastal management products, information and services.

Regional Associations of the Integrated Coastal Ocean Observing System

The Regional Associations of the Integrated Coastal and Ocean Observing System shall cooperate with the Reserve System to develop and apply information products and services in response to the needs of coastal managers, and to support development, application, training, technical assistance, and transfer of coastal information.

8. Promotion and Coordination of the Reserve System

The Secretary of Commerce shall take such action as is necessary to promote and coordinate the use of the Reserve System for research and monitoring, education and training, and stewardship purposes including:

- Requiring that NOAA give priority consideration to research and monitoring, education and training, and stewardship activities that use the Reserve System to conduct or support activities that relate to coasts and estuaries,
- Consulting with other federal and state agencies to promote use of one or more reserves within the Reserve System by such agencies when conducting research and monitoring, education and training, and stewardship activities, and
- Establishing partnerships with other federal and state agencies to coordinate and collaborate when conducting estuarine research and monitoring, education and training, and stewardship.

9. Construction, Land Acquisition and Improvement, and Technology

Designated reserves shall acquire and improve property, and construct and renovate facilities to strengthen protection of key land and water areas, enhance long-term protection of the areas for research and education, and provide for facility and exhibit construction to further education and research goals. Designated reserves shall also acquire, upgrade and operate major equipment in support of system-wide programs and site-specific programs.

A competitive process shall be established to support construction and renovation of core facilities and capabilities for the Reserve System in support of research and monitoring, education and coastal training, stewardship, and interpretation programs, activities and services. Similarly, a competitive process shall be established for land acquisition and improvement to add key land and water areas essential to conserve, manage and protect ecological integrity of reserves, including adjacent watersheds and coastal ocean areas. The Reserve System shall also establish a mechanism to support acquisition, replacement and upgrading of equipment, and operation of shared major equipment for research and monitoring, education and coastal training, and stewardship programs and activities.

The Reserve System shall establish, maintain, and periodically update priorities for the construction and renovation of facilities, the acquisition and improvement of key land and water areas, and the acquisition, upgrading or replacement of equipment vital to research, environmental monitoring, and education.

10. Regional Coordination

The Reserve System shall lead efforts to leverage the capabilities of protected area networks to address regional coastal and estuarine conservation issues. Existing mechanisms shall be used where possible to:

- support a seamless network of marine and coastal protected areas
- map and characterize marine and coastal protected areas
- engage citizens in stewardship of marine and coastal protected areas, and
- increase the technical capacity of coastal managers to conserve, manage, and protect coastal and estuarine ecosystems.

The Secretary shall provide financial assistance for the Reserve System to contribute science, training and education capabilities to protected area networks, and to coordinate and convene regional-scale programs, activities and services of this section.

11. Financial Assistance

The Secretary shall make grants to a reserve for the following purposes:

- to operate and manage a reserve, and to support research and monitoring, education and training, and stewardship activities consistent with the guidelines stated in sections 4, 5, 6, and 7 above,
- to acquire and improve such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a reserve, as stated in section 9,
- to construct and renovate appropriate reserve facilities as stated in section 9,
- to acquire, upgrade, replace, operate and maintain equipment or shared major equipment for research and monitoring, education and coastal training, and stewardship programs and activities as stated in section 9, and
- to contribute reserve science, training and education capabilities to protected area networks, and to coordinate and convene regional-scale programs, activities and services of section 10.

The amount of financial assistance to operate and manage a reserve may not exceed 70 percent of the costs incurred.

The amount of the financial assistance with respect to the acquisition and improvement of lands and waters, or interests therein, for any one reserve, may not exceed an amount equal to 50 percent of the costs of the lands, waters and interests therein.

The amount of financial assistance to construct and renovate reserve facilities may not exceed an amount equal to 70 percent of the costs of the construction.

The amount of financial assistance under this section provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with such funding.

The Secretary may—

- enter into cooperative agreements or contracts with any nonprofit organization established to benefit a reserve or the reserve system, authorizing the organization to solicit donations to carry out projects, other than general administration of the reserve or the System, that are consistent with the purpose of the reserve and the System, and
- accept donations of funds and services for use in carrying out projects, other than general administration of a reserve or the System, that are consistent with the purpose of the reserve and the System.

Donations accepted under this paragraph shall be considered as a gift or bequest to or for the use of the United States for carrying out this section.

12. Evaluation

A periodic review of system-wide programs shall be conducted by NOAA to evaluate performance and responsiveness to program priorities of the Reserve System. Performance metrics shall be established for all system-wide programs. The Secretary shall periodically review and evaluate the operation and management of each reserve including the research and monitoring, education and training, and stewardship activities conducted with the reserve.

13. Authorization of Appropriations

For Fiscal Year 2009
$ 40 million for section 2.
$ 15 million for section 9.
$ 10 million for section 10.
For Fiscal Year 2010
$ 45 million for section 2.
$ 18 million for section 9.
$ 15 million for section 10.
For Fiscal Year 2011
$ 50 million for section 2.
$ 20 million for section 9.
$ 20 million for section 10.
For Fiscal Year 2012
$ 55 million for section 2.
$ 25 million for section 9.
$ 20 million for section 10.
For Fiscal Year 2013

$ 60 million for section 2.
$ 30 million for section 9.
$ 20 million for section 10.

[A statement submitted for the record by Lynne Hale on behalf of The Nature Conservancy, follows:]

Statement of Lynne Hale on behalf of The Nature Conservancy

The Nature Conservancy (The Conservancy) is an international non-profit dedicated to protecting ecologically important lands and waters for nature and people. Our success in protecting over 117 million acres of land and 5,000 miles of rivers worldwide and operating over 100 marine conservation projects globally has depended on our ability to use a science-based approach to pursue pragmatic solutions with our partners in all levels of government and the private sector. We would like to thank the Subcommittee for holding this hearing to review recent proposals to reauthorize and amend the Coastal Zone Management Act (CZMA) and are pleased to submit the following written statement for the record.

Since it was first enacted in 1972, CZMA has played an important role in creating the context in which The Conservancy has worked with its partners on coastal and marine issues. CZMA creates a framework in which coastal states, in partnership with the National Oceanic and Atmospheric Administration (NOAA), strive to sustain the values of the coast, weigh tradeoffs, and make decisions to manage the multiple uses that must be accommodated in coastal areas, including conservation of wetlands and other important coastal and marine habitats, economic development, and appropriate access to public resources, among others. Since its enactment over 35 years ago, the essential elements of CZMA—the voluntary nature of the state-federal partnership; the importance of the federal consistency provision for approved state programs, and the central role of public participation—have proven sound and provide a strong foundation on which to build. This foundation of programs, policies, and processes enable coastal managers to face today's challenges as well as those that will surely arise in the future. While the legislation discussed here today propose important changes to funding and additional programs and authority, The Conservancy believes CZMA as a whole needs to be updated and amended to reflect the lessons learned over the last 30 years, to include specific provisions that will better enable it to meet future challenges. As such, we offer suggested principles for consideration in a broader reauthorization process, followed by more specific comments on the proposed legislation discussed here today.

Principles for CZMA Reauthorization

Multi-objective Planning for Ecosystem Function and Human Uses

The Conservancy supports a reauthorized CZMA that reaffirms the vision of management of coastal and ocean areas for ecosystem functions and human uses through multi-objective planning. The power of the original CZMA was its acknowledgement of the need for land-use planning that considers multiple objectives and competing needs. This was essentially an early expression of the concept that is now discussed as Ecosystem-Based Management (EBM). Despite years of discussion and work, EBM is still a concept for which we have yet to reach consensus on how it should be defined. Nor do we have robust examples of how EBM can be implemented. As such, state and local CZM decision-making often focuses on individual uses and threats. A renewed commitment to multi-objective planning for coastal lands and waters is necessary to ensure future decisions better protect coastal and marine environments while encouraging appropriate economic activities. Further, incentives should be provided to assist states and federal agencies to develop and apply more multi-objective planning tools.

Boundaries at the Appropriate Scale

Another principle embodied in the Ecosystem-Based Management concept is that planning should be carried out at a scale that is ecosystem-relevant. State CZM programs are primarily focused on traditional shoreline uses within the coastal zone, and have devoted less of their programs' limited resources to the management of the ocean or lake waters within their jurisdiction, or uses in coastal watersheds that directly impact the coast. A reauthorized CZMA should better enable states to incorporate management of the entire coastal ecosystem, including watersheds and marine and lacustrine waters under state jurisdiction into their CZM programs. Both the multi-objective planning and expansion of traditional coastal zone boundaries to

reflect their upland and offshore connections should be encouraged through strong financial incentives to the states.

Goals and Accountability

The Nature Conservancy also supports enhancement of CZMA to improve accountability and performance. The goals of the current CZMA are not clear, hence it has been difficult to assess progress and program performance. This has led to a perceived lack of program accountability, as well as ambiguity regarding desired program outcomes. To increase effectiveness, CZMA needs clear national goals and a strong set of performance standards to assess both ecosystem health and program implementation. A set of clearly defined national goals that can be translated into measurable outcomes at the state and regional levels should address: conservation of biodiversity in coastal and marine ecosystems; creation and maintenance of resilient habitats and communities that can better tolerate the impacts of climate change, natural hazards, and coastal development; ecologically sustainable economies; and healthy water and air quality. Performance-based indicators should also be developed to track progress toward meeting the national goals.

Managing for Tomorrow's Challenges

One of the greatest challenges coastal managers will face in the coming years is the impact of climate change on coastal areas—sea level rise, lake level decline, habitat shifts, changes to hazard risks from altered storm frequency and intensity, among others. Coastal communities will need to develop adaptation plans that consider impacts on development as well as biodiversity and habitat needs. CZMA, as a framework to make multi-objective planning and management decisions, weighing both human and ecological concerns, will be an important tool as we look to adapt to these changes. CZMA should be amended to encourage states and local governments to make coastal communities and ecosystems more resilient to the impacts of climate change. New approaches could include planning processes that consider impacts related to biodiversity and habitat, and efforts to identify mitigation measures such as protection, enhancement and restoration of wetland, estuarine, and riparian areas. Current land acquisition plans could be updated to include strategies to allow for the landward migration of vulnerable coastal habitats and identification of opportunities to protect or restore ecological functions in newly submerged or emergent lands

In order to develop robust adaptation strategies, additional science will be required to inform planning efforts. Science needs include baseline data for current coastal ecosystems as well as possible scenarios for change and identification of conservation and wildlife corridors.

Governance—Integration and Regional Approaches

The original vision of CZMA includes integrated management across multiple levels of government. One of the greatest strengths of the Act is the federal-state consistency provisions. The requirement that federal actions affecting a state's coastal zone be consistent with that state's CZM Program recognizes the states' rights to influence decisions affecting their coastal resources. The consistency provisions have helped us move toward the goal of integrated management, and have provided strong incentives for state participation. These provisions should be maintained and strengthened in the future.

While the federal-state consistency provisions have proven invaluable in moving toward more integrated management, we are still far from fulfilling the original vision of the Act. Much of current coastal planning and CZMA implementation remains narrowly focused and fragmented. There is not yet sufficient integration within and among local, state, regional and federal levels in either planning or implementation. The lack of adequate integration is in part due to overlapping jurisdictions and lack of authority within the coastal zone as well as the absence of provisions within the current CZMA language to link state and local planning and implementation.

Under CZMA to date, there has also been a paucity of regional planning and management. More recently, efforts around the country are demonstrating that states with overlapping interests are willing to self-organize and develop regional priorities and plans. A reauthorized CZMA should support such efforts with authority and funding, but carefully avoid creating unnecessary and ineffective layers of bureaucracy. Additional management-relevant science will be necessary to support both regional approaches as well as better integration across levels of government.

Flexibility and Partnership

Two other powerful concepts from the existing CZMA are flexibility for states to develop programs that meet their unique set of circumstances, and the partnership

approach between federal and state entities. Both of these concepts are based on the understanding that, while national leadership is valuable, decisions about coastal resources are made at the state and local level. In order for management to be effective it needs to be designed in a way that accounts for local circumstances and priorities. With expanded expectations for the range of issues each state should address, it will continue to be important for states to have flexibility in designing approaches that work. However, the role of the federal government as partner needs strengthening. NOAA can provide resources, technical assistance, research, and education to help states meet shared national and state goals. NOAA can also play a leadership role within the federal government by collaborating with and leveraging resources of other federal agencies implementing programs and policies in the coastal zone. A reauthorized CZMA needs to maintain an appropriate balance between state and federal interests and authority in order to strengthen this crucial partnership.

Improved Services from NOAA

NOAA has a number of programs that address coastal issues and provide services, technical support, research, and education to the coastal management community. A lack of coordination among these programs, however, has diluted their impact and possible contribution to advancing coastal management. The agency needs to embrace coastal management as one of its primary missions and pursue it in a more strategic and coordinated fashion. The Conservancy supports enhancing existing NOAA coastal programs and improving coordination to support implementation of CZM plans for the long-term goal of improved conservation of the coastal zone. In addition, the Coastal Services Center should be formally authorized as part of any CZMA reauthorization.

Increased Funding

The broad and important objectives of CZMA have long outstripped the resources provided to the program. Most states receive little more than $2 million of federal support annually to operate their programs. Coastal managers simply cannot achieve the current objectives of the Act within current resources, let alone take on new programs and authorities discussed above. Federal dollars should provide a stable base of funding, supplemented by funds that are competitively awarded and tied to performance. Specifically, new funding should be available to broaden planning efforts to include state marine and lacustrine waters and activities in coastal watersheds that are directly impacting coastal waters; develop climate change adaptation plans; develop multiobjective planning tools and implement demonstration projects; design and implement performance measurement systems; and establish and implement regional management priorities.

Specific Comments on H.R. 3223, H.R. 5451, H.R. 5452, and H.R. 5453

H.R. 3223, Keep Our Waterfronts Working Act of 2007

H.R. 3223, the Keep Our Waterfronts Working Act of 2007 would establish a new grant program as part of CZMA to provide funding for state and local governments to acquire areas or interest in areas to be managed and used as working waterfronts. The Conservancy recognizes the important services these areas provide, including public access and services for commercial and recreational fishing, as well as other water dependent industries. A vibrant coastal zone can accommodate these water dependent activities, while maintaining ecological functions that draw many of these interests to the coasts. The Conservancy supports the consideration of potential impacts of projects funded through this program on coastal ecosystems. H.R. 3223 currently requires this, but additional language could be added to enhance and more clearly define this requirement. In addition, The Conservancy suggests ensuring that the non-federal matching requirements are equivalent to those of the Coastal and Estuarine Land Conservation Program (CELCP) so as not to provide incentives that would favor one type of project over the other.

H.R. 5451, The Coastal Zone Reauthorization Act of 2008

H.R. 5451, The Coastal Zone Reauthorization Act of 2008 reauthorizes funding for existing grant programs under the CZMA. While the specified funding amounts represent much needed increases in funding, The Conservancy supports a broader reauthorization effort to improve the program and provide new tools and incentives for better coastal management. Additional funding beyond what is provided in H.R. 5451 would be needed to implement these program improvements.

H.R. 5452, the Coastal State Renewable Energy Promotion Act of 2008

The Conservancy supports the intent of H.R. 5452, the Coastal State Renewable Energy Promotion Act of 2008. Renewable energy will be an important component of our nation's strategy to meet increasing energy demands in an environmentally

sustainable way. The site-specific nature of these projects makes them ideal candidates for spatial planning approaches. H.R. 5452 encourages the identification of sites that are appropriate places for these projects, as well as those areas that are unsuitable. The CZMA program, with its focus on multi-objective planning mechanisms within the coastal zone, and its state-federal partnership mechanism, is an ideal program to implement this effort.

While the direction to identify areas unsuitable for renewable energy projects inherently includes consideration of other values and uses for marine waters, The Conservancy would support legislation that allows for a broader planning effort to identify suitable and unsuitable areas for a range of uses. In addition to renewable energy projects, aquaculture facilities, sensitive habitat areas, and other site specific marine uses could be included in these surveys.

It will also be important to link these spatial plans for marine areas to spatial planning on the shore. For example, in choosing where a renewable energy project might be sited, managers should also consider the implications for shore side development in that area. In addition, the impacts of future development to coastal water quality may need to be evaluated in siting near-shore aquaculture operations. Finally, we suggest expanding the agencies specifically authorized in section 2(l) to provide technical assistance to coastal states in implementing this Act. The Department of the Interior's Mineral Management Service will be an important partner in these efforts.

H.R. 5453, the Coastal State Climate Change Planning Act of 2008

As stated above, The Conservancy sees climate change as one of the most significant issues that coastal managers will face in the near future. Efforts to plan for adaptation, both for coastal communities and coastal resources should commence as soon as possible. H.R. 5453, the Coastal State Climate Change Planning Act of 2008 would provide funding and assistance for states to start taking on this challenge. The multi-objective focus of the CZMA and the historical focus on addressing both human and ecological needs make it the ideal program to address these issues. However, we are concerned that the elements listed in new Section 320(c)(2), as currently written, may be too narrowly focused for consideration of the full range of climate change impacts to coastal communities. As such, these plans may not take full advantage of the broad scope covered by the community and land-use planning tools of the CZMA.

Beyond specific authority for climate change adaptation plans, additional aspects of CZMA may need to be adjusted to fully address climate change, including increased and better coordinated science and technical support from NOAA to assist states in developing these plans, and authority and funding for regional strategies and approaches. Finally, we are also concerned the Section 320 (d) that requires the Secretary to publish program requirements only after a state plan has been approved may place that state at a disadvantage in meeting those requirements and successfully participating in the program.

Thank you for the opportunity to present The Nature Conservancy's views on reauthorization and amendment of the Coastal Zone Management Act. We would be pleased to provide the Subcommittee with additional information. Please do not hesitate to contact me or Emily Woglom, Senior Policy Advisor, at (703) 841-5374, if you have any questions.

The Nature Conservancy is an international, nonprofit organization dedicated to the conservation of biological diversity. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Our on-the-ground and in-the-water conservation work is carried out in all 50 states and in 27 foreign countries and is supported by approximately one million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

The Conservancy owns and manages approximately 1,400 preserves throughout the United States—the largest private system of nature sanctuaries in the world. We recognize, however, that our mission cannot be achieved by core protected areas alone. Therefore, our projects increasingly seek to accommodate compatible human uses to address sustained human wellbeing.

[A letter to Congressman James E. Clyburn submitted for the record by The Honorable Burley L. Lyons, Mayor, Town of Edisto Beach, South Carolina, follows:]

Town of Edisto Beach

843-869-2505
843-869-3855 FAX
Burley L. Lyons, Mayor
Linda C. Woods, Administrator
Susan Morton, Municipal Clerk

Council
Mickey R. Blancett
Joseph E. Bresnahan
James W. Culclasure
Archie L. Johnston

September 24, 2007

Honorable James E. Clyburn
2135 Rayburn House Office Building
Washington, DC 20515

Re: H. R. 3223, "Keep Our Waterfronts Working Act of 2007"

Dear Representative Clyburn:

I am writing to request your support for the above referenced bill.

The Town of Edisto Beach purchased property that has approximately 280' of deep water frontage along Big Bay Creek currently used for a shrimp dock, retail and wholesale outlet as well as other amenities. The shrimping industry was the life's blood of this town even before its incorporation. Thirty to forty years ago fifteen to twenty shrimp boats operated along Big Bay Creek. Today there is one operating boat. Conceptual development plans for the property are centered on demonstrating strong cultural and heritage possibilities for the community's shrimping industry by building a park that will showcase the shrimping business for the State of South Carolina. It is hoped that this acquisition will preserve a culture quickly disappearing in our community with working shrimp boats and a fresh seafood outlet.

Continuing to operate the seafood business will maintain and create jobs, continue a viable business for the thousands of visitors to our community each year and preserve one small aspect and opportunity for the shrimping industry for South Carolinians.

This property will initially provide:

1. A meeting, gathering place for community and events.
2. A tourism attraction.
3. Conservation and heritage attraction of the seafood industry.
4. Promotion of Arts and Crafts of the Lowcountry Region.
5. Land conservation for the ecology.
6. Creation of jobs and business opportunities.
7. Preservation of existing businesses.
8. Preservation of deep water property for the public.

2414 Murray St. Edisto Beach, SC 29438

Further, the purchase of this property has in affect retained the character of our community. Interested buyers would have developed the property with condominiums. Another buyer would have attempted to locate a gambling boat at the site. Fortunately the owners wanted to leave their legacy to the town and committed to work with the town in the purchase rather than the entrepreneurs willing to pay top dollar. Also, our community voted by referendum to authorize a bond for the purchase.

H. R. 3223 was introduced to amend the Coastal Zone Management Act to establish a grant program to ensure coastal access for commercial and recreational fishermen and other water dependent coastal related businesses. Without public support of these facilities they will continue to fail along the entire coast.

This property cost the Town of Edisto Beach $4 million. The property owners donated $1.5 million of the $5.5 million appraised value towards the purchase. Development costs to replace docks, buildings and provide amenities for the public exceed $2.5 million. As shocking as these numbers are to a small community; they are impossible to comprehend or achieve by the Shrimper or fisherman.

Please give your support to H. R. 3223. Your coastal communities need your help at the same time as the State of South Carolina needs the seafood industry.

Yours sincerely,

Burley L. Lyons, Mayor
Town of Edisto Beach

BLL/lcw

cc: Town Council
Mr. Frank Blum, SC Seafood Alliance
Ms. Amber Von Harten, SC Sea Grant Extension

[A letter submitted for the record by Bruce J. Stedman, Executive Director, Marine Fish Conservation Network, follows:]

February 25, 2008

The Honorable Tom Allen
U.S. House of Representatives
Washington, DC 20515

RE: H.R. 3223 ("Keep Our Waterfronts Working Act of 2007")

Dear Representative Allen,

The Marine Fish Conservation Network is the nation's largest coalition of environmental organizations, commercial and recreational fishing associations and marine science organizations dedicated to achieving health oceans and productive fisheries. Currently, the Network is comprised of almost 200 member groups representing over five million individuals.

The Network endorses H.R. 3223, the "Keep Our Waterfronts Working Act of 2007." For over a decade the Network has been an advocate for vibrant coastal communities as well as marine fish conservation. Commercial and recreational activities ranging from fishing to whale watching are greatest when marine fish populations are at healthy levels. Coastal communities in turn, benefit from the direct and indirect economic benefits of people engaging such activities. Loss of access to this valuable natural resource can have economic consequences for coastal communities and reduces the public's ability to enjoy our oceans.

With these benefits in mind, we particularly commend your inclusion of public access requirements (expansion or improvement) in H.R. 3223. It is appropriate for working waterfront projects to utilize public funds that enable access to a public resource.

The Network applauds your efforts to establish a grant program to ensure coastal access for commercial and recreational fishermen and other water-dependent coastal-related businesses.

Sincerely,

Bruce J. Stedman
Executive Director

600 Pennsylvania Ave., SE • Suite 210 • Washington, DC 20003
Phone: 202-543-5509 Fax: 202-543-5774
network@conservefish.org • www.conservefish.org

○