

## Public Comments Received 3/18/2012-3/30/2012

Statoil.....	5
Attachment: Statoil.....	6
Consumer Energy Alliance, et al.....	8
Attachment: Consumer Energy Alliance, et al. ....	9
Alaska State Chamber of Commerce.....	10
Attachment: Alaska State Chamber of Commerce.....	11
Great Lakes Boating Federation.....	13
Attachment: Great Lakes Boating Federation.....	14
Ben Unger, et al. ....	16
Attachment: Ben Unger, et al. ....	17
Alaska State Legislature.....	44
Attachment: Alaska State Legislature.....	45
Natural Resources Defense Council & 11,246 signatories.....	46
Attachment: Natural Resources Defense Council & 11,246 signatories.....	47
Marine Mammal Commission.....	49
Attachment: Marine Mammal Commission ....	50
Western Urban Water Coalition .....	55
Attachment: Western Urban Water Coalition.....	56
East Coast Shellfish Growers Association .....	62
Attachment: East Coast Shellfish Growers Association.....	63
Kirk Fay .....	67
Brian McClintock .....	68
NACO and National League of Cities.....	69
Attachment: NACO and National League of Cities .....	70
U.S. House of Representatives, Committee on Natural Resources .....	72
Attachment: U.S. House of Representatives, Committee on Natural Resources .....	73
OCEANA & 15,240 Concerned Citizens .....	80
Attachment: OCEANA & 15,240 Concerned Citizens .....	81
Coalition of Coastal Fisheries .....	82
Attachment: Coalition of Coastal Fisheries.....	83

# NATIONAL OCEAN COUNCIL

Forster Consulting Inc .....	84
Attachment: Forster Consulting Inc .....	85
MAPPS .....	88
Attachment: MAPPS .....	89
Louisiana Seafood Promotion and Marketing Board .....	91
Attachment: Louisiana Seafood Promotion and Marketing Board .....	92
Boat U.S. ....	96
Attachment: Boat U.S. ....	97
The Nature Conservancy. ....	99
Attachment: The Nature Conservancy .....	100
Alaska Ocean Observing System.....	106
Attachment: Alaska Ocean Observing System .....	107
Northwest Arctic Borough.....	110
Attachment: Northwest Arctic Borough .....	111
Susanne Menden-Deuer .....	114
California Coastkeeper Alliance .....	115
Attachment: California Coastkeeper Alliance .....	116
NJ Council Diving Clubs .....	123
Attachment: NJ Council Diving Clubs .....	124
National Conference of State Legislatures .....	126
Attachment: National Conference of State Legislatures.....	127
The Fertilizer Institute.....	129
Attachment: The Fertilizer Institute .....	130
Ben Unger .....	136
Attachment: Ben Unger.....	137
Association of Fish and Wildlife Agencies .....	139
Attachment: Association of Fish and Wildlife Agencies .....	140
Regional Marine Conservation Project .....	143
Attachment: Regional Marine Conservation Project .....	144
Darden Restaurants .....	152
Attachment: Darden Restaurants .....	153
Great Lakes Boating Federation .....	157
Attachment: Great Lakes Boating Federation .....	158
NYS Department of Environmental Conservation.....	160
Attachment: NYS Department of Environmental Conservation.....	161

# NATIONAL OCEAN COUNCIL

National Fisheries Institute .....	165
Attachment: National Fisheries Institute .....	166
National Ocean Industries Association .....	169
Attachment: National Ocean Industries Association .....	170
Gulf of Mexico Alliance .....	175
Attachment: Gulf of Mexico Alliance .....	176
The Congressional Sportsmen's Foundation .....	203
Attachment: The Congressional Sportsmen's Foundation .....	204
Erin Anderson & Oregon/Washington Restaurant Owners and Seafood Vendors .....	210
Attachment: Erin Anderson & Oregon/Washington Restaurant Owners and Seafood Vendors .....	211
Erin Anderson & Oregon/Washington Outdoor and Tourism Businesses .....	213
Attachment: Erin Anderson & Oregon/Washington Outdoor and Tourism Businesses .....	214
Hubbs-SeaWorld Research Institute .....	216
Attachment: Hubbs-SeaWorld Research Institute .....	217
Erin Anderson & Oregon Elected Officials .....	231
Attachment: Erin Anderson & Oregon Elected Officials .....	232
American Farm Bureau Federation .....	234
Attachment: American Farm Bureau Federation .....	235
American Chemistry Council .....	239
Attachment: American Chemistry Council .....	240
Charlotte Harbor National Estuary Program .....	244
American Waterways Operators .....	245
Attachment: American Waterways Operators .....	246
Scripps Institution of Oceanography .....	248
Attachment: Scripps Institution of Oceanography .....	249
Pacific Fishery Management Council .....	261
Attachment: Pacific Fishery Management Council .....	262
Conservation Law Foundation (CLF) and the New England Ocean Action Network (NEOAN) .....	267
Attachment: Conservation Law Foundation (CLF) and the New England Ocean Action Network (NEOAN) .....	268
NANA Regional Corporation .....	271
Resource Development Council for Alaska .....	273
Attachment: Resource Development Council for Alaska .....	274

# NATIONAL OCEAN COUNCIL

Alaska Oil & Gas Association .....	276
Attachment: Alaska Oil & Gas Association.....	277
WA Governor's Executive Policy Office .....	280
Attachment: WA Governor's Executive Policy Office .....	281
Public Lands Council/National Cattlemen's Beef Association .....	284
Attachment: Public Lands Council/National Cattlemen's Beef Association .....	285
University of Alaska Fairbanks .....	287
Attachment: University of Alaska Fairbanks .....	288
Soy Aquaculture Alliance .....	289
Attachment: Soy Aquaculture Alliance .....	290
Great Lakes and St. Lawrence Cities Initiative .....	294
Attachment: Great Lakes and St. Lawrence Cities Initiative .....	295
National Federation of Regional Associations .....	296
Attachment: National Federation of Regional Associations .....	297
Sierra Club .....	300
Attachment: Sierra Club .....	301
Illinois Soybean Association .....	307
Attachment: Illinois Soybean Association .....	308
Waitt Foundation .....	311
Attachment: Waitt Foundation .....	312
AquaTerra Strategies .....	315
Attachment: AquaTerra Strategies .....	316
Environmental Law Institute .....	323
Attachment: Environmental Law Institute .....	324
California Marine Affairs & Navigation Conference .....	329
Attachment: California Marine Affairs & Navigation Conference .....	330
W. H. Nuckols Consulting .....	332
Attachment: W. H. Nuckols Consulting .....	334
Leanne Polk, Esq.....	338
NOAA Coral Reef Watch .....	339
Hawaii Coastal Zone Management Program .....	340
Quinault Indian Nation .....	342
Attachment: Quinault Indian Nation .....	343

# NATIONAL OCEAN COUNCIL

Name: **Dan Greathouse**

Organization: Statoil

Path:

Comment: Comment submitted via email.



March 28, 2012

National Ocean Council  
722 Jackson Place NW  
Washington, D.C. 20502

RE: Draft National Ocean Policy Implementation Plan

To whom it may concern:

In January, the National Ocean Council released its Draft National Ocean Policy Implementation Plan (Draft Plan) for public review and comment. Statoil USA E&P Inc. (Statoil) offers these comments for your consideration. Statoil and its affiliates comprise an international energy enterprise with operations in thirty-six countries, including in offshore waters in the United States and onshore in several shale plays. Statoil is the largest offshore operator in the world in waters in excess of one hundred (100) meters, and we are committed to accommodating the world's energy needs in a responsible manner, applying technology, and creating innovative business solutions.

### **Background**

Pursuant to Executive Order No. 13547, "Stewardship of the Ocean, our Coasts and the Great Lakes" (75 Fed. Reg. 43023, July 22, 2010), the President created the National Ocean Council (Council) to implement "...a national policy to ensure the protection, maintenance and restoration of health of ocean...ecosystems..." The Council released its Draft Plan to implement this new national policy. The Draft Plan sets our nine priority objectives and four themes, Draft Plan at 2, and further provides numerous specific actions that will be undertaken for each objective.

Statoil supports the general principles underlying the national policy; however, we question whether the nine objectives and associated actions as set out in the Draft Plan fully account for existing statutes and regulations and thus rather than assisting in achieving the national policy, the Draft Plan would serve to add an unnecessary, additional level of bureaucracy. In particular, Statoil has concerns regarding coastal and marine spatial planning (CMSP) and the regional planning bodies that would be created to develop CMSPs for each region. Our concerns in this regard are set out more fully below.

### **Coastal and Marine Spatial Planning**

In the Executive Order, the President stated that CMSP would "...build upon and improve existing Federal, State, tribal, local, and regional decision making and planning processes." See Executive Order 13547 at Section 2. However, this underlying policy has not been carried through into the Draft Plan, which does not build upon the existing statutory and regulatory

framework and instead appears to be creating a whole new framework unnecessarily. For example, the Draft Plan does not appear to recognize the existing requirement under the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. §§1331 et seq., to balance environmental considerations with energy needs when developing a leasing program pursuant to the requirements of OCSLA.

As it currently stands, CMSP would be implemented in each of the nine regional planning areas created by the Draft Plan. Draft Plan at 85. In turn, CMSPs in each of the regions would be developed by regional planning bodies. Participation in the regional planning bodies is limited to federal, state and tribal authorities. Draft Plan at 86. Limitation of the regional planning bodies is contrary to a stated underpinning of the CMSP which provides that "...through this open and transparent science-based participatory process, industry, government and citizens can work together..." Draft Plan at 85 (emphasis added). As it currently stands, the government (state, federal and tribal) will be setting the standards with what appears to be minimal opportunities for input from affected stakeholders. A number of comments have been submitted regarding the inclusion of stakeholder groups on the regional planning bodies. To date, the Council has refrained from adopting this recommendation. In order to truly provide an open and transparent participatory process, we urge the Council to reconsider and include potentially affected stakeholders on the regional planning bodies.

The first action that will be taken in implementing CMSP at the regional level is issuance of a "Handbook for Regional Coastal and Marine Spatial Planning." Draft Plan at 89. It does not appear from the milestones set out on page 89 of the Draft Plan that the Handbook will be formally released for public comment. We strongly urge the Council to formally release a draft of the Handbook for comment. "Engaging the public and stakeholders in the CMSP process is essential, and the Handbook will also provide relevant guidance...in determining how best to engage..." with stakeholders. Draft Plan at 89. Given that the Handbook will guide how the regional planning bodies will involve the public in the CMSP, those potentially affected should be given a chance to provide input.

Statoil appreciates the opportunity to comment on the Draft Plan, and we request the Council's careful consideration of these comments before finalizing the Draft Plan.

Sincerely,

  
Bill Moore  
Land Manager

Name: **David Holt**

Organization: Consumer Energy Alliance, et al.

Path:

Comment: Comment package includes CD that contains 2.602 individual comment letters as well as the contact data for these signatories, which are attached. Sent via mail.

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

**RE: Comments on National Ocean Policy Draft Implementation Plan**

Dear Members of the National Ocean Council:

During this time of rising gasoline prices, increasing turmoil overseas, and a fragile economic recovery, it is imperative that our nation maximizes the domestic production of energy, including oil and gas, to the fullest extent possible.

The 118-page National Ocean Policy Draft Implementation Plan includes 53 proposed federal actions and nearly 300 milestones and does little to calm fears that the National Ocean Policy will be used as a reason to discourage rather than promote development of resources here at home. The goal of reducing our dependence on foreign oil will not be furthered by new regulations or a federal land grab of areas both onshore and offshore.

Rather, cordoning off vast areas of the ocean from energy development, enacting new restrictions, and establishing new hurdles that are required to be carried out before commercial and recreational activity can take place will cause additional and unnecessary pain for energy consumers across the United States. Moving full steam ahead with new regulations and a national zoning plan through "Coastal and Marine Spatial Planning" will make it more difficult to protect and create jobs and bring relief at the gas pump and grocery store check-out lines. Furthermore, stacking zoning boards known as "regional planning bodies" solely with government officials--with no assurances of adequate state and local representation and the specific exclusion of the private sector--makes it all the more likely that ill-informed decisions will be made that harm jobs, the economy, and our ability to achieve energy supply stability and independence.

Finally, embarking on a costly new initiative in part through repurposing federal resources threatens to divert scarce assets away from existing governmental activities that are actually necessary for the energy industry to operate.

I urge you to ensure that the National Ocean Policy, including Coastal and Marine Spatial Planning, is rooted in non-regulatory, collaborative, and voluntary measures based on ideas and input that emanate from the states and local communities. The decision to proceed in any other direction would be a mistake that the nation simply cannot afford at this time.

Sincerely,

Name: **Rachel Petro**

Organization: Alaska State Chamber of Commerce

Path:

Comment: Attachment sent via mail.

March 5, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Re: Comments on National Ocean Policy Draft Implementation Plan

Dear Members of the National Ocean Council:

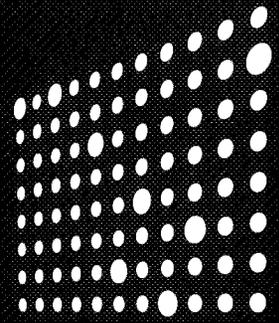
The Alaska State Chamber of Commerce (Alaska Chamber) is pleased to submit comments on the National Ocean Policy Draft Implementation Plan (Plan). The Alaska Chamber is a diverse organization representing nearly 500 business members from across the state. Alaska Chamber members employ tens of thousands of private sector workers.

Alaska businesses are increasingly challenged by a dwindling supply of oil in the pipeline, rising energy and logistics costs, burdensome state and federal regulations, infrastructure deficiencies, and domestic and global competition.

The people of Alaska cannot afford added policies that further restrict Alaskans ability to access and develop our state's natural resources. The Plan provides for actions that seek to protect millions of acres of land as "high conservation priorities." The draft Plan could result in federal entities excluding human activities from large areas of Alaska waters and lands through the implementation of "coastal and marine spatial planning" and new designations of marine protected areas. This is simply another federal land seizure of millions of acres of onshore and offshore areas by creating regulations that apply to both land and water based activities.

Alaska, with more coastline than all other states in our nation combined, is a maritime state. The Alaska Chamber understands that Alaska's broad diversities, including the Arctic and vast coastlines, and our diverse uses of water and natural resources, will require many critical aspects to be assessed. The National Ocean Council said it will include Regional Fishery Management Councils (RFMC), such as the North Pacific Fishery Management Council, in the proposed Regional Planning Bodies. However, seats are limited to federal, state, tribal, or local government RFMC voting members and exclude private sector members.

The idea that the policy is intended to be flexible and guided by regions is contradicted by the fact that state and local officials, stakeholders, and the public are forced to respond to deadlines, schedules, and directives from federal officials in Washington, D.C. The continued refusal to open up membership of regional planning bodies to individuals outside of government who represent the sectors and communities that will be impacted reflects the top-down characteristics of the policy.



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CHAMBER  
OF COMMERCE

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[www.alaskachamber.com](http://www.alaskachamber.com)

The Alaska Chamber urges representation from economic stakeholders, not limited to, but including oil and gas leaseholders, coastal communities and boroughs, fishing and fish processing, and transportation users.

All Alaskans rely on marine transportation to deliver the essential items for living in this state, everything from groceries to construction materials to fuel for transportation and heating. The Plan has the potential to deprive our state of the ability to engage in essential transportation necessary to the livelihoods of Alaskans. The Plan's call to "minimize and/or mitigate the risk associated with vessel use and carriage of heavy-grade fuel oil in the Arctic" must not be used as a means to deprive the State of the essential transportation and trade lanes and to limit commerce.

While the Plan says it will create no new regulations, references to regulatory actions under the policy are mentioned throughout, including statements that "successful implementation will require concerted activities, including the use of regulatory ...measures."

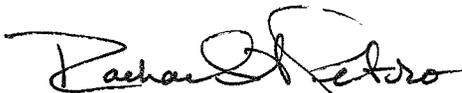
The 118 page document proposes 53 federal actions and nearly 300 milestones, including 158 to be completed by the end of next year. Significant federal dollars will be required to implement this policy, with the draft Plan noting that federal agencies are asked to consider how existing resources can be repurposed and that federal agencies have been instructed to prioritize the National Ocean policy into their FY2012 budgets.

Alaskans cannot afford another new and expensive initiative that will drive resources away from programs that support the ability of Alaska employers to operate and support our citizens and communities.

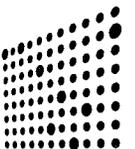
Adding another layer of bureaucracy will only add costs, time, and uncertainty to investments and businesses in Alaska. The people of Alaska already live in a state filled with federal regulatory oversight, and our economy cannot afford additional policies that further restrict our ability to access and develop the State's natural resources.

The Alaska Chamber respectfully urges the National Ocean Council to discard this Draft Implementation Plan and bring forth a new Plan that will promote responsible and economically feasible resource development in Alaska.

Sincerely,



Rachael A. Petro  
President/CEO



Name: **Ned Dikmen**  
Organization: Great Lakes Boating Federation  
Path:  
Comment: Attachment sent via email.

**NOC Draft Implementation Plan  
Comments from Ned Dikmen,  
Chairman, Great Lakes Boating Federation  
March 24, 2012**

Boating and sportfishing are two of America's dominant recreational sports and hobbies, yet they are not mentioned in the Draft Implementation Plan (DIP) that espouses an action plan for our oceans, coasts, and the Great Lakes. The failure of the DIP to not include the needs of recreational boating, boaters and sportfishers, active users of our marine spatial miles, is unacceptable and a serious oversight.

There are an estimated 12 million registered boaters in the US, including 4.3 million in the Great Lakes, with an estimated economic impact of \$36 billion, including an estimated \$9 billion from the Great Lakes. A little more than one in 20 citizens engage in this sport and hobby providing the American family a needed recreational outlet. Recreational boating is a major contributor to our oceans, coasts, and the Great Lakes, as is fishing. The DIP must include all of these sectors because they are conducted at the corridor of every marine spatial mile around our oceans, coasts, and the Great Lakes.

If the federal government is to develop policies and programs for our nation's oceans, coasts, and the Great Lakes, the first step it must take is to provide current, accurate, factual information so that we can make informed decisions for the future. Thus, we propose that a national boating access feasibility report be undertaken to reveal the economic and societal value of recreational boating to our economy, as well as our oceans, coasts, and Great Lakes.

Statistics point out that three-quarters of all boaters are also sports fishermen, yet the report makes no mention of this. Boating is integral to the fishing experience and is a way for families and friends to rest, relax, and enjoy the beauty of nature. The boating lifestyle promotes being outdoors, freedom, and the wonders of nature. Government should acknowledge this fact and make efforts to promote, grow, and develop a sustainable future for sports fishing and boating. Sadly, the DIP has nothing about this.

Currently, the Dept. of the Interior's Fishing and Wildlife Services (FWS) does an outstanding job in coordinating activities to make fishing and boating sustainable activities. FWS, guided by the Sportfishing and Boating Partnership Council, keeps boating sustainable by implementing boaters pay and boaters benefit programs. The DIP should highlight and promote FWS's efforts.

To keep boating sustainable, we further propose that the U.S. Army Corps of Engineer's harbor dredging and maintenance efforts should also include funds for recreational boating harbors.

The proposed plan is woefully inadequate in dealing with the Great Lakes compared to the oceans and coasts. There are whole sections on algae blooms, plastic and debris, and the Arctic, but nothing on the invasive species problem that threatens the health and well-

being of our oceans and the Great Lakes, specifically the Asian Carp. One of the most important challenges of the Great Lakes is how to keep the ecosystem sustainable and thriving. We need to take immediate action to keep the Asian Carp out of the Great Lakes. That's why we believe that the Chicago River should be returned to its pristine glory of centuries ago, returning to its tributary status and setting up revetments to keep the river from inundating other rivers and tributaries during floods and storms.

For a plan that proposes 50 actions and timetables, the current implementation plan is remarkable for its absence of specifics. For example, the plan proposes actions and timetables that build on the good work going on in the states, local tribes, and federal government, but then it never identifies those good works. The implementation plan proposes opportunities for stakeholders to work together for the better stewardship of the Great Lakes, but then never specifies how this can be accomplished. It proposes using an Ecosystem-based management, including humans, to determine priorities, allocate resources, and produce results. The problem with this is that the ordinary person doesn't have the foggiest notion how this works.

The importance of recreational boating to the health and well-being of our oceans, coasts, and the Great Lakes should never be underestimated. At a time when record high gas prices are prompting a decline in the amount of fossil fuel being sold to boaters, the recreational boating community needs to find new sources of revenue, such as renewable energy sources and others, to supplement the Wallop-Breaux Amendments that use fuel tax revenue to grow and sustain the boating industry. The DIP should go one step further and actively propose grants and other funds to help grow boating.

Getting people to "buy into" the plan requires coordinating the competing uses of our oceans, coasts, and Great Lakes. The plan says that this cannot be done using the traditional management approaches that were designed to manage single activities and independent sectors. Therefore, it proposes this Ecosystem-based plan, and this is where theory and reality don't match. One cannot propose a management system that views everything working into an inherent whole when the previous system never took this approach. In theory, this is ideal. In reality, it alienates all the people who have a stake in our oceans and Great Lakes.

In conclusion, we believe the DIP is a good first effort that strives to be comprehensive, but is woefully lacking. It makes no mention of a major stakeholder--recreational boating--nor does it touch on this sector's economic and environmental impact to our nation's oceans and coasts. Moreover, it has very little to offer the millions of people living on and using the Great Lakes in its initiatives and proposed joint actions. The next DIP must address these sectors and their needs.

To rectify these oversights, we propose that the Council and ORAP actively solicit and seek input and membership from the Great Lakes boating and sportsfishing community. These members can provide the practical knowledge and experience to make these plans useful, productive, and beneficial to all.

Name: **Ben Unger, et al.**

Organization:

Path:

Comment: Group from Oregon, sending in personal letters via mail. Letters are in attachments.

Dear Chair Sutley, Holdren and National Ocean  
Council Members:

I am writing today to share with you my  
Support for the National Ocean Policy Implementation Plan.  
I believe this plan establishes a strong  
blueprint for taking action and fostering  
agency coordination to sustain our oceans,  
coastal, and Great Lakes resources.

I look forward to the release of the  
final plan and hope to see policy translated into  
action on the water soon.

Sincerely,  
Sunya Ince-Johannsen  
4829 SE 62nd Ave,  
Portland, OR 97206  
sunya.ij@gmail.com

Dear chairs, Sutley, Holdren, + Nat. Ocean Council  
Members,

I have heard of the draft National Ocean Policy Implementation Plan. I am pleased with many aspects of it, but would like to make a few comments to improve it.

Most importantly I'd like to see the plan include more tangible activities than just planning + cataloguing. Those are great, but our oceans face real threats + need real action. As a sailor who has crossed our oceans, and swam in them, I know the trash is real. It is out there.

Please take stronger action + think long-term, before the opportunities pass us by.

Thank you,

Ben Klusman

3132 SW Upper Dr. Portland, OR 97201  
bklusman@gmail.com

NATIONAL OCEAN COUNCIL  
722 JACKSON PLACE, NW  
WASHINGTON, DC 20503

DEAR CHAIRS SUTLEY, HOLDREN AND NOC MEMBERS,

I LOVE THE OCEANS! I PLAY THERE, I FISH IN IT, AND OFTEN I JUST SOAK IT IN. I WANT MY KIDS TO LOVE AND EXPERIENCE THE JOYS TOO. I WANT THEIR KIDS TO ENJOY IT AND ALL THE GENERATIONS THAT COME AFTER TO APPRECIATE IT TOO. THE OCEANS ARE OUR LEGACY, BUT IT'S IN DANGER.

THE DRAFT NATIONAL OCEAN POLICY IMPLEMENTATION PLAN ESTABLISHES A STRONG BLUEPRINT FOR TAKING ACTION AND FOSTERING AGENCY COORDINATION TO SUSTAIN OUR OCEAN, COASTAL, AND GREAT LAKE RESOURCES.

NONETHELESS, IT CAN BE IMPROVED BY MORE FULLY UTILIZING ALL AVAILABLE AUTHORITIES FOR HABITAT PROTECTION, INCLUDE MORE ON-THE-WATER ACTIVITIES, AND ALLOW REGIONAL NEED, SUPPORT, AND CAPACITY TO GUIDE WHERE ACTIONS SHOULD TAKE PLACE FIRST.

MASON BROCK  
PORTLAND, OR

Nicole Parisi  
20173 Larkspur Ln #94  
W. Linn OR 97068

Dear Chairs Sutley, Holdren & National Ocean  
Council Members:

The draft National Ocean Policy Implementation Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal, and Great Lakes resources. However, the plan could be improved by more fully utilizing all available authorities for habitat protection and management - specifically tangible, on the water activities. For example, I am a member of the Surfrider Foundation, a nonprofit that works to protect the oceans, waves, and beaches that members use for recreational purposes. For more information see [www.surfrider.org](http://www.surfrider.org). Thank you for your time!

Sincerely,  
Nicole Parisi

Chairs Suttley & Holdren,

The National Ocean Policy Imp. Plan is a great start towards better management of our oceans. It could still be better though.

It could better utilize resources that already exist such as ~~government~~ agencies already involved in ocean work.

Looking forward to watching the restoration of our oceans,



Louis De Sitter

Dear Chairs Sotley and Holdren,

I believe that the draft National Ocean Policy Implementation Plan is truly a step forward in protecting our ocean and great lakes, however I do believe that improvements can be made.

For instance, the plan could be changed to implement ~~more~~ positive change than is proposed.

Sincerely,

Abigail Vernon, 18, Hillsboro  
Oregon

Dear Chairs Sutley,

I love the ocean because all life originates there. The health of our oceans is one of the most important parts of the environmental health of our planet.

We need a comprehensive approach to ocean policy to make sure that there is a single document to uphold the rule of law ~~to~~ and defend the ecosystem services provided by the ocean such as clean water, fishing and recreation.

There are many competing interests which do not consider the full ecosystem consequences of their actions such as oil production. We need a single comprehensive document to provide recourse for those who would externalize the negative effects of their use of the ocean.

Sincerely

Eric Youngson  
2504 SE Tibbets St.  
Portland, OR 97202  
eayoungs@gmail.com

To the Attention of: Chair members Gutley, Hollman, &  
National Ocean Council members...

Someone long dead once said, "The world is a book, and those that don't travel only read one page."

Having grown up in Wisconsin living on a lake, I learned to love the outdoors and the beauty that wild places share with "our" crazy, messed up species. After migrating westward through Colorado, and on to Oregon I've developed an even greater and deeper love for the whole picture. We need to live. We all need jobs, homes, food, and yes, fun. Being a graduate of Environmental Studies at Portland State, I've learned and experienced what it means to have knowledge serve the city, and stretch it as far as the eye can see. Please think with your heart when changing the way the world can live and be, and having said that, don't easily pass a letter such as this up. My name is Alexander Maslowski and I am trying to make a difference while reading the whole book.

Alex Maslowski

R. Olson  
1306 SE Salmon St #  
Portland, OR 97214  
ropolson12@gmail.com

Dear Chairs Stacy, Holden, & National Ocean Council  
members,

I've spent a large part of my life on the coast & consider it the most important place on Earth despite its sometimes stormy, treacherous conditions. It's a lifesaver & its health is a direct reflection of the planet's condition.

That said, the sustained advocacy for Ocean Protection is a very important issue & the draft National Ocean Policy Implementation Plan is a great starting point. Its establishment will foster a smooth partnership between all concerned parties, including governmental, non-profit & commercial entities.

Even so, all ideas demand revisions & I encourage ways to implement even more progress. These delve deeper into regional needs, support a capacities as a guiding foundation & actively seek input from other levels of government, & the public & incorporate it into the final plan, creating a thorough & well-rounded plan that will facilitate a strong & healthy ocean for generations to come.

Cheers, Rick Olson

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairs Sutley, Holdren, and National Ocean Council Members:

The draft National Ocean Policy Implementation Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. The draft plan has successfully incorporated the needs and concerns of governmental, non-profit, and commercial groups and provides clarifying details to improve accountability and monitor progress toward improved ocean management. Frequent notations on how implementing actions are related to one another provides confidence that activities will be coordinated and make good use of limited resources.

Nonetheless, the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.

With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goals of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. I look forward to the release of the final plan and hope to see policy translated into action on the water soon.

Sincerely,



- Deirdre Hoyle  
3110 West 14th St, Eugene OR 974102

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

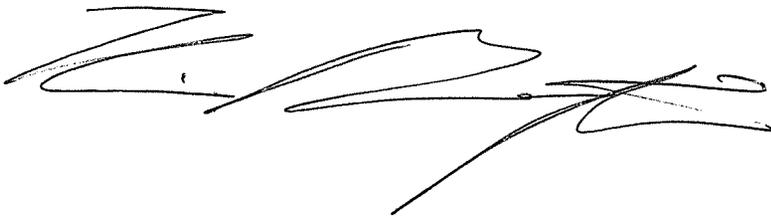
Dear Chairs Sutley, Holdren, and National Ocean Council Members:

The draft National Ocean Policy Implementation Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. The draft plan has successfully incorporated the needs and concerns of governmental, non-profit, and commercial groups and provides clarifying details to improve accountability and monitor progress toward improved ocean management. Frequent notations on how implementing actions are related to one another provides confidence that activities will be coordinated and make good use of limited resources.

Nonetheless, the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.

With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goals of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. I look forward to the release of the final plan and hope to see policy translated into action on the water soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Bergstrom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kevin Bergstrom  
4305 SE 15<sup>th</sup> Ave, Portland, Or  
97202

Dear chairs Sutley and Holdren:

The first draft of the National Ocean Policy Implementation Plan is a promising first step in protecting our oceans, but I think we can still do better protecting, ~~and~~ maintaining, and restoring the nation's oceans, coasts, and Great Lakes.

Sincerely

Audric Ruy

Dear Chairs Sutley and Holdren,

I am writing to you in support of the draft National Ocean Policy Implementation Plan. The Oregon coast has always been a special place for me, and I know how important all our coastlines are to local communities, economies, and ecosystems. The draft plan recognizes how important it is to foster coordination amongst agencies and take action to sustain and protect ~~the~~ our beautiful and vital ocean, coastal, and Great Lakes resources. In addition, the draft plan includes the details that will help clarify how to improve upon both accountability and how to best monitor progress made toward ~~implementing~~ better ocean management. Commercial groups, governmental agencies, and non-profit organizations have all been considered in the draft plan, and their differing needs and concerns have all been balanced and addressed appropriately.

While I support the plan, I also believe we should improve upon in the following ways before it is finalized. First, it needs to do more to coordinate with regional authorities. Input from the different levels of the government, as well as from the public must be included as we go forward implementing this plan. Second, the plan would be improved greatly if the milestones were extended beyond cataloging and planning. It needs to include action, with real, on-the-water activities.

The nation's oceans, coasts, and Great Lakes are too important to ~~miss~~ let this opportunity go by without doing our best on the draft plan. Improving the draft plan in the ways mentioned above will ensure that we have a better guide for protecting, maintaining, and restoring our precious ocean, coastal, and Great Lakes resources. I will be waiting for the release of the final plan, and hope to see the policy put into action ~~in~~ in order to protect the coast I love as well as all the other coastal areas across the country.

Thank you for your time and consideration.

Sincerely,

Lindsey Scholten

**A letter from Washington state local elected leaders:**

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairs Sutley, Holdren, and National Ocean Council Members:

We would like to share our support for National Ocean Policy draft Implementation Plan. As elected officials from Washington, we are charged with promoting and protecting our communities' assets, including our coast and ocean.

The draft Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. The draft Plan has successfully incorporated the needs and concerns of governmental, non-profit, and commercial groups and provides clarifying details to improve accountability and monitor progress toward improved ocean management. Frequent notations on how implementing actions are related to one another provide confidence that activities will be coordinated and make good use of limited resources.

Nonetheless, the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.

With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goals of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. As elected officials from Washington, we look forward to the release of the final plan and hope to see policy translated into action on the water soon.

Sincerely,

Councilmember Larry Phillips, Metropolitan King County Council  
Commissioner Karen Valenzuela, Thurston County Board of Commissioners  
Councilmember Fred Butler, Issaquah City Council  
Councilmember Joshua Schaer, Issaquah City Council  
Council Member Dana Ralph, Kent City Council  
Mayor Bruce Bassett, Mercer Island  
Mayor Pro-Tem Doug Osterman, Normandy Park City Council  
Councilmember Stacia Jenkins, Normandy Park City Council  
Councilmember Hank Margeson, Vice-President of Redmond City Council

Councilmember Barry Ladenburg, SeaTac City Council  
Councilmember Dave Bush, SeaTac City Council  
Deputy Mayor Mia Gregerson, SeaTac City Council  
Councilmember Jean Godden, Seattle City Council  
Councilmember Richard Conlin, Seattle City Council  
Councilmember Mike O'Brien, Seattle City Council  
Deputy Mayor Chris Eggen, Shoreline  
Councilmember Jesse Salomon, Shoreline City Council  
Councilmember Katherine Kruller, Tukwila City Council  
Councilmember Jeff Gadman, Lacey City Council  
Councilmember Cynthia Pratt, Lacey City Council  
Councilmember Andy Ryder, Lacey City Council  
Council Member Jack Weiss, Bellingham City Council  
Council Member Terry Bornemann, Bellingham City Council  
Council Member Seth Fleetwood, Bellingham City Council  
Council Member Michael Lilliquist, Bellingham City Council  
Commissioner John Creighton, Port of Seattle Commission  
Council Member Susan Boundy-Sanders, Woodinville City Council  
Councilmember Carl Weimer, Whatcom County Council  
Council President Strom Peterson, Edmonds City Council  
Councilmember Rick Talbert, Pierce County Council

NATIONAL OCEAN COUNCIL

722 JACKSON PLACE, NW

WASHINGTON, DC 20503

DEAR CHAIRS SUTLEY, HOLDREN, AND NATIONAL OCEAN COUNCIL MEMBERS,

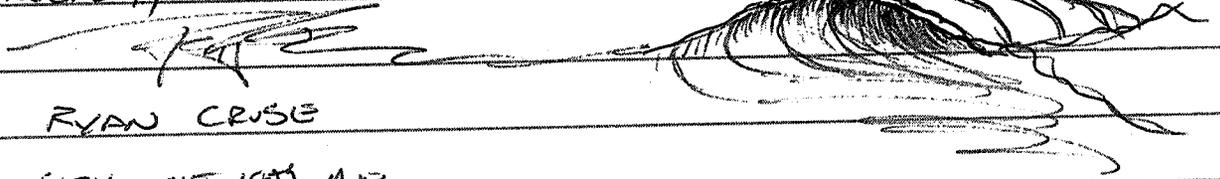
I AM AN AVID OCEAN RECREATIONIST IN OREGON, AND SPEND AS MUCH OF MY FREE TIME SURFING IN THE WATERS OF OUR COAST. THE HEALTH OF OUR COAST, AND THE HEALTH OF OUR COASTAL ECONOMIES (WHICH ARE DIRECTLY RELATED) IS VERY IMPORTANT TO ME, NOT ONLY BECAUSE I LOVE ITS BEAUTY, BUT ALSO BECAUSE IT DEFINES AND SUPPORTS THE ECONOMIES OF OREGON'S COASTAL COMMUNITIES.

THE DRAFT NATIONAL OCEAN POLICY PLAN IS A GREAT STEP TOWARDS SUSTAINING OUR NATIONAL OCEAN AND COASTAL RESOURCES, BY INCORPORATING THE NEEDS/ CONCERNS OF ENVIRONMENTAL, NON-PROFIT ORGS, AND COMMERCIAL INTERESTS. THAT SAID, THE PLAN SHOULD MORE FULLY UTILIZE ALL AVAILABLE AUTHORITIES FOR HABITAT PROTECTION + MANAGEMENT. MILESTONES SET OUT IN THE PLAN SHOULD BE EXTENDED TO INCLUDE ACTION, NOT JUST CATALOGING AND PLANNING. REGIONAL NEED, SUPPORT, AND CAPACITY SHOULD GUIDE WHERE COORDINATED ACTIONS TAKE PLACE FIRST. THE FEDERAL GOVERNMENT SHOULD CONSTANTLY SEEK THIS TYPE OF INPUT FROM LOCAL AGENCIES.

WITH THESE ADDITIONS, THE IMPLEMENTATION PLAN WILL PROVIDE A BETTER GUIDE FOR

ACHIEVING THE GOAL OF PROTECTING, MAINTAINING AND  
RESTORING ALL OF OUR GREAT NATIONS COASTS, OCEANS  
AND GREAT LAKES. THANKS!

SINCERELY,

A handwritten signature in black ink, appearing to read "Ryan Cruise", with a long horizontal flourish extending to the right.

RYAN CRUISE

6624 NE 18<sup>TH</sup> AVE

PORTLAND, OR 97217

503-729-7471\*

Dear Chairs Stley, Hadden, & National Ocean  
Council Members,

Our oceans are an incredible resource.  
Let's take care of them so they last  
and support us for lifetimes & generations  
to come. Please support the National  
Ocean Policy Implementation Plan, and  
therefore support a healthy future for  
this world.

Thank You.

Sincerely,

Rose K Young  
rozekelita@yahoo.com  
Portland, OR



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of this

of till.

makes

The Ocean

that is more than half our world.

Let's take care of it.

Dear Chairs Sutley, Holdren & National Ocean Council Members:

I grew up in the Great Lakes basin & have an intimate relation to our water resources. We need healthy oceans in order to stabilize the rest of our global ecosystems. Oceans provide a majority of the world's oxygen supply and help stabilize our climate. Our water resources deserve protection & our National Ocean Policy is a good place to start.

The National Ocean Policy Implementation Plan establishes a strong blueprint for taking action & fostering agency coordination to sustain our ocean, coastal & Great Lakes resources. However, the plan could be improved. We should more fully utilize all available authorities for habitat protection & management. Regional need, support, and capacity should guide where coordinated actions should first take place. Further, federal agencies should continue to seek input from all levels of government & the public.

As an ocean advocate, I am excited about the concept of a coordinated National Ocean Policy. I hope to see tangible, concrete actions in the future.

I look forward to the release of the final plan & hope to see action milestones incorporated with the cataloguing & planning goals.

Sincerely,

Tara Gallagher  
8228 SE 8th Ave.  
Portland, OR 97202  
tara.gallagher84@gmail.com

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place NW  
Washington, DC 20503

DEAR Chairs Sutley, Holdren, and National Ocean Council Members,

As a surfer for the past ten years, I've developed a deep passion and respect for our oceans, and a desire to protect them for the future. Right now, we're facing all sorts of challenges that are impacting the health of our oceans ... oil spills, plastic pollution, overfishing, climate change ... and ultimately we'll all have to deal with the consequences. It's time to really begin working to protect our oceans, that's why I support National Ocean Policy.

The draft National Ocean Policy Implementation Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. However the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management.

Many of the milestones could be extended beyond cataloging and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of government and the public and incorporate this new information into implementation of the plan.

I look forward to seeing this policy come to fruition, and a future

with healthy oceans (and a bunch of good waves too!).

Sincerely,

GREGG HAYWARD

5822 N. Commercial Ave

Portland, OR 97217

gregg.hayward@gmail.com

Ms. Nancy Sutley, Dr. John Haldren, and  
National Ocean Council Members

National Ocean Council  
722 Jackson Place NW  
WASHINGTON, D.C. 20503

RE: National Ocean Policy Implementation Plan

Our oceans are large, but finite. They are subject to pollution by plastics, fossil fuel extraction, mercury from power plants, acidification from atmospheric CO<sub>2</sub>, and other issues. Billions of people get a significant portion of their calories and protein from the ocean.

Data collection and planning is great. I just attended the EPA organized New Partners for Smart Growth conference in San Diego. The trend in urban and regional planning is to actively collaborate with all stakeholders. This creates a bottom up approach. It inspires more support and less pushback/fewer lawsuits. It ensures leveraging existing research, knowledge, and personnel. It leads to on the water action steps sooner in some cases, and more effectively in others.

Please include specific language regarding engaging local stakeholders in planning and action. Include habitat protection and management experts, local non-profits

and community members.

It takes time. And it's worth it.

Sincerely,



ANDREW STONE  
1003 NE WYGANT  
PORTLAND, OR 97211  
andymstone@gmail.com  
503.239.5524

2-14-12

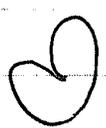
Dear chairs Suttley, Holdren, and  
National Ocean Council Members:

I support the National Ocean Policy. I have been loving the ocean and the beach since I can remember. The beach and our oceans have value. This value has variables -- but if the oceans die -- life for humans die. Actually... many species would die. I am writing you this letter to let you know why I love the ocean -- and to let you know that the draft National Ocean Policy Implementation Plan needs improvements.

The plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should guide where coordinated



actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.



With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goal of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. I look forward to the release of the final plan and hope to see policy translated into action on the "water soon."



Sincerely,  
Jacque Rodriguez  
6315 SW 152nd Ave  
Beaverton OR 97007  
JacqueR777@hotmail.com



P.S. - Happy Love Day!  
— I love our ocean —

Name: **Peggy Wilson**  
Organization: Alaska State Legislature  
Path:  
Comment: Letter sent via fax, is attached.



# Alaska State Legislature

Representative Peggy Wilson  
House District 2  
Putting Alaska's Families First

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503  
Fax: (202) 456-0753

March 26, 2012

Re: Comments on National Ocean Policy Draft Implementation Plan.

Dear Members of the National Ocean Council,

I am writing today to express my frustrations with the general design of the National Ocean Policy Draft Implementation Plan (the Plan). From what I can see of the Plan, there would be far too much control by federal bureaucrats over all the activities that allow us to sustain Alaska's economy.

As a resource rich state, we are highly dependent on the surrounding oceans for our food, commercial fisheries, transportation of goods, services and people in and out of the state, as well as cultural and recreational uses. As vice-chair of the House Resources committee, I can say with confidence that we already take great care in protecting our ocean environment, as it is such a large part of our existence. Our state agencies work exceptionally well with private industry, as well as with the federal government, to maintain the health of the lands and waters upon which we depend.

The 118 page Plan proposes 53 new federal actions, and nearly 300 milestones to be implemented with oversight by federal agencies. These actions will require expending more taxpayer dollars and will take more control out of the hands of Alaskans.

As membership of the regional planning bodies envisioned, the Plan does not include individuals who represent the businesses and communities that will be impacted. My concern is that decisions will be made by federal bureaucrats who know little to nothing about Alaskan issues. Federal ownership of most of our lands, and federal regulations, already seriously constrain our ability to harvest and market the state's resources and provide jobs for Alaskans. Another level of bureaucracy – disconnected from those involved in Alaskan industry and transportation – could cripple Alaska's economy.

In short, I do not approve of the Draft Implementation Plan as written. I urge the National Ocean Council to revise the Plan to include involvement of the people who will be impacted by the recommended actions.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Wilson".

Representative Peggy Wilson  
House District 2, Alaska State Legislature  
"I Choose Respect"

Name:

Organization: NRDC & 11,246 signatories

Path:

Comment: Received on by mail. Attached are copies of the letters and constituent information.

Mar 5, 2012

National Oceans Council members  
722 Jackson Place, NW  
Washington, DC 20503

Subject: Finalize a strong ocean action plan to protect, maintain and restore our oceans' health

Dear National Oceans Council members,

Thank you for all of your work to develop the Draft National Ocean Policy Implementation Plan.

I am pleased to see a strengthened definition for ecosystem-based management guiding the plan's work and urge you to even more clearly state this plan's primary and ultimate goal -- to protect, maintain and restore the health of our oceans' natural ecosystems.

One critical way to ensure healthy ocean resources is to identify and protect important ecological areas and processes. Certain areas of the ocean host important habitat for endangered species or serve as critical areas for spawning, breeding and feeding marine life. Places like these are part of our ocean heritage and need to be protected, now and for the future. I urge you to ensure the regional ocean plans are based on scientifically sound ecological assessments and help protect our natural ocean ecosystems. These assessments should be undertaken immediately to direct future restoration and protection efforts.

Additionally, I recommend that the plan advance the timelines for actions related to 'jump starting' ecosystem-based management, preventing harmful impacts to water quality, and protecting and restoring marine habitat. The plan also should include more near-term actions that go beyond planning and will make a difference in the water. Our oceans need immediate action to restore and protect their health, and ours.

Thank you again for your work on this important effort to ensure a healthy future for our oceans and the millions of people who depend upon them.

Sincerely,

Feb 15, 2012

National Oceans Council members  
722 Jackson Place, NW  
Washington, DC 20503

Subject: Finalize a strong ocean action plan to protect, maintain and restore our oceans' health

Dear National Oceans Council members,

Thank you for all of your work to develop the Draft National Ocean Policy Implementation Plan.

As a trained marine biologist, I am pleased to see a strengthened definition for ecosystem-based management guiding the plan's work and urge you to even more clearly state this plan's primary and ultimate goal -- to protect, maintain and restore the health of our oceans' natural ecosystems.

One critical way to ensure healthy ocean resources is to identify and protect important ecological areas and processes. Certain areas of the ocean host important habitat for endangered species or serve as critical areas for spawning, breeding and feeding marine life. Places like these are part of our ocean heritage and need to be protected, now and for the future. I urge you to ensure the regional ocean plans are based on scientifically sound ecological assessments and help protect our natural ocean ecosystems. These assessments should be undertaken immediately to direct future restoration and protection efforts.

Additionally, I recommend that the plan advance the timelines for actions related to jumpstarting ecosystem-based management, preventing harmful impacts to water quality, and protecting and restoring marine habitat. The plan also should include more near-term actions that go beyond planning and will make a difference in the water. Our oceans need immediate action to restore and protect their health.

Thank you again for your work on this important effort to ensure a healthy future for our oceans and the millions of people who depend upon them.

Sincerely,

# NATIONAL OCEAN COUNCIL

Name: **Timothy Ragen**

Organization: Marine Mammal Commission

Path: [http://edit.whitehouse.gov/sites/default/files/webform/12-03-19\\_national\\_ocean\\_council\\_nop\\_implementation.pdf](http://edit.whitehouse.gov/sites/default/files/webform/12-03-19_national_ocean_council_nop_implementation.pdf)

Comment: See attached.



# MARINE MAMMAL COMMISSION

19 March 2012

National Ocean Council  
722 Jackson Place NW  
Washington, DC 20503

Dear Members of the National Ocean Council:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft National Ocean Policy Implementation Plan announced in the *Federal Register* on 18 January 2012 (77 Fed. Reg. 2514). The Commission appreciates the Administration's work in developing this plan and believes that it contains many important recommendations for improving how we use, protect, and conserve marine resources. The four overarching themes and nine priority objectives all address important research, management, and policy matters. The drafters, compilers, and editors deserve recognition and credit for their efforts.

## Using marine mammals to help achieve the nine priority objectives

The Commission recognizes that the challenge before the National Ocean Council is broader than any particular type of marine life. Nonetheless, the Commission believes that the abundance, distribution, and status of marine mammal populations provide the Council and associated agencies with a range of options for measuring success with the nine priority objectives of this ocean policy.

- *Ecosystem-based management*—Marine mammals are top-level consumers (i.e., baleen whales) and predators (e.g. polar bears, killer whales). Their status and abundance reflect the structure and function of the ecosystems on which they depend. Their decline often indicates problems arising from various human activities in the marine environment (e.g., overfishing, bycatch, contaminants, transmission of disease). Relative to most types of marine life, they are easy to assess and monitor as indicator species.
- *Inform decisions and improve understanding*—Marine mammal scientists have a wealth of information that is useful for improving understanding and informing decisions about the possible adverse effects of human activities in the marine environment. Examples include assessing the potential negative effects of unsound fishing practices (e.g., the bycatch of millions of dolphins in tuna fisheries); assessing the biological significance of harmful algal blooms (e.g., manatee mortality from red tides); identifying potential adverse effects of energy development, including oil and gas (e.g., Arctic) as well as alternative sources (e.g., north and mid Atlantic); characterizing negative consequences of depositing sewage and other wastes into the coastal environment (e.g., transmittal of toxoplasmosis to California sea otters); and assessing the overall health of marine ecosystems (e.g., the 1987-88 bottlenose dolphin die-off along the U.S. Atlantic coast).
- *Observations, mapping, and infrastructure*—Marine mammal studies also have provided data needed to route commercial ship traffic (e.g., Massachusetts Bay, Bering Strait) and detect areas of special biological or ecological importance (e.g., hotspots, areas of high productivity). Instrumented marine mammals have been used to collect environmental data

that otherwise would have been far more expensive to collect using traditional methods. The rapid increase in the use of passive acoustic technology as a tool for assessing potential human impacts can reasonably be attributed to concerns about marine mammals.

- *Coordination and support*—Marine mammal studies also demonstrate the great value of coordination among agencies. The rapidly increasing understanding of the effects of sound in the marine environment is due, in large part, to collaborative studies involving the National Oceanic and Atmospheric Administration, the Navy, and former Minerals Management Service.
- *Regional ecosystems*—Marine mammals provide useful measures of the health of regional ecosystems. Examples include southern resident killer whales in Puget Sound, sea otters off California and in southeast Alaska, manatees in the inland waters of Florida, and bottlenose dolphins in the Gulf of Mexico.
- *Resilience and adaptation to climate change and ocean acidification*—The polar bear, walrus, bowhead whale, gray whale, and ice seals provide perhaps the most obvious biological indicators of the effects of climate change in the Arctic. At lower latitudes, the Hawaiian monk seal also provides a valuable indicator of changes in North Pacific productivity and the effects of rising sea levels on our nation's largest national monument (i.e., Papahānaumokuākea Marine National Monument). The debate as to whether these species should be listed under the Endangered Species Act is hinged largely on their resilience and ability to adapt to rapidly changing conditions.
- *Water quality and sustainable practices on land*—The 1987-88 die-off of bottlenose dolphins and the now-common marine mammal mortality events associated with harmful algal blooms are clear signals that we need to pay more attention to the health of our marine ecosystems and our impacts on them. Such blooms have become common along all our coasts and often are linked to reduced water quality caused by excessive nutrients from on-land practices.
- *Changing conditions in the Arctic*—As noted above, marine mammals are recognized as critical indicators of the biological and ecological effects of climate disruption on the Arctic. These indicators are particularly important to the Alaska Native communities that depend on them to maintain their subsistence-based cultures.
- *Coastal and marine spatial planning*—Two of the most illustrative examples of marine and coastal spatial planning involve the north Atlantic right whale and the routing of commercial ship traffic in Massachusetts Bay, and managing the timing and location of seismic studies in the Arctic to avoid conflicts with marine mammals (primarily bowhead whales) and subsistence hunting by Alaska Natives.

Marine mammals are highly charismatic and valued indicators of the health of marine ecosystems. They are generally readily detectable and therefore relatively easy to study, they are top-level consumers and predators that reflect the status of their ecosystems, their life histories and vital rates are relatively easy to measure, scientists have a wealth of technologies for studying them, and the information on them often covers decades or even centuries. The Marine Mammal Commission therefore encourages the National Ocean Council to consider and use them for that important purpose.

## **Deeper Concerns**

Indeed, the wealth of information linking marine mammals to ecosystem health compels the Commission to question whether (1) the policy and implementation plan accurately reflect the state of marine ecosystems and current and future threats to them, and (2) the implementation plan will support the vision and lead to the outcomes set forth in the National Ocean Policy. The questions at the heart of the Commission's concerns are whether (a) the policy and implementation will address the true underlying threats to marine ecosystems and (b) our society will accord sufficient priority to marine ecosystems in the midst of multiple other social, economic, and ecological crises.

## **Nature, rate, and scope of change**

The National Ocean Policy and draft implementation plan do not describe the full nature, rate, and scope of change in marine ecosystems. The earth is in the midst of a massive extinction crisis. Not only are we driving individual species extinct, but we also are degrading the very physical, chemical, biological, and ecological processes that sustain life as we know it, no less in the sea than on the land. Changes to the Arctic Ocean because of climate warming and associated amplification effects are obvious because of the loss of sea ice and the potential loss of whole groups of fauna and flora. Similar and equally alarming negative changes are occurring in the rest of the world's oceans. One need only review the recent literature on coral reefs to see how we are degrading beyond recognition one of the great ecosystem types on the planet. The loss of those ecosystems almost certainly will have severe cascading effects throughout tropical, subtropical, and temperate waters. Ocean acidification from increasing levels of CO<sub>2</sub> may be of even greater overall significance, as it may alter the fundamental nature of virtually all marine ecosystems. These and other problems likely will have adverse consequences beyond those currently anticipated and must be addressed with foresight and bold commitment.

Recognition of the full nature, rate, and scope of change also is essential because it provides the most appropriate standard for judging the efficacy of our research and management strategies—are we gaining or losing ground? Examples of such measures include the number of fish stocks overfished; rate of loss of coastal wetlands; number, extent, and severity of anoxic zones; number and biological significance of harmful algal blooms; rate of loss of coral reef ecosystems; contaminant loads in major estuaries; number of species at risk of extinction or likely to become so in the foreseeable future; number of beach closures from sewage outfalls; and occurrence of disease in marine ecosystem indicator species (e.g., California sea lions). The Commission does not doubt that the National Ocean Council appreciates the seriousness of our marine-related challenges and, therefore, urges the Council to develop clear, comprehensive measures of the nature, rate, and scope of human-related changes in marine ecosystems and the efficacy of our management and recovery efforts. Although it may not be feasible to include them in the implementation plan, the development and publication of such measures will provide a valuable means for assessing the status and trends of marine ecosystems. Without such measures, we run the risks of perpetuating uncertainty or a false sense of security, failing to respond to problems before they become expensive and difficult crises, and adopting an ever-declining standard (i.e., a sliding baseline) for what constitutes a healthy marine ecosystem. The Environmental Protection Agency and the U.S. Geological Survey have developed similar measures of terrestrial ecosystems and conservation efforts.

## **Root causes**

Neither the policy document nor the implementation plan addresses, in a full and forthright manner, the root causes of marine ecosystem degradation—that is, growth in human populations and per capita consumption, economic expansion, and their attendant adverse consequences. Instead, both documents focus on the various manifestations of those changes, including overfishing; the consequences of climate disruption; ocean acidification; habitat destruction; the introduction of contaminants, sound, disease, and invasive species; coastal development; and the discharge of wastes and debris. This approach is similar to treating the symptoms of an ailment without attending to its underlying cause. It appears to assume that any changes required to prevent biodiversity loss and ensure sustainability can be managed simply by developing the right tools or technology and therefore can be relegated to government agencies without concurrent changes in our social customs (i.e., those leading to population growth) and economic systems (i.e., dependence on increasing consumption). This approach also appears to assume that the above and other problems can be managed without an increase in the resources committed to research and management.

The Commission does not agree. All natural systems have limits and, to be sustainable, the demands of human social and economic systems must fall safely within those limits. That does not appear to be the case within U.S. waters and throughout much of the world's oceans. Indeed, the draft implementation plan makes little reference to the need for strong international cooperation in managing ocean resources. The Commission does not see how any nation (or group of nations) can build a prosperous future with healthy ecosystems when its (their) social customs and economic systems rest on unsustainable precepts and practices. We need a more forthright discussion of issues such as increasing ocean acidification; the growing number of harmful algal blooms and anoxic or hypoxic zones in coastal waters; the deterioration of coral reefs; and the introduction of contaminants, sound, and disease, and how these are related to our social customs and economic practices. The Marine Mammal Commission urges the National Ocean Council to reconsider the National Ocean Policy and draft implementation plan and take a deeper look at the root causes of marine ecosystem degradation and the fundamental changes needed to address them.

## **Rationalization**

In the 1960s and 1970s Congress responded to national concerns that we were driving species extinct and degrading natural ecosystems by “economic growth and development untempered by adequate concern and conservation” (section 2(a)(1) of the Endangered Species Act). It passed a suite of legislation (i.e., the Endangered Species Act, National Environmental Policy Act, Marine Mammal Protection Act, Fishery Conservation and Management Act, Clean Water Act, Clean Air Act, Coastal Zone Management Act), recognizing the value of healthy natural ecosystems and our dependence on them. These Acts established standards for managing our effects on the environment and—as a nation—we have had mixed success in meeting those standards for the past four decades. But we now appear to have entered a different mindset.

Our new national ocean policy and the draft implementation plan are rife with terms that, at best, are of uncertain meaning and, at worst, could be misleading. Terms such as sustainable economic growth, balance, adaptation, and resilience imply a measure of control over processes and

outcomes that we either have not or cannot establish. Unless we define these terms and their conservation implications explicitly, they can easily become a form of rationalization and obfuscation. What is meant by “sustainable growth”? And if it can be maintained only by increasing resource consumption, how can it be deemed “sustainable” on a planet with finite resources? What does it mean to “balance” economic and conservation objectives when human population numbers and economic demands are ever-increasing? What does it mean to suggest that an Arctic ecosystem must simply adapt in the face of climate disruption? Polar bears and walruses cannot simply adapt their life or natural histories to compensate for a rapidly changing climate—the time frame is simply too short. Polar bears likely will largely or maybe totally disappear and walruses will be reduced to small numbers. And how do we make ecosystems more resilient in the face of ever-growing demands for extractive use and adverse side-effects of increasing human activities? What measure of control can we claim to have if we drill for oil in the Arctic when our ability to respond to a large spill in icy winter conditions is so uncertain? What measure of control do we have when harmful algal blooms and hypoxic or anoxic zones appear to be increasing exponentially in coastal waters? What measure of control do we have if we have been aware for decades of the grave risks posed by climate disruption, yet we still have no national strategy for dealing with that issue other than simply to cope or adapt? Can we justify building a national ocean policy based on such terms of uncertain meaning, or are we rationalizing to imply that we can meet the demands of an ever-growing human population while still maintaining control over the status and future of marine ecosystems? The Marine Mammal Commission urges the National Ocean Council to define these terms explicitly, explain the nature of the challenges associated with them, and explain how we, collectively, will measure our success at addressing those challenges.

### **Commitment**

Finally, the insufficiency of resources for implementation of the National Ocean Policy is unfortunate. The Commission appreciates that fiscal resources and agency budgets are stretched and are insufficient for meeting all marine responsibilities. But the inadequacy of funding to address the most critical issues indicates that national priorities will not change in a meaningful way. Can we achieve and maintain healthy marine ecosystems if our ocean research and management efforts continue to fall so low on our list of priorities? If infrastructure, technology, and personnel requirements are falling short now, how can this situation be changed in the foreseeable future without additional resources? The question before the National Ocean Council is not whether we can use the best available science, for that will always be the case. The question is whether that science will be good enough to support an ocean policy that assures healthy marine ecosystems. This question has not really been addressed, but the National Ocean Council has the opportunity to at least try to do so. The Marine Mammal Commission urges the National Ocean Council to seek greater support for the implementation plan—support sufficient to ensure a serious, sustained effort to restore and maintain healthy marine ecosystems.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

# NATIONAL OCEAN COUNCIL

Name: **Guy Martin**

Organization: Western Urban Water Coalition

Path: [http://edit.whitehouse.gov/sites/default/files/webform/wuwc\\_comments\\_on\\_national\\_ocean\\_council\\_draft\\_national\\_ocean\\_policy\\_implementation\\_plan.pdf](http://edit.whitehouse.gov/sites/default/files/webform/wuwc_comments_on_national_ocean_council_draft_national_ocean_policy_implementation_plan.pdf)

Comment: Please see attached comments.



March 19, 2012

**SUBMITTED ELECTRONICALLY**

Ted Wackler  
Deputy Chief of Staff, OSTP  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

**Re: Comments on the Draft National Ocean Policy Implementation Plan**

Dear Mr. Wackler:

The Western Urban Water Coalition (WUWC) submits these comments in response to the National Ocean Council (NOC) request for comments on the Draft National Ocean Policy Implementation Plan.

The WUWC consists of the largest urban water utilities in the West, serving over 30 million western water consumers in 14 metropolitan areas in six states.<sup>1</sup> WUWC members own and operate water management, water supply, and hydroelectric projects, including dams, water conduits, reservoirs, and other facilities involved in water supply, transfer, and power generation services.

Many of the WUWC's members have an interest in the management of marine resources. Indeed, through the interconnection of the rivers upon which our members rely and the waters of our oceans and coasts, all of our members are affected by ocean

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<sup>1</sup> The membership of the WUWC includes the following urban water utilities: Arizona – Central Arizona Project, City of Phoenix; California – East Bay Municipal Utility District, City of Los Angeles Water & Power, Metropolitan Water District of Southern California, San Diego County Water Authority, City and County of San Francisco Public Utilities Commission, Santa Clara Valley Water District; Colorado – City of Aurora, Denver Water; Nevada – Las Vegas Valley Water District, Southern Nevada Water Authority, Truckee Meadows Water Authority; and Washington – Seattle Public Utilities.

resource management decisions. For example, numerous members use water from the Colorado River, which flows into the Gulf of California. Other members are pursuing ocean desalination as a strategy to increase the diversity of reliable local water supplies. Additionally, WUWC members recognize that climate change can negatively affect ocean and coastal ecosystems through ocean acidification, sea level rise, and precipitation changes. These changes could adversely impact the operations of WUWC members and the customers that depend on them. The WUWC recognizes the importance of developing and carrying out an effective, long-term, comprehensive strategy for managing ocean and coastal resources.

## **Background**

The WUWC has followed the development of the National Ocean Policy (NOP) with great interest since President Obama issued a memorandum creating the Interagency Ocean Task Force in June 2009. The WUWC attended the July 17, 2009, water utilities stakeholder meeting, and since then, the WUWC has submitted comment letters in response to the July 2009 call for comments on the development of a draft framework, the September 2009 interim report, the December 2009 interim framework for coastal and marine spatial planning (CMSP), the January 2011 call for comments on the development of strategic action plans (SAPs), and the June 2011 request for comments on the draft outline SAPs.

The WUWC has identified nine specific issues that warrant detailed consideration in the NOP: 1) control of invasive species, including those that travel from ocean to fresh water (e.g., in ship ballast water); 2) protection of water rights and supplies that otherwise reach coastal waters; 3) protection of interstate compacts and obligations thereunder; 4) the need to honor the 2007 Federal Adopted Guidelines for the Colorado River, including the storage/release criteria; 5) the need to abide by and honor National Pollutant Discharge Elimination System limits in permits and the infrastructure investments made to meet the same; 6) exploration of the use of the "net environmental benefit" concept in ecosystem protection; 7) examination of desalination opportunities and brine disposal technologies; 8) respect for local land use decision-making; and 9) increased efforts and financing for studies and data gathering with respect to ocean conditions and activities, and the impact on anadromous fish runs, and, to the extent affected, other organisms.

## **Draft NOP Implementation Plan**

The WUWC has reviewed the NOC's Draft NOP Implementation Plan and submits the following comments in response to five of the nine priority objectives: 1) ecosystem-based management (EBM); 2) CMSP; 3) resiliency and adaptation to climate change; 4)

regional ecosystem protection and restoration; and 5) water quality and sustainable practices on land.

### *Ecosystem-Based Management*

In our prior comments, the WUWC expressed support for the use of EBM as a foundational principle and, in the near-term, encouraged the NOC to include inland activities in its effort. In the long-term, the WUWC has urged the Council to integrate the nine issues identified above into the SAPs for each of the priority objectives. If not properly applied, EBM can have a very negative effect on decision-making and related activities and as such, its application must be carefully developed, balanced, and efficient. The June 2011 draft outline for EBM did not specifically address the nine factors raised by the WUWC, but other portions of the outline did touch on the need for control of invasive species, state support for local and regional ecosystem-based planning programs, affirmation of the continued validity of existing laws and standards, and the need to invest in and expand scientific study of both the marine environment and its resources. The WUWC requested that the Council, in the short term, include land-based activities in the development of the NOP for EBM, and also specifically address the nine issues identified above in the SAP as long-term action items.

The WUWC notes that while some of the issues identified above continue to receive attention in the four action points identified for the implementation of EBM, including the development of new scientific studies and pledges to work with local and regional planning bodies, other areas of the Draft Implementation Plan are of concern. For example, while the NOC has continuously developed the NOP with the understanding that it will work within the context of existing laws and regulations, the Draft Implementation Plan calls for the "review of EBM-relevant statutes and regulations to identify...potential legislative changes that would fill gaps and support full implementation of EBM." *Plan* at 13. The WUWC is concerned that relying on the addition of new laws will hinder the progress of EBM due to the time delays and uncertainty inherent in the legislative process, and may result in an unnecessarily increased burden imposed on regulated parties. The WUWC requests that the NOC continue to implement EBM within the context of the comprehensive spectrum of existing authorities. Additionally, the WUWC continues to request that land-based activities be incorporated into the EBM process.

In addition, as a general comment that applies throughout the NOP and the Implementation Plan, insufficient explanation has been provided how decisions will be made and, in particular, how the concerns of WUWC members and other stakeholders who are primarily involved with onshore and inland activities will be fully integrated into the procedures used to carry out actions and initiations. The WUWC has repeatedly

expressed concern that the NOP will create the basis for regulating the activities of upstream projects and activities but not establish a decision-making framework that gives the parties involved in such actions a sufficient role in decision-making. To date, the NOC has done very little to address this concern. The WUWC therefore requests that future notices issued by the NOC, and the next version of the implementation plan directly and specifically describe the procedure for agency action review as it relates to inland and onshore activities and consult with the WUWC and other similarly-situated parties to ensure full and fair representation.

#### *Regional Ecosystem Protection and Restoration*

The WUWC continues to support this objective, and requests again that the Council include the protection and restoration of inland regional ecosystems and the development of partnerships with the regulated community, consistent with established legal regimes and water rights governing river systems and inland water supplies. In particular, the WUWC appreciates Action 1, *page 46*, which recognizes the importance of inland ecosystem services and activities, as well as the importance of coordination with Federal, local, Tribal, State, and regional entities in identifying and carrying out protection and restoration priorities. As noted above, recognition of the importance of inland ecosystem services and activities must accept as a baseline the water supply and distribution facilities, networks, and legal rights that are already in place. The NOP should not be an excuse to “reinvent the wheel” for water use in the west.

#### *Resiliency and Adaptation to Climate Change*

The WUWC supports the continued study and development of sound science regarding climate change and possible links to ocean acidification. In the near-term, the WUWC supports the Draft Implementation Plan’s commitment to the collection and analysis of high-quality data; in the long-term, the WUWC continues to support the continued study, analysis, and incorporation of new and emerging science and changes in data into those analyses. The WUWC strongly supports the Draft Implementation Plan’s theme of basing decision-making on high-quality data and encouraging new and improved methods of data collection and analysis.

The WUWC urges the NOC to include inland impacts of climate change and acidification into its analyses, and additional inland impacts, including decreased water supply and management priorities. A well-established network of research and adaptation entities and processes already exists for evaluating the effect of climate change in the western states, and the Implementation Plan should take full advantage of this existing work and avoid creating areas of conflict or inconsistency.

### *Water Quality and Sustainable Practices on Land*

The WUWC has conceptually supported this objective, noting that inland practices are connected to coastal and marine impacts. However, the WUWC has repeatedly noted that the NOP must take into account the existing array of water laws and rights, and incorporate them as the regulatory baseline moving forward. The WUWC has also sought a definition of the scope of the policy, including geographically defined limits to ensure the program will not be so broad as to become inefficient, ineffective, and overreaching.

As we noted in our earlier comments, the NOP treatment of this issue raises serious concerns for the WUWC. There have been no assurances that existing water laws and rights will be maintained, and there have not been any indications of limitations on the scope of the Plan's reach.

Neither of these concerns have been addressed in the Draft Implementation Plan. It is vital to define the scope of the NOP moving forward, as well as provide for the continuation of the legal and property rights framework that currently governs inland water resources. This area provides an opportunity for the NOC to ensure the development and use of the sound science championed throughout the rest of the Draft Implementation Plan as a basis for regulatory actions, requiring demonstrated linkages between inland activities and coastal and ocean resources. It is time for the NOC to address this very significant issue, and the WUWC is prepared to consult with you for that purpose.

### *Coastal and Marine Spatial Planning*

The WUWC supports CMSP as a foundational principle of the NOP, provided it adheres to the consistent theme of our previous comments and this letter, and respect and build around existing water rights and inland water management regimes. Moving forward, the WUWC supports the NOC's commitment to undertaking a series of reviews to ensure that CMSP's implementation is not resulting in bureaucratic overlap, and looking for areas where regulatory efficiency can be increased. We support this approach in principle and request further clarification of the NOC's standpoint on commitment to using existing laws and integrating existing water rights into the CMSP process.

### **Conclusion**

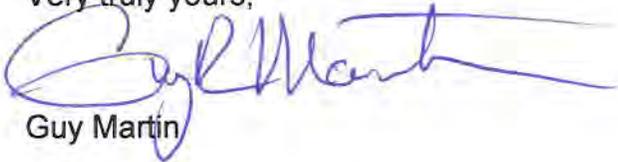
The WUWC appreciates the opportunity to provide comments on the Draft Implementation Plan. We continue to support the development of the NOP and request

Ted Wackler  
March 19, 2012  
Page 6

that the NOC continue to demonstrate a commitment to stakeholder involvement and bureaucratic efficiency.

If you have any questions about these comments, please contact Guy Martin or Donald Baur, Perkins Coie, at (202) 654-6200. Thank you for considering these comments.

Very truly yours,



Guy Martin

Name: **Robert Rheault**

Organization: East Coast Shellfish Growers Association

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_action\\_plan\\_comments.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_action_plan_comments.pdf)

Comment: Attachment.

**ECSGA**  
1623 Whitesville Rd.  
Toms River, NJ 08755  
www.ECSGA.org



**Mike Peirson**  
President  
**Tom Kehoe**  
Vice President  
**Ed Rhodes**  
Secretary  
**Gef Flimlin**  
Treasurer

March 22, 2012

Michael Weiss  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Re: Comments on the National Ocean Policy Draft Implementation Plan

Dear Mr. Weiss,

The East Coast Shellfish Growers Association represents about a thousand small shellfish farms from Maine to Florida who collectively harvest over \$100 million in sustainably cultured shellfish. We provide thousands of green jobs in rural coastal communities and our crops improve water quality and provide thousands of acres of quality habitat for juveniles of many commercially important species. Cultured shellfish are the largest component (by far) of marine aquaculture in the United States, and several studies have shown that we hold the greatest potential for expansion and growth.

We want to thank you for the opportunity to meet with you and your staff while we were in Washington DC on February 9<sup>th</sup>. We also appreciate the opportunity to provide you with written comments on the NOP Draft Implementation Plan. Moving forward we hope we can continue to provide stakeholder input on regional and state Coastal and Marine Spatial Planning initiatives, but keep in mind that we are challenged on the east coast to engage with 14 states considering such initiatives.

In general, we commend the direction and impetus for the Plan and most of our comments suggest only minor tweaks or changes in emphasis. We would have liked to see a more focused initiative with perhaps ten or twenty implementation actions and more realistic and attainable milestones and outcomes that reflect the current budgetary and political realities.

We are pleased to see the emphasis on the best available science to guide the decision making process (page 19 Action 1: *Advance fundamental scientific knowledge through exploration and research.*) This is especially important in the debates surrounding aquaculture where we find a plethora of grey literature and pseudoscience has been used to sully our reputation. We have assembled a large database of scientific publications supporting our assertions that our community is a positive force in maintaining water quality, providing essential habitat and improving diversity. We encourage all of the federal partners to work to maintain and expand budgets for critical research needs to help our industry continue to develop.

Similarly we support the efforts outlined in Action 2 on page 20 (*Provide scientific information to support emerging sustainable uses of resources including renewable energy, aquaculture, and biotechnology.*) We especially applaud the references to NOAA's Shellfish Initiative and we hope to soon initiate a program similar to the Washington State Shellfish Initiative in the Chesapeake region. We hold great hopes that this sort of initiative can work to elevate the visibility of our community as we partner to improve water quality, restore ecosystem function and increase employment opportunities in rural coastal areas.

On page 24, Action 6: *Increase ocean and coastal literacy by expanding the accessibility and use of ocean content in formal and informal educational programming for students, educators, and the public.* In the shellfish community we have developed tremendous programs called "Oyster Gardening" in many coastal states. These provide a terrific opportunity to engage coastal residents in restoration projects and to teach residents about the importance of water quality and the steps that they (as coastal residents) can take to reduce nutrient inputs to coastal waters. These programs have been shown to increase public support of expensive water treatment plant upgrades and other critical land-use alternatives.

Apropos to Action 3 page 38-9: *Reduce barriers to implementation of the National Ocean Policy*, as well as Action 5 on page 40: *Improve efficiency of permitting of ocean, coastal, and Great Lakes uses.* We encourage the NOC legal working group to address the lack of a legal and regulatory framework to allow aquaculture leasing in federal waters. A great deal of work has been done on this subject, but without a legal framework in place to allow leasing in the EEZ we will continue to slip further and further behind other nations that are developing sustainable offshore aquaculture.

Two attempts have been made at crafting enabling legislation, but each got bogged down by disputes over the sustainability of carnivorous finfish culture. The Capps Bill was problematic because it did more to prevent aquaculture development than to help it, but the Akaka Bill held great promise. I suggest that the Council examine work done to propose a legal and regulatory framework at the University of Delaware, at multi-year effort by an extraordinary team of experts: <http://darc.cms.udel.edu/sgeez/index.html> and the final report at: <http://darc.cms.udel.edu/sgeez/sgeez2final.pdf>

One approach to consider that would move the issue forward would be to create a framework to allow shellfish aquaculture in federal waters that would keep the debate from getting bogged down in questions about finfish sustainability while moving the ball forward incrementally. We have tremendous potential for mussel aquaculture in the U.S., but we need a legal framework before investment will occur. As we move forward with adapting our regulatory framework to accommodate wind farms offshore, we would be remiss if we didn't consider the potential synergies of co-locating mussel farms with wind farms as is occurring in Europe. This is also be an excellent opportunity for U.S. regulators, planners and practitioners to learn from our counterparts in other nations as suggested in Action 6 on page 41: *Address high-priority ocean policy issues through international engagement by promoting the exchange of information and expertise.*

We are pleased the NOP has prioritized improving efficiency of permitting of ocean, coastal, and Great Lakes uses (page 40). In particular we are pleased you have opted to address

aquaculture permitting first. On the East Coast our industry is challenged by a patchwork of local, state and federal regulations form a virtual alphabet soup of regulatory agencies. Regulations in the same body of water can vary widely because state regulations are different or different districts of the federal authority interpret the same guidance differently. This disparity results in situations such as we see in Virginia (which enjoys a \$40 million shellfish aquaculture industry), while neighboring Maryland (struggles to produce shellfish worth a few hundred thousand dollars). We would welcome federal guidance that would create a more level playing field, simplify and coordinate federal actions, streamline the processes and give some degree of certainty to those who would like to invest in these opportunities.

The ECSGA supports and appreciates the attention the Plan puts on addressing coastal water quality and sustainable practices on land (pages 63-77). As noted in the plan on page 43 *"...the health of ocean, coastal, and Great Lakes ecosystems and their ability to provide such a wealth of products and services is being degraded by urban, rural, and agricultural development; unsustainable land-use practices; and other human activities."* NOAA has identified excess flux of nitrogen to our coastal waters as the leading cause of degraded water quality, eutrophication hypoxia, habitat destruction and loss of biodiversity in the U.S. today.

There are three chief sources of this nitrogen that need to be addressed; agricultural subsidies that encourage the excessive use of synthetic fertilizers, inefficient recovery of nitrogen from human wastewater and excessive application of fertilizers to lawns. Shellfish aquaculture can be a part of the solution through nutrient credit trading for the hundreds of tons of nitrogen that our community removes when we harvest our crops. As stated on page 65, *"reducing pollutants from rural sources will improve local water quality and enhance ecosystem services"*, however solutions to these problems will necessitate large-scale changes to societal views on agriculture, wastewater management and lawn care. In order to achieve action 5 on page 68: *Minimize the impacts of hypoxia* we encourage additional research into the potential for nutrient bioharvest through shellfish and algal culture.

While we recognize the goals outlined in Action 6 on page 51: *"Identify nationally significant marine and Great Lakes natural and cultural areas in need of protection"* it is important to recognize that once established, marine protected areas tend to be highly restrictive of future potential uses, even if those uses may be compatible with the goals of the MPA. It is important to consider that certain shellfish aquaculture can be conducive to habitat preservation and the restoration of ecosystem services and should be considered as compatible uses of certain MPAs.

It is also important to consider that shellfish aquaculture is a very young and rapidly evolving practice. As such we should not presume that we can envision the shellfish farms of the future based on the farms we know of today. As we zone the waters for appropriate uses we need to provide for adaptive management that considers new and evolving uses that may not have been considered when the zones were first established. Shellfish farmers are incredibly adaptive and resourceful and can develop farming methods that are compatible with conservation and preservation goals. As stated on page 51, the sought after outcome should be an appropriate balance between conservation and human use. Such a balance defines most shellfish aquaculture.

On page 52 Action 7: *Improve the effectiveness of coastal and estuarine habitat restoration projects*. In Rhode Island several restoration projects were recently carried out by commercial growers. These farmers were able to implement shellfish restoration at a fraction of the cost of similar projects implemented by NGOs or federal authorities. We encourage restoration practitioners to partner with local industry to implement cost-effective and efficient use of federal or state restoration funds. Restoration practitioners should also be aware that the ecosystem services that we seek from restored oyster beds (nutrient removal, benthic stabilization, habitat improvement etc.) are similar in most respects to those provided by commercial shellfish aquaculture operations. This has been well documented in the scientific literature.

We strongly support efforts to study and characterize the impacts of ocean acidification and to seek adaptive mechanisms to allow us to continue to produce shellfish as the ocean pH declines. We need to know what to expect in terms of the pace and the magnitude of the change and whether there are things we can do to minimize the impact of these changes going forward.

Thank you again for the opportunity to provide comment on the Draft Implementation Plan. We look forward to being an active partner in the process as the NOC moves forward. As proud stewards of the marine environment that are wholly dependent on a healthy marine environment we commend your goals and wish you great success.

I encourage you to contact me if you need clarification of any of the comments we have offered.

Sincerely,



Robert B. Rheault, Ph.D.

Executive Director, East Coast Shellfish Growers Association

[bob@ECSGA.org](mailto:bob@ECSGA.org)

(401) 783-3360

Name: **kirk fay**

Organization: American taxpayer

Path:

Comment: I can't wait to see the faces of all my union friends that voted for Obama when they find out that they have no place to fish. Our country is such a mess. Our Debt is out of control and our solution is to wipe out more American jobs. I HOPE this comes out before election day. Everyone that took the time to write a nice letter...YOU WASTED YOUR TIME. They already know what they plan on doing. Goodbye Fishing.

Name: **Brian McClintock**

Organization:

Path:

Comment: I strongly urge you to consider all the recommendations laid out by the American Sportfishing Association and their partners. Ensuring that recreational fishing is well respected in this policy is vital to the future conservation of our marine resources

Name: **Larry Naake, et al.**  
Organization: NACO and National League of Cities  
Path:  
Comment: Attachment.



March 28, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear National Ocean Council Members:

On behalf of the nation's counties, cities and mayors, we thank you for the opportunity to provide additional comments on the National Ocean Council's (NOC) Draft National Ocean Policy Implementation Plan.

Our organizations submitted comments to NOC on February 27, 2012, in which we expressed concern about the lack of local government representation on the nine proposed regional planning boards (RPB) charged with developing a regional coastal and marine spatial plan (CMS Plan). In a briefing that NOC Director Deerin Babb-Brott provided to our organizations and the National Governors Association on March 22, Mr. Babb-Brott indicated that a number of comments NOC received expressed concern about this same issue, causing NOC to reevaluate its plan for including local governments in the planning process.

We thank you for addressing this issue, but have additional concerns with the revised plan, which we feel insufficiently addresses the issue of adequate local government representation on the regional planning boards. The revised plan would require the federal, state and tribal co-leads to establish a local government consultation committee comprised of one local government member from each state that is represented in the region. From among those local government members, one would be chosen by the group to serve as the sole official local representative on the multi-state regional planning board.

Barring strong local government representation on the board invites a top-down approach to regional and local planning and processes. Because land use planning is an inherently local decision driven by local and state laws, it is imperative that more local representation be included on the RPB to reflect the diverse nature of local governments. It is unrealistic to expect one local representative to be the expert for all local governments in multiple states. We believe adequate local government representation on the regional planning boards, consisting of at least one local government representative per state, is essential to successfully developing, and ultimately implementing, an effective regional CMS Plan.

Rural and urban areas and cities and counties have significantly different needs, with immense variation in natural resources, social and political systems, cultural, economic and structural circumstances, and public health and environmental concerns. Additionally, cities and counties may have different responsibilities and roles, depending on the state. Given these differences, it is

National Ocean Council

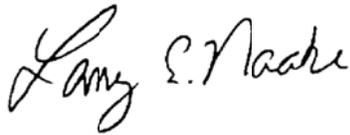
Page Two

March 28, 2012

important that local governments be involved as a significant partner in the formative planning stages and have the ability to tailor such measures to meet their communities' unique needs, where appropriate.

As you move forward with this process, we encourage you to continue to include local government representation in ensuring the protection, maintenance, and restoration of oceans, our coasts and the Great Lakes.

Sincerely,



Larry E. Naake  
Executive Director  
National Association of Counties



Donald J. Borut  
Executive Director  
National League of Cities



Tom Cochran  
CEO and Executive Director  
The United States Conference  
of Mayors

Name:

Organization: U.S. House of Representatives, Committee on Natural Resources

Path:

Comment: Attachment sent via email.

Signed by Congressional supporters of NOP and IP.

DOC HASTINGS, WA  
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MARK AMODEI, NV

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

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PAUL TONKO, NY

JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

March 28, 2012

Chairwoman Nancy Sutley  
National Ocean Council  
Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Director John Holdren  
National Ocean Council  
Office of Science and Technology Policy  
725 17<sup>th</sup> Street NW  
Washington, DC 20502

Dear Chairwoman Sutley and Director Holdren,

We are writing to comment on the draft National Ocean Policy Implementation Plan for the nine priority objectives identified in the National Policy for the Stewardship of the Ocean, our Coasts, and the Great Lakes, established under Executive Order 13547. We are enthusiastic about the implementation of America's first National Ocean Policy and applaud the progress the National Ocean Council has made to date.

The United States has exclusive environmental and economic jurisdiction over approximately 4.5 million square miles of ocean, which is larger than the total combined land area of all the states and territories. Our oceans, coasts, islands and Great Lakes comprise a vital part of the U.S. economy by supporting tens of millions of jobs and contributing trillions of dollars a year to our national economy. It is projected that nearly 75% of the nation's population will live in coastal counties by 2025.<sup>1</sup>

We commend the National Ocean Council for providing a unifying framework to better coordinate and integrate over 100 different laws, policies, and regulations affecting the oceans, coasts, and Great Lakes. The plan will reduce inefficiencies, provide critical cost savings, improve our stewardship of the environment, promote economic development, and create jobs while fully maintaining national security. The National Ocean Policy also exemplifies the best of interagency cooperation; it will fully integrate our Nation's security and defense departments with those focused on domestic and economic issues. We offer the following comments on the draft National Ocean Policy Implementation Plan:

<sup>1</sup> National Ocean Economics Program (2009). State of the Ocean and Coastal Economies. Available at: <http://www.oceanomics.org/NationalReport/>.

### *Strengthen Regional Efforts*

The success of the National Ocean Policy builds on the achievements of existing regional entities. This bottom-up approach reduces inefficiencies and ultimately cuts costs drawing upon existing partnerships. We commend the Council's approach of including representatives from Regional Fisheries Management Councils on the Regional Planning Bodies, and the development of a standing committee of scientific and technical experts to advise the Regional Planning Bodies. The draft Implementation Plan goes beyond existing initiatives to deepen collaboration across agencies, making it possible to define management areas using ecological, rather than political, boundaries.

Comprehensive ocean planning, technically known as Coastal and Marine Spatial Planning, is a proactive and collaborative approach to improving governance. It brings Federal agencies, States, territories, Tribes, and communities together to better manage marine resources that Americans depend on for food, business, energy, security, and recreation. Greater efficiencies in negotiating the "rules of the road," facilitated by comprehensive ocean planning, helps communities to optimize resource-use, enhance environmental protection, reduce uncertainty, hasten project implementation, ensure sufficient resources for protecting national security, reduce litigation, and develop partnerships across sectors. Comprehensive ocean planning fully involves ocean users and stakeholders, such as fishermen, shipping interests, energy developers, and scientists.

Several states, including Massachusetts and Rhode Island, have already implemented ocean plans that have put them on a path to great success for increased economic development while protecting current ocean uses and the environment. For example, a taskforce composed of federal, state, local, and tribal representatives – along with fisheries and habitat working groups – recently helped the Bureau of Ocean Energy Management (BOEM) designate areas for offshore wind development in Massachusetts. Using this "Smart from the Start" approach, BOEM is currently able to expedite a process that has been notoriously slow elsewhere in the state. Moreover, a recent study shows that in Massachusetts, comprehensive ocean planning provides considerable economic benefit to a variety of businesses, including energy, fisheries, and tourism.<sup>2</sup>

### *Ecosystem-Based Management*

We commend the Council for making ecosystem-based management a cornerstone of the draft Implementation Plan. Ecosystem-based management (EBM) considers the environmental, economic, and social benefits of the entire ecosystem in which resources are embedded and at its core seeks to protect, maintain, and restore ecosystems so these benefits can be retained. Ecosystem-based management of fisheries is a growing priority of several Regional Fishery Management Councils and will reduce uncertainty in future stock assessments and contribute to the economic stability of the fishing industry. The leadership of the Regional Fishery Management Councils, which will retain all current jurisdiction and authorities over fisheries issues, will be bolstered by the EBM approach of the National Ocean Policy.

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<sup>2</sup>White et al. (2012). Ecosystem service tradeoff analysis reveals the value of marine spatial planning for multiple ocean uses. Available at: [www.pnas.org/cgi/doi/10.1073/pnas.1114215109](http://www.pnas.org/cgi/doi/10.1073/pnas.1114215109)

Given the limited funding available to initiate new programs, priority areas for EBM programs should build on existing programs as examples of how EBM can be carried out. For example, the Mariana Archipelago Fishery Ecosystem Plan (FEP) contains the fisheries management measures for Guam and the Commonwealth of the Northern Mariana Islands. By being spatially-based rather than species-based, the FEP provides an ecosystem based approach to fisheries management; it is adaptive and strives to balance diverse social objectives. The National Ocean Policy's implementation will build on regional efforts like the FEP and will help provide adequate resources to strengthen existing industries. Similarly, the establishment of new networks, like the National Shellfish Initiative, will help identify ways to maximize both ecosystem benefits and commercial values. We hope that these initiatives will serve as a model for future endeavors that will identify overall benefits of coupled human-natural systems.

#### *Inform Decisions and Improve Understanding*

The draft Implementation Plan stresses the importance of using accurate scientific information to make decisions and improving scientific capabilities, particularly in renewable energy, aquaculture and biotechnology. Improving our scientific and technical capabilities will augment the local knowledge of ocean users and will help managers respond better to changing conditions and new challenges. The National Ocean Council may learn from a practice used in the Great Lakes Restoration Initiative, where independent scientific review panels determine the appropriate use of scientific information and data. This type of coordination will ensure that funds allocated to scientific research provide useful, high quality data. Making data regarding the 50 states and territories available quickly and in a readily-interpretable format should also be a priority. To that end, we applaud the recent launch of [ocean.data.gov](http://ocean.data.gov), which will make it easy for scientists to share their data. Having more data and information, used in a way that is clear and transparent, will ensure that resources are used in an optimal, sustainable manner, and will facilitate investment by decreasing uncertainty surrounding resource management.

Priority areas should include the identification of data gaps within ocean observing systems, sensor, data collection, and mapping in areas most likely to be affected by climate change and ocean acidification. For example, understanding the sea ice dynamics and the geography of the Arctic ocean basin will be critical as shipping operations in that region increase in that region due to changes in the climate and the pursuit of natural resources. Additionally, we need science and tools to address an evolving set of problems that are likely to change the shape of our coastlines. Specifically, monitoring the rate of ice decline and change in sea level will be critical to coastal communities across the United States.

A primary tenet of the National Ocean Policy is that we must manage our ocean, coastal, and Great Lakes resources in an open and inclusive manner. One way to increase transparency is to engage stakeholders in the scientific research that will inform management decisions. In collaborative research, scientists and stakeholders work together throughout the research process, from developing hypotheses to analyzing data and interpreting results. NOAA's Northeast Cooperative Research Program, where scientists and fishermen work together to develop and conduct projects, exemplifies collaborative research and provides a useful example for National

Ocean Policy implementation. Adaptive management incorporates the intricate functions of an ecosystem into a flexible management structure and is a critical component for long-term restoration within the framework of creating and maintaining resilient coastal communities. The efforts put forth by the Gulf Coast Ecosystem Restoration Task Force provide an example of effective interagency adaptive management.

*Efficiency and Collaboration*

A positive outcome of the National Ocean Policy will be to reduce redundant practices across agencies. Initial priority should be given to support existing programs where collaboration is occurring. For example, effective collaboration will be important for addressing the challenges posed by ocean acidification. Ocean acidification is a serious concern, the exact ramifications of which are not yet fully understood. Negative impacts to our coral reefs, shellfish and fishing industry, are likely to result from ocean acidification. In 2009, Congress passed the Federal Ocean Acidification Research and Monitoring (FOARAM) Act, which created an Interagency Working Group tasked with coordination of federal activities related to ocean acidification. These efforts provide a testing ground for the effectiveness of interagency collaboration involving science, industry, state, tribal, and territory stakeholders.

Currently, our ocean economy supports over 2.8 million jobs, including tourism, recreation, and fishing sectors. Commercial fishing alone contributes over \$70 billion annually to our nation's economy, while over 25 million Americans fish recreationally every year. The present economic benefits and jobs we have now rely on a foundation of healthy ocean, coastal and Great Lakes ecosystems. To sustain this natural capital, we must protect and restore ecosystem services, engage in open and transparent resource management, and facilitate collaboration among local, state, federal, territory, and tribal authorities.

We appreciate the opportunity to comment on the draft National Ocean Policy Implementation Plan and look forward to working with you to see the full implementation of the National Ocean Policy and the improved governance, ecological, and economic benefits that will result.

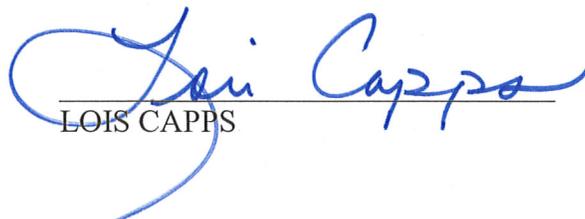
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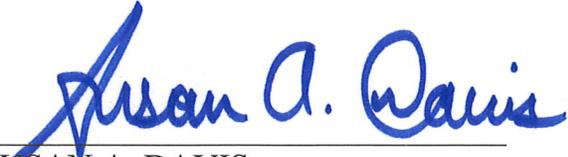
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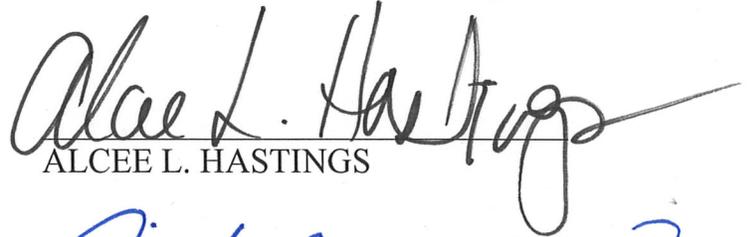
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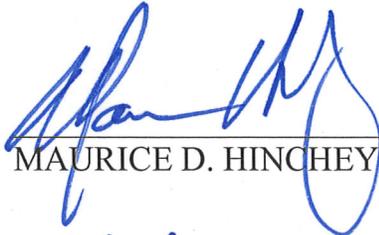
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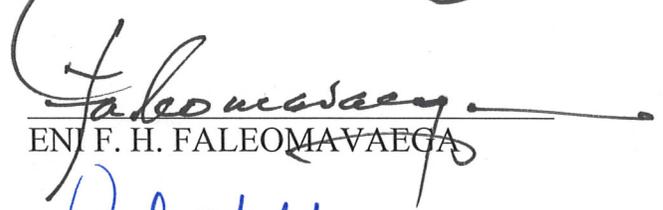
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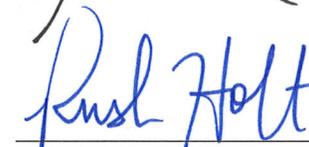
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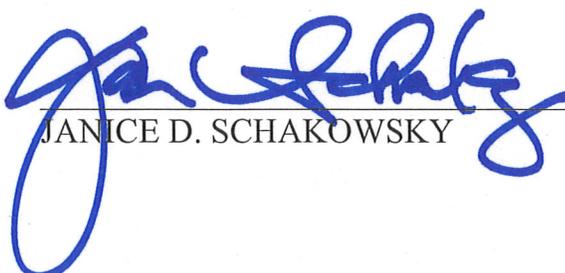
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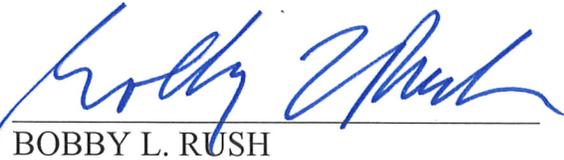
  
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Chairwoman Sutley

Director Holdren

Page 7



---

BOBBY C. SCOTT

Name:

Organization: OCEANA & 15,240 Concerned Citizens

Path:

Comment: Letter attachment sent via mail.



**Dear Chairs Sutley and Holdren and National Ocean Council Members,**

Thank you for the opportunity to comment on the Draft National Ocean Policy Implementation Plan (NOP). We appreciate your leadership in establishing an ocean policy and draft implementation plan, and we encourage you to continue that leadership by maintaining and strengthening the conservation provisions within the NOP. I support the NOP as it provides the foundation for an effective and efficient framework for a new approach to managing the ocean, coastal, and Great Lakes natural resources for present and future generations.

The abundance of resources, natural beauty, and economic value of our oceans and coasts are essential to our wellbeing and our Nation's prosperity, but we have not always given it the care that it deserves. Issues such as overfishing, pollution, unsustainable development, and devastating oil spills threaten the fragile health of the marine ecosystems, as growing and competing uses and interests are currently inadequately managed by the Federal agencies responsible. The outline suggested by the NOP would improve the functionality of this system so the Federal agencies work together through a network of information sharing, research, and transparency.

The use of an ecosystem-based management approach would greatly improve our current systems of management in addressing ocean issues. It requires extensive research and science-based methods to study the complex relationships among species, their habitats, and human impacts before action is taken to address an issue or protect a resource, which should include identifying and protecting important ecological areas. It is essential that sound methods of science be applied and information sharing be used to study the unique functions of the various ecosystems, in order to ensure that the proper protection, maintenance, and restoration will be planned and implemented.

Even with great leadership, the goals of the NOP will not be achievable unless there is sufficient funding. The budget for the NOP must be made public and reflect the commitment the Federal government has to making the National Ocean Policy a success. The funding and implementation of this policy will help ensure the coasts remain a place where our children can whale watch, swim in the water, and enjoy fishing on healthy populations of fish.

Sincerely,  
**15,240 concerned citizens**

Name: **Dale Beasley**

Organization: Coalition of Coastal Fisheries

Path:

Comment: Attachment sent via mail.



## Coalition of Coastal Fisheries

Coastal Office: PO Box 1448, Westport, WA 98595 – 360 268 0076, Fax 360 268 0000

Administrative Office: 5132 Donnelly Dr. SE, Olympia, WA 98501 – 360 456 1334, Fax 360 923 0762

...Serving the needs of the coastal fishing industry and coastal fishing communities

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Executive Office of the President  
722 Jackson Place NW  
Washington DC 20503

March 28, 2012

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Washington Dungeness Crab Fisherman's Association  
Washington Trollers Association  
Western Fishboat Owners Association  
Westport Charterboat Association  
Willapa Bay Gillnetter's Association  
Willapa-Grays Harbor Oyster Growers Association

RE: Comments on the National Ocean Policy Implementation Plan

Dear Co-Chairs Sutley and Holdren

Thank you for this opportunity to comment on the National Ocean Council's Draft National Ocean Policy Implementation Plan. As Vice President of one of this nation's premier fishing organizations we strongly suggest that those most affected by the NOP be firmly at the table as decisions are made; the NOP needs to more firmly embrace implementation of policy from the bottom up. In our region San Diego and Neah Bay represent two completely different cultures with many variables between the two, what may work well near Mexico is very different near Canada. **Variability needs to be built in** those more localized situations can be addressed specifically as needed.

CCF further suggests that the **CZMA and a state by state** address to the offshore waters is commonplace moving forward.

Our final and most important comment is that "**Sustaining existing uses and coastal communities**" is added as a national goal in addition to the 9 goals outlined in the NOP

Sincerely,

### Executive Director

Ed Owens, CEO  
REACT Consulting Group

Dale Beasley, Coalition of Coastal Fisheries  
Columbia River Crab Fisherman's Association

### Safety Advisor

Forrest "Woody" Mayer



Name: **John Forster**

Organization: Forster Consulting Inc

Path: [http://edit.whitehouse.gov/sites/default/files/webform/towards\\_a\\_marine\\_agronomy\\_global\\_food\\_security.pdf](http://edit.whitehouse.gov/sites/default/files/webform/towards_a_marine_agronomy_global_food_security.pdf)

Comment: I suggest that a National Seaweed Initiative should be included under 'Milestones' for aquaculture,. Marine macroalgae or seaweeds are already farmed on a large scale in Asia and show great promise as alternatives to terrestrial plant products for food, feed, biofuel. Here in the U.S., the U.S. Dept of Energy is now funding a seaweed biofuel project (<http://www.ba-lab.com/>) and there is much interest in Maine presently in the farming of seaweeds as marine vegetables ([www.oceanapproved.com](http://www.oceanapproved.com)).

This is an overlooked sector of aquaculture the potential for which is much greater than farming fish or shellfish - see article attached (also at <http://www.foodsecurity.ac.uk/blog/index.php/author/john-forster/>). This describes a future 'Marine Agronomy' that could one day produce as much plant biomass for food, feed and fuel in the sea as we produce today on land. This would be done without freshwater, land or fertilizer all of which are constraints on agricultural expansion. And offshore marine plantations would help to reduce ocean acidification, provide habitat for marine creatures and remediate coastal waters burdened with excess nutrients from terrestrial runoff.

It is hard to think of another use for our ocean waters that holds so much promise and would be so sustainable. A number of other countries now, notably in Europe, Asia and Australia, have recognized this and have active programs in place to test and develop marine agronomy concepts. If it is not to be left behind, the U.S. must establish its own marine agronomy program as an 'Emerging Sustainable Use Milestone' and include it as a priority in its Ocean Policy.



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## Towards a marine agronomy

Tuesday, 4 January 2011 | [farming](#) | John Forster

**It's time to make more productive use of the sea, says John Forster.**

What should we expect from marine aquaculture in the future? Will it serve simply to top up supplies of fish and shellfish from capture fisheries, as it does now and as is mostly assumed, or does it promise something more?

There will be around 9.1 billion people on Earth by 2050 and traditional farming might not be able to produce enough food for them. Limited fresh water and arable land will constrain agricultural growth, while growing affluence in developing countries will add to the challenge as people eat more meat or turn food crops into biofuel. Therefore, ['Will the oceans feed humanity?' \(PDF\)](#)



Oceans cover 70% of the Earth and contain 97% of its water, yet they yield less than 2% of our food. This is not because they are unproductive; it is because we cannot harvest the phytoplankton that represents the vast bulk of marine productivity.

Instead, we harvest fish and shellfish, which derive from phytoplankton through the marine food chain. Since each link in the chain retains only about 10 percent of its food energy as growth, the biomass of the larger animals we catch reduces sharply. For example, the [83 million metric tons \(mmt\) of fish](#) landed each year by the world's commercial fisheries derive originally from over 10,000mmt of phytoplankton because there are an average of 3.1 links, or conversion steps, between them and the phytoplankton from which they originally derive.

By comparison, on land we [farm and harvest about 6,600mmt](#) per year of plants most of which we eat directly, much of the rest being fed to farm animals to produce meat and dairy products. This [terrestrial agronomy](#) produces over 98% of our food from cultivated lands that comprise 24 percent of the Earth's terrestrial surface.

Therefore, a question for marine aquaculture is: can it become a similarly productive marine agronomy to ease the burden that future human generations will otherwise impose on the land?

To do so, marine plants (macroalgae, or seaweeds) must become the primary crop for food, feed and other applications as we use terrestrial plants instead of the marine animals produced now.

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We welcome a range of views about the food security issue in this blog. The views expressed are the authors' own, not necessarily those of BBSRC as the owner and manager of this website.

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This is not a new idea. In 1968, an American physicist named Howard Wilcox offered [his vision](#) for 'Ocean Food and Energy Farms' off the coast of California and [it was tested \(PDF\)](#) in what became known as the US Marine Biomass Program (Chynoweth, 2002). However, over-ambitious goals for bioenergy production, prompted by the oil crisis of the 1970s, were not met and the program lapsed as oil flowed freely again in the 1980s.

## A sea change

Today, the only countries that farm seaweed on any scale are in Asia. China, for example, produces over [10mmt of seaweed annually \(PDF\)](#) with yields of one species, Laminaria, averaging 19.4 metric tons dry weight per hectare per year (Chen, 2006). At this level, it would need only 1% of the Earth's ocean surface to grow an amount of seaweed equal to all the food plants currently farmed on land.

Though extrapolations like this can be pushed too far, the idea that one day it might be possible to double our food supply by farming less than 1% of the oceans suggests that we have not yet thought hard enough about what marine aquaculture has to offer. That it might be done without using land or fresh water in a world that may be short of both makes the idea doubly attractive and, encouragingly, new initiatives are under way.

For example, [the Biomara project](#) will produce biofuels from marine biomass harvested from UK and Irish waters, while a similar project has just been announced in Chile between Norway's Statoil and the U.S. company, [Bio Architecture](#). Another new [project in the UK](#) will review the potential for marine micro and macroalgae as raw materials in aquaculture feeds.

Expectations for these projects should not be allowed to run ahead of themselves either, especially for those pursuing biofuel. Huge amounts of marine biomass are needed to produce any worthwhile quantity of biofuel at reasonable cost and large-scale seaweed farming methods still have to be perfected.

However, because food and feed products made from seaweed have higher sale values and can succeed commercially on a smaller scale, they may offer more immediate potential. Their production for processing into animal feed also inspires a vision of a future self-sustaining marine agronomy where feed for farmed fish is made from seaweed grown for the purpose, answering critics who voice concern about aquaculture's present dependency on feed derived from industrial scale sea fishing and as well as alternate terrestrial feed ingredients.

All efforts to farm plants in sea, however, will expand marine aquaculture's horizons and illuminate its promise. A vision for its future that embraces this idea will help policy makers and the communities they serve to better understand its possibilities.

## About John Forster

John Forster has worked as an aquaculture scientist, manager, fish farm owner and consultant since 1965. He moved to Port Angeles, Washington, from the UK in 1984 to start salmon and sturgeon farming operations for Stolt Sea Farm before founding his consulting practice and Columbia River Fish Farms Inc. in 1994.

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## 4 comments to 'Towards a marine agronomy'



**The Dolphin Man**

14 January, 2011

Very interesting article. What with the concern regarding over-fishing in the sea and intensive fish farms (which are part fed from fish from the sea anyway), it looks as if the time is right to look at how we can make better use of ocean resources.

And seaweed is delicious too.



**Grain Marketing**

9 March, 2011

Very good insights and interesting content indeed. This is such a great idea John, like a feed for farmed fish is made from seaweed.

Regards,  
Terry



**Lake District**

15 June, 2011

Food for thought, if you pardon the pun. It is a frightening thought when you see those projected population figures and at some point in time something needs to be done. The best time to act is now but how can we make this a priority for people? If we don't I fear that nothing will be done until it is too late. Great article!



**Kellus Sewell**

14 July, 2011

You hit the nail on the head. But your article needs to reach the national media. Educating the public in the right way is necessary to gain public opinion to improve policies, diets, and the environment. And, I agree, seaweed, – or kelp as I like to call it being a marketeer, – is nutritious and delicious, or nutlicious!

---

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# NATIONAL OCEAN COUNCIL

Name: **John Byrd**

Organization: MAPPS

Path: [http://edit.whitehouse.gov/sites/default/files/webform/mapps\\_public\\_comments-national\\_ocean\\_policy\\_draft\\_implementation\\_3-26-12.pdf](http://edit.whitehouse.gov/sites/default/files/webform/mapps_public_comments-national_ocean_policy_draft_implementation_3-26-12.pdf)

Comment: MAPPS (www.mapps.org), the professional association of mapping and geospatial firms, filed the attached public comments on Monday, March 26, 2012. Thank you for this opportunity to provide public comments.



March 26, 2012

Reference: Request for public comment on Draft National Ocean Policy Implementation Plan  
[http://www.whitehouse.gov/sites/default/files/microsites/ceq/national\\_ocean\\_policy\\_draft\\_implementation\\_plan\\_01-12-12.pdf?utm\\_campaign=TWIW%20-%200113&utm\\_medium=email&utm\\_source=Eloqua](http://www.whitehouse.gov/sites/default/files/microsites/ceq/national_ocean_policy_draft_implementation_plan_01-12-12.pdf?utm_campaign=TWIW%20-%200113&utm_medium=email&utm_source=Eloqua)

Dear Sir and Madam:

Formed in 1982, and celebrating its 30<sup>th</sup> anniversary, MAPPS is the only national association exclusively comprised of private firms in the remote sensing, spatial data and geographic information systems field in the United States. The MAPPS membership spans the entire spectrum of the geospatial community, including Member Firms engaged in satellite and airborne remote sensing, surveying, photogrammetry, aerial photography, mobile mapping, LIDAR, building information models (BIM), 3D mapping, hydrography, bathymetry, charting, aerial and satellite image processing, GPS, and GIS data collection and conversion services. MAPPS also includes Associate Member Firms, which are companies that provide hardware, software, products and services to the geospatial profession in the United States and other firms from around the world. Independent Consultant Members are sole proprietors engaged in consulting in or to the geospatial profession, or provides a consulting service of interest to the geospatial profession. MAPPS provides its 180+ member firms opportunities for networking and developing business-to-business relationships, information sharing, education, public policy advocacy, market growth, and professional development and image enhancement.

MAPPS appreciates this opportunity to comment on the National Ocean Policy Draft Implementation. We agree with the Vision of National Ocean Policy as stated in Executive Order 13547 (July 19, 2010):

*“An America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.”*

Of the four themes to the National Ocean Policy, MAPPS especially applauds the focus on (1) obtaining, using, and sharing the best science and data; and (2) promoting efficiency and collaboration. Geospatial technology, data, products and services enhance the topics and issues covered on page 26, *“Coastal and ocean observations and mapping provide critical information for protecting human lives and property from marine hazards, enhancing national and homeland security, predicting global climate change, improving ocean health, and providing for the protection, sustainable use, and enjoyment of ocean resources.”*

We believe ‘Action 5: Coordinate and leverage ocean and coastal mapping efforts to improve access to existing data and efficiently collect future data’ is vital to obtaining, using and sharing the best science and data. We also believe ‘Action 6: Improve mapping capabilities and mapping products’ is crucial to promoting efficiency and collaboration.

While we commend you for initiating this plan, we also note two problematic areas in need of addressing prior to the policy moving forward. The major drawbacks to the National Ocean Policy center around questions involving 1) private sector involvement; and 2) the Federal Oceanographic Fleet.

First, the private sector role, especially the role the private geospatial community can perform in this initiative, is a glaring omission. The private sector has been contracted by all levels of government (Federal, state and local) and has delivered numerous projects for geospatial services, data, and products.

John M. Palatiello, Executive Director  
1856 Old Reston Avenue, Suite 205, Reston, Virginia 20190  
P (703) 787-6996; F (703) 787-7550; E [info@mapps.org](mailto:info@mapps.org) [www.mapps.org](http://www.mapps.org)

There is a robust private sector capability and capacity in the geospatial community that is well positioned and qualified to perform the various professional services and provide the various data and products needed to aid and satisfy this worthwhile initiative. Private sector geospatial firms have been innovative in staffing, scheduling, applying technology and deployment to ensure that the government receives value for its money.

Second, the core premise of ‘*Action 1: Assess the status of the Federal Oceanographic Fleet*’ neglects any measurement or capacity available in the private sector. It states, “*The Federal Oceanographic Fleet (Fleet) is a critical national infrastructure that supports Federal agency and academic oceanographic operations, surveys, and research across a broad spectrum of needs. Ships provide access to the sea and Great Lakes and enable data collection and research that informs and/or addresses needs in national security, weather and climate, ocean mapping, biomedical research, seismic and tsunami activity, living and non-living marine resources, disaster warnings and response, and ocean and seafloor physical, chemical, geological, and biological processes. The Fleet is composed of Federally-owned research and survey ships greater than 40 meters in length owned and operated by Federal agencies, Federally owned ships operated by academic organizations, and the human capital required to operate the Fleet to modern standards. This action will provide a status report of the Fleet to inform future planning, and address the Fleet’s capacity to support the National Ocean Policy. A more efficient interagency approach to managing the Fleet could lessen the impact of steadily increasing operational costs by ensuring efficient and effective operations are conducted at the lowest possible life-cycle costs.*” Fulfilling the National Ocean Policy should also account for taking an inventory of private sector capacity and capabilities in order to avoid duplication of and harm to the private sector fleets that should be utilized in this comprehensive mission.

Federal agencies need to focus in-house resources on maintaining core operational capabilities and performing the inherently governmental tasks within its mission and pursue larger budgets for contracting for geospatial services and products rather than competing with commercially available services and products. Federal agencies can stretch their dollars to support commerce and ensure safe navigation by transforming themselves into organizations that perform only those services that are inherently governmental in nature. Federal agencies should not be expending funds for in-house performance of commercially available mapping and geospatial activities. We believe Federal agencies should focus their in-house activities on the establishment of professional and technical standards, certification of data, research and development, funding and administration of grants, and perform those services that are inherently governmental in nature and which are not competitive with the private sector. This National Ocean Policy and the Federal agencies tasked with implementing the policy should be leaders in putting geospatial data in the hands of users who need such data for a variety of applications.

The role of the private geospatial community must be defined and articulated in the National Ocean Policy. It is imperative that the National Ocean Policy not result in costly and unnecessary government duplication of and competition with the private sector, but rather that it effectively utilizes the private sector in the geospatial community of practice.

Again, MAPPS appreciates this opportunity to comment on this Draft Implementation. Please do not hesitate to let me know if MAPPS can be of any additional assistance to this process. We look forward to working with you on this noble and highly relevant cause.

MAPPS respectfully urges that a good National Ocean Policy states why Federal agencies need the private sector and how the private sector's capabilities (married with Federal agencies’ existing capabilities) will better help Federal agencies fulfill their mission and provide better services and data to meet the public need. Federal agencies need to increase the demand for and utilization of the robust geospatial expertise and capabilities found in private sector geospatial firms to satisfy the National Ocean Policy.

Sincerely,



John M. Palatiello  
MAPPS Executive Director

Name: **Ewell Smith**

Organization: Louisiana Seafood Promotion and Marketing Board

Path: [http://edit.whitehouse.gov/sites/default/files/webform/2012-03-26\\_ewell\\_smith\\_to\\_michael\\_weiss.pdf](http://edit.whitehouse.gov/sites/default/files/webform/2012-03-26_ewell_smith_to_michael_weiss.pdf)

Comment: Attached, please find comments submitted by the Louisiana Seafood Promotion and Marketing Board on the Draft National Ocean Policy Implementation Plan attached.



*Get fresh with us.*

2021 Lakeshore Drive, Suite 310  
New Orleans, LA 70122

March 28, 2012

Michael Weiss, Acting Director  
National Ocean Council  
722 Jackson Place, NW  
Washington, D.C. 20503

**Re: Comments on the National Ocean Policy Draft Implementation Plan**

Dear Mr. Weiss,

On behalf of the largest seafood producing state in the continental United States, the Louisiana Seafood Promotion and Marketing Board is submitting the following comments in response to the National Ocean Council's Draft National Ocean Policy Implementation Plan. While the Administration's emphasis on addressing the challenges facing our oceans and coasts is laudable, preserving access to our oceans for user groups like Louisiana's commercial fishing community must remain a top priority. As you move forward with implementing this Action Plan, we strongly encourage you to balance conservation of our natural resources with preservation of our nation's economic, employment and nutritional needs.

With that, we recommend you consider the following factors when implementing the National Ocean Policy:

**Seafood and Louisiana's economy** - The state of Louisiana ranks as one of the United States' top seafood producers. Nearly one third of all domestic seafood consumed in the contiguous U.S. comes fresh from our waters. In addition to being the number one oyster producing state, Louisiana harvests more than 90% of our crawfish, 69% of our nation's shrimp, and more hard and soft shell crab meat than any other state in the country.

Despite our region's strong production numbers, the U.S. seafood economy is evolving and imports are playing an increasing role in meeting our nation's growing demand. According to the National Oceanic and Atmospheric Administration (NOAA), **eighty four percent** of seafood consumed in the United States in 2010 was imported. Unless we can increase U.S. production and ensure its cost-effectiveness, our seafood trade deficit is sure to continue rising.

**Seafood and Louisiana jobs** – Louisiana’s economy is highly dependent on a strong seafood supply chain. Nearly one in seventy jobs in Louisiana is seafood-related with a total economic impact of \$2.4 billion annually. Many of these jobs are in family-owned and operated companies that have been in business for generations. Nationally, a NOAA Economic Impact Study determined that the Gulf of Mexico seafood community contributes to the employment of over 885,000 people across the country<sup>1</sup>. With national unemployment hovering near double digits, strengthening and preserving this economic powerhouse should be a top priority.

**Seafood and Health** – In 2010, the United States Department of Agriculture (USDA) revised their Dietary Guidelines for Americans and increased their seafood consumption recommendation to 8 - 12 ounces per week. This recommendation is accompanied by information regarding the benefits of omega-3 fatty acids, eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA) which are associated with enhanced heart health. The Guidelines explicitly state that “This recommendation contributes to the prevention of heart disease. The recommendation is to consume seafood for the total package of benefits that seafood provides.”<sup>2</sup>

Further, the USDA Guidelines emphasize the value of seafood to pregnant and breastfeeding women citing its importance during fetal growth and development, as well as in early infancy and childhood. The DHA and omega-3 fatty acids found in seafood are associated with improved visual and cognitive development. The Guidelines state, “It is recommended that women who are pregnant or breastfeeding consume at least 8 and up to 12 ounces of a variety of seafood per week.” At a time when the federal government is encouraging Americans to consume even more seafood for optimal health, it makes sense to ensure new oceans management regulations preserve access for fishers to provide consumers with these healthful and wholesome proteins.

**Aspects of National Ocean Policy Implementation Plan May Impede Access for Fishers and Adversely Affect Americans-** Unfortunately, some themes included in the National Ocean Policy Implementation Plan may place new burdens on our domestic seafood community and further hinder our efforts to rebuild Louisiana’s economy, provide jobs, and harvest the healthy seafood we eat. The following are some concerns:

- **We Must Put Basic Science before Ecosystem-based Management** – The National Ocean Policy Implementation Plan makes adopting ecosystem-based management (EBM) the foundation for how federal agencies will manage our oceans. The theory of EBM is a science-based concept that requires massive amounts of data in order to succeed. At this time, we are seriously concerned that our shortage of basic fishery science required to make even simple management decisions means that an ecosystem-wide management program will be impossible. Until the federal government can make the collection of

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<sup>1</sup> Source: National Oceanic and Atmospheric Administration (NOAA) Economic Impact Study

<sup>2</sup> U.S. Department of Agriculture and U.S. *Americans, 2010*. 7<sup>th</sup> Edition, Washington, D.C.: U.S. Government Printing Office, December 2010

basic fisheries data a higher priority, EBM should not be mandated at the Federal level. Instead, Regional Fishery Management Councils (RFMCs) should be given the freedom to work under current management protocols outlined in the Magnuson-Stevens Fishery Management and Conservation Act and be allowed to consider EBM only when they deem it appropriate.

In the Gulf of Mexico, we only have adequate data on approximately 12 out of 80 species. We lack current data on goliath grouper, red drum, cobia, 4 grouper species, and 11 snapper species. In a glaring example of this science shortage, the red drum fishery has been closed for over 20 years because there is insufficient data to conduct stock assessments. While NOAA's 2013 budget request includes a modest increase for stock surveys, more must be done.

Again, until the federal government can support collection of the most basic fishery science, the decision on whether to utilize ecosystem-based management when it comes to fisheries must be left to the RFMCs.

- **New Governing Bodies Must Not Reduce Access** – Louisiana seafood is a sustainable resource and our seafood producers work hard to provide nourishing, fresh product while protecting each species for future generations. Fishery management plans developed under existing authority of the Magnuson Stevens Fishery Conservation and Management Act provide responsibly for the needs of today without damaging the ability of the species to reproduce and flourish in the future. Louisiana seafood managed under federal management plans meet 10 national standards that ensure fish stocks are maintained, overfishing is eliminated, and the long-term socioeconomic benefits to the nation are achieved.

We support the National Ocean Policy objective of coordinating and streamlining governing bodies and believe it is important to lessen the complexity of federal, state, and regional management paradigms. However, doing so by channeling all future oceans decisions through yet another government agency in the form of the National Ocean Council may be misguided. At a time when implementing regional fishery management plans is already a multi-year process, adding yet another level of regional governance with additional regulatory hoops is ill-advised. As such, when it comes to commercial fisheries decisions, the authority of the RFMCs and the decision-making structure governed by the Magnuson Stevens Act must be preserved.

- **Proceed Carefully with Coastal and Marine Spatial Planning (CMSP)**- CMSP may be a valuable tool in managing our oceans, yet, like EBM, its use should be decided on a local rather than national level. The creation of nine regional planning bodies to implement CMSP may result in duplication with existing ocean governing bodies resulting in even more complex decision-making processes.

Another serious concern is the inclusion of inland areas in the CMSP concept. The inclusion of dry land as part of the National Ocean Council's mandate means that this new agency's jurisdiction is truly limitless. If regional planning bodies are required to

include land uses in ocean management decisions, an already prolonged decision-making timeframe may become completely stalled. Tasking the National Ocean Council with governing land uses must be done with serious consideration for potential impacts on resource users and our economy nation-wide.

Louisiana's economy depends on seafood jobs and consumers depend on the wholesome food produced in our waters. Sustaining our ocean resources for future generations is paramount to our way of life. By working closely with the Gulf of Mexico Fisheries Management Council, NOAA and many other existing state, local and federal governing bodies, resource conservation goals are already being achieved. The implementation of any new federal oceans management framework must take into consideration the needs of our nation's seafood community and the jobs, consumers and way of life they support.

For further information, please contact the Louisiana Seafood Promotion and Marketing Board at 504-286-8736.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ewell Smith', with a large, stylized initial 'E' and a long horizontal stroke extending to the right.

Ewell Smith  
Executive Director  
Louisiana Seafood Promotion and Marketing Board

# NATIONAL OCEAN COUNCIL

Name: **Margaret Podlich**

Organization: BoatU.S.

Path: [http://edit.whitehouse.gov/sites/default/files/webform/boatu.s.\\_comments\\_regarding\\_draft\\_national\\_ocean\\_policy\\_implementation\\_plan.pdf](http://edit.whitehouse.gov/sites/default/files/webform/boatu.s._comments_regarding_draft_national_ocean_policy_implementation_plan.pdf)

Comment: Please see attached document



## Government Affairs

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## **Comments of BoatU.S.**

to the

## **National Ocean Council**

## **Regarding the Draft National Ocean Policy Implementation Plan**

March 27, 2012

As the nation's largest organization of recreational boaters, with more than 500,000 members nationwide, BoatU.S. appreciates the opportunity to comment on the Draft National Ocean Policy Implementation. Fully 90-percent of our members live and use their boats in coastal and Great Lakes states, and many more travel from the heartland to the coasts in order to enjoy this time-honored family pastime. Thus the management and governance of these waters, at all levels, as well as their ecological health, are important issues for BoatU.S.

This organization has provided formal comment on past ocean policy documents (October 16, 2009 and April 29, 2011) as this process has unfolded. We note that concerns expressed in those comments regarding the importance of recreation — in particular recreational boating and sport fishing — public access and multiple uses appear to have been addressed in the Draft Implementation Plan. Thus, these comments focus only on the “Coastal and Marine Spatial Planning” section and with just a few specific but important observations:

### **National Objective 1**

BoatU.S. questions how the anticipated “improved coordination across Federal agencies” will be achieved, as a practical matter, in the nine regions. Given that federal agencies operate under duplicative and sometimes conflicting authorities and policies (as noted by the National Ocean Council itself), the potential exists for differing interpretations of identical federal regulations and policies at the region level that could confuse, unnecessarily restrict or otherwise alienate recreational boaters and others in the recreation community.

### **National Objective 2**

Action 1: Coastal and Marine Spatial Planning Handbook. BoatU.S. urges that such a reference tool focus on facilitating the processes of engaging all stakeholders — indeed,

all economic and avocational interests — in the marine spatial planning process. Given that these are regional bodies drawn from state, local, Tribal and, presumably, non-governmental organizations, we question the relevance of compliance with the Federal Advisory Committee Act. Indeed, that could limit the broad stakeholder participation this Implementation Plan anticipates.

Action 2: Regional Workshops: We urge that all regional workshops engage all stakeholders, and that a full spectrum of recreational interests be included (i.e. not merely a catch-all “recreation” category).

Action 3: Data Collection: Every effort must be made to include non-federal data and information and to incorporate socioeconomic data across the many and varied human uses and activities in [ocean.data.gov](http://ocean.data.gov).

Action 4: Regional Planning Bodies: Membership on regional planning bodies should include stakeholders from user groups that best reflect state and regional activities and interests, not merely acknowledge “the importance of stakeholder participation.”

Thank you for this opportunity to comment on the draft National Ocean Policy Implementation Plan.

Name: **William Murtha**

Organization: The Nature Conservancy

Path: [http://edit.whitehouse.gov/sites/default/files/webform/tnc\\_comments\\_on\\_nop\\_draft\\_imp\\_plan\\_final\\_27mar2012.pdf](http://edit.whitehouse.gov/sites/default/files/webform/tnc_comments_on_nop_draft_imp_plan_final_27mar2012.pdf)

Comment: Please see attached for TNC comments. Call 703.841.4516 with any questions. Thanks!

-Will



March 27, 2012

The Honorable Nancy Sutley  
Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

The Honorable John Holdren  
Office of Science and Technology Policy  
725 17<sup>th</sup> Street, NW  
Washington, DC 20502

**Re: Comments on the National Ocean Policy Draft Implementation Plan**

Dear Chair Sutley, Director Holdren, and Members of the National Ocean Council,

The Nature Conservancy appreciates the opportunity to comment on the Draft National Ocean Policy Implementation Plan (Plan). Clearly, a great deal of time and effort has been invested by you and your staff in developing the Plan from the initial drafts of the nine priority objectives. We are particularly grateful that our three principal suggestions for improvement of the Coastal and Marine Spatial Planning (CMSP) priority objective are now reflected in the Plan:

- Focusing limited resources initially on four regions that are ready to form regional planning bodies (RPBs)
- Incorporating spatial data and decision support expertise from partners in the development of the National Information Management System, and
- Committing to have the Regional Fishery Management Councils participate on the RPBs in a substantial and meaningful way.

The comments that follow build off these prior recommendations while also going beyond the CMSP objective to address the two questions posed by National Ocean Council (NOC) staff regarding actions needed and measuring outcomes.

Below are the Conservancy's six main points:

Actions Needed

- 1) Call out the four regions that will form regional planning bodies by 2013 and aim to have two of the four created in 2012; the Conservancy recommends identifying the New England and Mid-Atlantic regions as the first two.

- 2) Delegate to the regions identified in the Coastal and Marine Spatial Planning chapter the task of clarifying the functional relationship between existing regional ocean partnerships (ROPs) and newly created regional planning bodies.
- 3) Under the Regional Ecosystem Protection and Restoration objective, place greater emphasis on leveraging partnerships to carry out coastal and estuarine restoration work *now*.
- 4) Explicitly state in the Resiliency and Adaptation to Climate Change and Ocean Acidification chapter that natural resources can and should be an integral part of any adaptation strategy.
- 5) In describing the broad environmental changes and accompanying demand for increasing development in the Arctic, address the need for proactive planning done in a way that is responsible and sensitive to pre-existing uses and environmental protection.

#### Measuring Outcomes

- 6) The National Ocean Council should produce a status report on the Plan every two years and an Oceans, Coasts, and Great Lakes Health Report every five years.

Before providing more detail on these points, it is worth reminding the National Ocean Council that, in preparing our comments, the Conservancy draws from a wealth of staff, partners, and stakeholders working in all nine regions originally identified by the Interagency Ocean Policy Task Force. We are continuously engaged in discussions with senior federal, state, and tribal staff, commercial and recreational fishery representatives, energy development interests, and others, and are frequently called upon by the states to assist with science, data, and innovative solutions to conservation problems. The Conservancy remains a willing partner in assisting the NOC as the National Ocean Policy moves forward to achieve the vision of a healthy ocean, coasts, and Great Lakes for our nation.

- 1) Call out the four regions that will form regional planning bodies by 2013 and aim to have two of the four created in 2012; the Conservancy recommends identifying the New England and Mid-Atlantic regions as the first two.**

The Conservancy applauds the NOC's effort to provide more concrete milestones, establish timelines, and speak with greater specificity to elements of the priority objectives in the Plan. Examples of such improvements include the willingness of the NOC to accept sub-regional approaches to comprehensive ocean plans where appropriate and the phased implementation of the regional planning bodies (four of the nine regions forming their planning bodies by 2013).

We would push the NOC to go even further in their final draft by calling out the four regions that will form regional planning bodies by 2013 and aiming to have two of the four created in 2012. The Conservancy recommends identifying the New England and Mid-Atlantic regions as the first two regions ready for formation in 2012. The West Coast and South Atlantic, in our estimation,

represent the remaining two regions that should be formed in 2013. A point made in our earlier letter remains relevant today: if CMSP is to take root as a transformative process for better managing our increasingly crowded ocean, coasts, and Great Lakes, the Administration and the planning regions must have early successes that demonstrate CMSP can solve real problems that people face. These proof-of-concept models can serve to illustrate what thoughtful spatial planning can accomplish and subsequently provide momentum to launch CMSP processes in the remaining regions.

**2) Delegate to the regions identified in the Coastal and Marine Spatial Planning chapter the task of clarifying the functional relationship between existing regional ocean partnerships and newly created regional planning bodies.**

A great deal of confusion currently exists over the association of the ROPs to the RPBs. Rather than pursue a “one size fits all” approach, the NOC should empower the regions to work out a relationship tailored to fit regional circumstances. In doing so, the NOC could take an important step to dispel fears that the RPBs will create an overly burdensome, additional bureaucratic layer for regions already addressing important ocean and coastal issues through their ROPs. While the Plan recognizes that a number of ROPs are already addressing ocean and coastal needs “as relevant to their region” and “considering possible ways to align their existing regional collaborations with those envisioned specifically for CMSP” (p. 36), the final draft should clarify that the regions will hold the ultimate responsibility for defining a clear functionality between the ROPs and RPBs. Undoubtedly, the composition of the RPBs will influence how those conversations proceed; the NOC should avoid placing a disproportionate number of federal representatives on the RPBs and ensure that states and tribes are fairly represented – doing so will lend greater buy-in to the decisions reached.

**3) Under the Regional Ecosystem Protection and Restoration objective, place greater emphasis on leveraging partnerships to carry out coastal and estuarine restoration work *now*.**

Whereas comprehensive ocean planning needs “wins” in the near-future, coastal restoration already has a track record of compelling success stories. The public can – today – point to projects like those carried out by the Conservancy in partnership with NOAA’s Community-based Restoration Program and say, “Here’s where we have made a difference in the health of our ocean, coasts, and Great Lakes.” Through the 124 community-based projects supported in the first decade of the partnership, we *have* made a difference in those places plus we’ve learned how to do coastal restoration right, building a solid knowledge and capacity base for the next generation of even larger scale restoration projects.

Over the course of the partnership, the Conservancy has made tremendous strides in measuring the ecological *and* economic outcomes of the projects. Simply put, these are projects that pay for themselves: they leverage already tight federal dollars, produce jobs for direct restoration work, and support coastal communities through increased fish production. Our eight NOAA-awarded Recovery Act projects, for example, have created or sustained more than 950 jobs, or 39 jobs per \$1 million in restoration funding. From scientists and engineers to tugboat operators and

construction managers, that's two to three times more jobs than typically produced by "gray" infrastructure projects, such as levees, dams, roads and bridges.

We recently completed an economic analysis of a proposed oyster restoration project in Mobile Bay, Alabama, and found that a pair of reefs would generate \$36,000 per year in increased seafood sector sales from additional fish and crab catch in Alabama's commercial fisheries. Researchers elsewhere have shown that a single acre of oyster reef or seagrass can remove \$3,000 worth of nitrogen pollution per year -- pollution that otherwise decreases water quality and costs society money in the form of reduced fish catches and lost tourism revenue.

The NOC can and should latch on to such success stories to build a more forceful case for advancing the Regional Ecosystem and Protection priority objective. Overall, the impression gained from reading the chapter is that we are still in the very early learning stages of coastal restoration and protection. The words "plan," "identify," and "review" are found in many of the milestones, but lack the next step of putting the work into action. The Conservancy is proving that action on coastal restoration and protection is not a mere possibility, but a reality. Greater Administration support of partnerships like the one supported through NOAA's Community-based Restoration Program would go a long way to achieving the scale of restoration and protection called for in the Plan.

**4) Explicitly state in the Resiliency and Adaptation to Climate Change and Ocean Acidification chapter that natural resources can and should be an integral part of any adaptation strategy.**

While ecosystem-based approaches are addressed in the Resiliency to Adaptation to Climate Change and Ocean Acidification chapter under the first milestone of Action 6 (p. 62), the Plan could more clearly state up front that our natural resources can and should be a critical part of our adaptation strategy -- nowhere is that more true than on our coasts. Climate change impacts the lives and livelihoods of the millions of people that live and work in the coastal zone, as well as to coastal ecosystems and the benefits they provide to people. Rising sea levels, increasing erosion, salt water intrusion, increasing sea surface temperatures, possible increased severe storm events and coastal hazards, and ocean acidification all pose serious threats to coastal ecosystems and communities. Our coasts are changing at an accelerated rate that will increase more rapidly this century. Our old, existing models of coastal development and fortification -- already expensive today -- will become even more expensive. In addition, many of the anticipated responses to climate change -- increased shoreline hardening, built infrastructure, and other "grey" solutions - can in themselves pose a significant risk to both human and ecological coastal communities if their potential impacts on ecosystems and the benefits they provide to people are not fully understood.

Historical land use policy and coastal growth strategies are no longer sustainable or prudent given the information on sea level rise and storm surge now available. However, there are a growing number of examples that provide a roadmap for more progressive coastal development or realignment that builds in opportunities for both communities and natural resources to persist. The Plan should look to those examples and build from them; we would direct you to our earlier comments on this priority objective for further reference and relevant examples ("The Nature

Conservancy's Comments on the National Ocean Council's Strategic Action Plan for Resiliency and Adaptation to Climate Change and Ocean Acidification," April 29, 2011).

**5) In describing the broad environmental changes and accompanying demand for increasing development in the Arctic, address the need for proactive planning done in a way that is responsible and sensitive to pre-existing uses and environmental protection.**

Early in the Changing Conditions in the Arctic chapter, the Plan states that it “strives to balance economic growth, community resilience, and environmental stewardship” (p.76), yet does not clearly describe how that balance will be struck. This should be done in a way that is inclusive of local communities, the state, indigenous peoples, and other stakeholders and sensitive to pre-existing uses and environmental protection and provides a strategy for dealing with the impacts of climate change in the region.

Unforeseen events will test even the best laid plans. The Arctic chapter acknowledges that, “Ice-diminished transit routes in the Bering, Chukchi, and Beaufort Seas and other regions of the Arctic invite increased international resource development, commerce, and transportation, which will, in turn, bring new socioeconomic and environmental stressors” (p.75). However, in addressing the preparation and communication required to respond to potential emergencies related to those stressors (chiefly Actions 1 & 4), the Plan does not mention long-term restoration of natural resource related injuries. The NOC would be wise to note that the Arctic presents unique circumstances for these activities in terms of engaging the range of state, indigenous, and international partners. The Deepwater Horizon disaster and subsequent Natural Resources Damage Assessment process no doubt can offer some lessons learned that would bear on the future of the Arctic.

**6) The National Ocean Council should produce a status report on the Plan every two years and an Oceans, Coasts, and Great Lakes Health Report every five years.**

The Conservancy has worked with the member organizations of the Healthy Oceans Coalition and supports their recommendation that the NOC produce, every two years, a report card assessing efforts to implement the Plan and meet milestones. Furthermore, a recurring five year report should evaluate progress made using indicators of the resources' actual health; we suggest developing a document similar in nature to the Puget Sound Partnership's *State of the Sound Report*. The structure of the document allows both Partnership members and the public to determine not only whether milestones are being achieved, but also if the underlying goal of improving ocean health is being attained – the NOC and American public could benefit from the same.

## Final Thoughts

Before closing, we would like to highlight two specific Conservancy activities that directly support a number of the actions and milestones in the Plan:

- 1) The Conservancy is culminating a year-long research project investigating new and sustainable federal funding mechanisms to support marine and coastal conservation, restoration, and planning in the United States (addressed the fourth milestone of Action 2 on p. 38 of the Coordinate and Support chapter). The Conservancy is summarizing the results of the study in a white paper to guide decision-making on strategies to increase investments in our oceans and coasts. The white paper discusses a number of different funding options, with details on their delivery, use, feasibility, and revenue generation potential. Revenue sources examined in this report include: fines derived from illegal activities; mitigation; market-based approaches; taxes and user fees within the energy, fisheries, and shipping sectors; public-private partnership agreements; and modifications to existing funding streams to direct funds to marine and coastal efforts. The white paper will be ready for distribution by the end of March 2012.
- 2) We fully support the development of cross-cut budget analyses that address priority areas in the National Ocean Policy (Action 4 of the Coordinate and Support chapter, p.39). We recognize that crosscut budgets are difficult because we have recently developed our own cross-cut budget for coastal and marine spatial planning work. While the document we produced is an internal one intended to guide our field staff's work, we are willing to sit down with the NOC and discuss our findings if it helps achieve the milestones identified under the Action.

The Conservancy appreciates the leadership of the NOC in driving forward the National Ocean Policy. We hope you consider the Conservancy to be an enthusiastic partner in this endeavor and know that we are happy to share our science, tools, and expertise whenever useful. We look forward to continuing to work with the NOC as we approach the release of the final Implementation Plan. Should you have any questions or comments regarding these recommendations, please do not hesitate to contact me (703.841.4229 / [konley@tnc.org](mailto:konley@tnc.org)).

Sincerely,



Kameran L. Onley  
Director, U.S. Marine Policy

# NATIONAL OCEAN COUNCIL

Name: **Molly McCammon**

Organization: Alaska Ocean Observing System

Path: [http://edit.whitehouse.gov/sites/default/files/webform/mccammon\\_032712\\_final\\_comments\\_to\\_noc\\_0.doc](http://edit.whitehouse.gov/sites/default/files/webform/mccammon_032712_final_comments_to_noc_0.doc)

Comment: Please replace the previously submitted comments, with the attached, correct version.



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March 27, 2012

Nancy Sutley, National Ocean Council Co-Chair  
Chair of Council on Environmental Quality  
Executive Office of the President  
722 Jackson Place NW  
Washington, DC 20503

John Holdren, National Ocean Council Co- Chair  
Director of Office of Science and Technology Policy  
New Executive Office Building  
17th Street NW  
Washington, DC 20502

RE: Comments on National Ocean Policy Draft Implementation Plan

Dear Chairs Sutley and Holdren:

I am submitting these comments as executive director of the Alaska Ocean Observing System, one of the 11 regional associations that form the regional component of the Integrated Ocean Observing System. In reviewing the comments below, I think you will see one major theme: to better use existing programs at the regional level to accomplish your goals and objectives.

**Observations, Mapping and Infrastructure**

*Action 4: Provide local and regional observation systems to support a variety of ocean, coastal and Great Lakes users.*

The milestones described in this action item are mostly requirements contained within the Integrated Coastal Ocean Observing System (ICOOS) Act of 2009 and are already underway or near completion. There is really nothing long-term or visionary included in this action item. We are in serious need of a national modeling plan that lays out the various ocean models (ocean circulation, waves, atmospheric, biological, ecosystem, etc.) and describes how they can be developed in a nested fashion to support local, regional, national and global needs.

In addition, we need to develop a national sub-surface ocean monitoring plan to take advantage of new AUV technologies and provide sustained monitoring for a host of issues, including impacts of climate change.

The milestone calling for “an integrated geospatial database of Federal and non-Federal, certified and non-certified ocean observation data to provide access to public “ should emphasize that this is best done at the regional scale according to interoperability protocols and standards that allow it to be accessed and integrated with larger data systems and programs.

*Action 7: Develop an integrated ocean and coastal data collection, processing and management system to support real-time observations.*

Isn't this the role of IOOS? Why isn't the program specifically called out here, although the IOOC member agencies are?

### **Coordinate and Support**

*Action 3: Reduce barriers to implementation of the NOC*

This action item should include a milestone calling for new procedures that would allow for easy money transfer/cost sharing across federal agencies and other organizations. The inability to move funds around seriously hampers interagency coordination and collaboration.

### **Resiliency and Adaptation to Climate Change and Ocean Acidification**

*Action 1: Strengthen and integrate observations from protected areas, research sites and observing systems into a coordinated network of sentinel sites to track changes.*

The IOOS Regional Associations are already doing this to a great extent. This initiative should build upon – and coordinate with - their ongoing efforts.

*Action 5: Strengthen interagency coordination on the development and provision of information, training, guidance, tools and support for adaptation practitioners.*

Again, this initiative needs to be integrated and coordinated with existing efforts to avoid duplication. DOI's Landscape Conservation Cooperatives, Sea Grant, the IOOS Regional Associations, are among the groups involved in this effort.

The COSEEs, (Centers for Ocean Science sEducation Excellence) and IOOS RAs also are involved with science translation.

### **Changing Conditions in the Arctic**

In the sidebar “Addressing a Changing Arctic: Progress through Coordination” on p. 77, in the last paragraph, I think you're referring to the Alaska Ocean Observing System, not the Arctic Ocean Observing System. There is no ARCTIC Ocean Observing System.

*Action 1: Improve Arctic environmental response management*

Implementation of this action will require close coordination with a number of existing entities, including the Alaska Ocean Observing system, which is also

developing an information/data system that will integrate and visualize many of these same datasets as part of our Regional Ocean Partnership project funded by NOAA. Many data providers feel more comfortable submitting data to a regional provider, such as the AOS data portal, which is primarily supported by Federal funding, than a national system with which they have no direct, personal connection. For example, the oil and gas industry in the Chukchi plan to use the AOS portal for public access to their environmental datasets. AOS in turn, will ensure that these are archived at the National Ocean Data Center.

*Action 3: Implement a distributed biological observatory.*

Under this action item there are no activities or milestones calling for an integration and synthesis of existing information in the Arctic, which could help identify key habitats and biological hotspots. DBO stations should be reviewed and coordinated so they can provide the opportunity to establish a cross-shelf observation line that could provide a long-time series of climate observations.

### **Coastal and Marine Spatial Planning**

*Action 3: By 2015 all of applicable data will be incorporated into a National Information Management System and Data Portal.*

I had originally been told that you were going to put more emphasis on getting individual agency data more organized and more easily accessible and transferable through interoperability protocols, and less emphasis on establishing a one-stop data portal. Unless significant resources are devoted to this data portal, it won't be of much use. Our data providers would prefer to see data integration and access occur at the scale it is needed, which is usually at the regional level.

Thank you for the opportunity to comment on the Draft Implementation Plan.

Sincerely,

A handwritten signature in cursive script that reads "Molly McCammon".

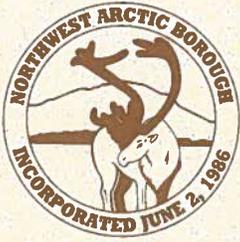
Molly McCammon  
Executive Director

Name: **Ukallaysaaq Okleasik**

Organization: Northwest Arctic Borough

Path: [http://edit.whitehouse.gov/sites/default/files/webform/marine\\_spatial\\_planning\\_comments\\_march\\_2012.pdf](http://edit.whitehouse.gov/sites/default/files/webform/marine_spatial_planning_comments_march_2012.pdf)

Comment: Please see attached letter



## **NORTHWEST ARCTIC BOROUGH**

Ambler    Buckland    Candle    Deering    Kiana    Kivalina    Kobuk  
Kotzebue    Noatak    Noorvik    Selawik    Shungnak

March 27, 2012

Ms. Nancy Sutley, Co-Chair  
Dr. John Holdren, Co-Chair  
National Ocean Council  
722 Jackson Place NW  
Washington, DC 20503

Re: Comments on the *Draft National Ocean Policy Implementation Plan*

Dear Co-Chairs Sutley and Holdren:

Thank you for the opportunity for the Northwest Arctic Borough (Borough) to submit comments on *Draft National Ocean Policy Implementation Plan (Plan)*. This Plan and other efforts of the National Ocean Council are very important for the US Arctic and Alaska, especially since the Alaska Coastal Management Program (ACMP) ended in July 2011. The Borough supports efforts to bring local, state and federal agencies and the public together to find a balance between responsible development and protection of coastal and ocean resources and uses, particularly subsistence.

One of the National Priority Objectives identified in the Plan reflects the need to coordinate and support federal, state, tribal, and regional management of the coasts and oceans. Increased coordination is especially important in the US Arctic as a result of increased global shipping, including tourism, and interest in the region's rich oil and gas and fisheries resources. We applaud efforts in the Plan to identify and fill information gaps and to make this information more accessible.

The establishment of the regional planning bodies is one of the most important efforts of the National Ocean Council. We appreciate the clarification in the Plan that the regional planning bodies may develop sub-regional plans. As we stated in our August 16, 2010 comments on the *Recommendations of the Interagency Ocean Policy Task Force*, it makes sense

to address Arctic waters separately than other Alaska waters. The special nature of the Arctic is recognized in the Plan especially with respect to environmental changes and the growing interest in shipping and resource extraction activities.

We appreciate the statement in the plan that the regional planning bodies need maximum flexibility when developing regional objectives. Flexibility is also needed for the composition of the regional planning bodies to ensure that all agencies with authority to manage coastal and ocean uses are at the table. As we recommended in our 2010 comments, it is important that the Alaska regional planning body include representation of coastal boroughs (regional municipal governments) to reflect the unique situation in Alaska. Boroughs in Alaska govern large areas, and both the Northwest Arctic and North Slope boroughs are responsible for planning and zoning in all state waters adjacent to their borders. The Northwest Arctic Borough is a home-rule government for a 36,000 square mile area in Northwest Alaska with 11 coastal communities.

The Plan emphasizes the need for a science-based, ecosystem approach. We recommend the final Plan be amended to include a comprehensive and holistic approach that incorporates indigenous science and traditional Alaska Native knowledge. Iñupiaq people and other indigenous Alaskans have been using coastal and ocean resources sustainably for thousands of years, and subsistence users have historical and current local knowledge that can significantly contribute to an effective science-based approach and inform decisions. Over 81% of Borough residents are Iñupiaq people with a long tradition of living in harmony with the land and ocean.

The Borough supports efforts mentioned in the Plan to improve Arctic environmental response. With increased interest in oil and gas drilling/extraction and increased global commercial shipping, it will be critically important to ensure infrastructure is in place to respond to accidents – which are bound to happen. In 2011, there was an 8-fold increase in the amount of oil transported across the Northern Sea Route which includes the waters adjacent to our Borough. As a result of the termination of the ACMP, the comprehensive oil spill prevention and response laws of the Alaska Department of Environmental Conservation no longer apply to the federal waters of the Outer Continental Shelf (OCS). This new situation place more burden upon federal agencies to ensure there is adequate regulation of activities in the OCS.

Other Arctic actions identified in the plan are also important, including improved sea ice observations and forecasts, increased monitoring of marine mammals, enhanced communication systems, and advanced mapping and charting in Arctic waters. The Borough is currently working on a project to develop maps that document subsistence use and the location of important ecological areas. These maps will provide important information that can be of use to agencies implementing coastal and marine spatial planning.

The Borough appreciates the measures discussed in the plan to promote resiliency and adaptation to climate change. Several of our communities are already experiencing impacts linked to climate change such as increased flooding and erosion. Future climate-related impacts are expected, including ocean acidification, melting permafrost, sea level rise, and changes in the numbers and distribution of fish and wildlife.

One of the challenges for the National Ocean Commission will be to coordinate existing efforts of local, state and federal agencies without duplicating them. The Northwest Arctic Borough can play a valuable role in coordinating with communities to effectively work with agencies in planning activities. The Borough would recommend the final Plan explain how the regional planning bodies will coordinate their efforts with the work of state-federal management with local level partnerships including the Northwest Arctic and North Slope Boroughs.

In closing, the Borough applauds the efforts to develop the *Draft National Ocean Policy Implementation Plan*. We hope our comments are useful, and we look forward to working state and federal agencies in the implementation of the final Plan.

Sincerely,



Ukallaysaq Tom Okleasik, Planning Director

- cc: Mayor Siikauraq Martha Whiting, Northwest Arctic Borough  
Chad Nordlum, Deputy Planning Director, Northwest Arctic Borough  
Kiil'aq John Chase, Coastal Area Specialist, Northwest Arctic Borough  
Rhoda Ahmaogak, Planning Director North Slope Borough  
Liz Moore, NANA Regional Corporation

Name: **Susanne Menden-Deuer**

Organization:

Path:

Comment: It is a tremendous achievement that this implementation plan was put together on a topic that is of central importance to everyone in the nation, irrespective of their location. I am delighted to see an emphasis on good science. This must include fundamental studies of how the ocean works, including its chemistry, physics and biological constituents. Too little is known about this vast ecosystem. Too often, actions are required before good information is available. I support stressing the availability of the best science and not jumping into actions before the necessary information is available. Again, thank you for this tremendous effort and achievement.

# NATIONAL OCEAN COUNCIL

Name: **Sean Bothwell**

Organization: California Coastkeeper Alliance

Path: [http://edit.whitehouse.gov/sites/default/files/webform/cckas\\_nop\\_implementation\\_plan\\_comments.pdf](http://edit.whitehouse.gov/sites/default/files/webform/cckas_nop_implementation_plan_comments.pdf)

Comment:



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(510) 770 9764 [www.cacoastkeeper.org](http://www.cacoastkeeper.org)

Humboldt Baykeeper  
Inland Empire Waterkeeper  
Klamath Riverkeeper  
Monterey Coastkeeper  
Orange County Coastkeeper  
Russian Riverkeeper  
San Diego Coastkeeper  
San Francisco Baykeeper  
San Luis Obispo Coastkeeper  
Santa Barbara Channelkeeper  
Santa Monica Baykeeper  
Ventura Coastkeeper

March 27, 2012

Ms. Nancy Sutley, Dr. John Holdren, and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

*Comments submitted electronically to [WhiteHouse.gov/administration/eop/oceans/comment](http://WhiteHouse.gov/administration/eop/oceans/comment)*

**Re: Recommendations for the Draft Implementation Plan**

Dear Chairs Sutley and Holdren and National Ocean Council Members:

The California Coastkeeper Alliance (CCKA) represents 12 Waterkeeper groups spanning the coast from the Oregon border to San Diego. The Alliance and its member Waterkeepers work daily to protect and enhance clean, abundant water flows throughout the state. On behalf of the Alliance, we are pleased to submit these comments on the Draft National Ocean Policy Implementation Plan (Plan).

In addition to the detailed comments offered below on the climate change, water quality, and marine debris sections, we offer these suggestions to bolster the overall achievement of the Plan's goals:

- Clarify how each relevant federal agency should be engaged in implementation of the National Ocean Policy to the full extent of their statutory responsibility;
- Prioritize protecting, maintaining and restoring the health of our oceans, coasts and Great Lakes with an emphasis on achieving conservation milestones that can provide immediate ecological benefits such as the protection and restoration of coastal and marine habitat for priority species;
- Advance the timelines provided for milestones for actions related to these key priorities: ecosystem-based management; prevent and mitigate pollution and harmful impacts to water quality caused by poor land use practices; and protect and restore marine habitat for priority species;
- Analyze potential interagency actions for resiliency and adaptation to climate change and ocean acidification which include regional reduction of carbon emissions;
- Establish regional planning bodies in New England, the Mid-Atlantic, and the West Coast;
- Retain efforts to coordinate financial and educational resources to achieve the Plan's goals;
- Produce a progress report on completion of the milestones in the Plan every two years and an Oceans, Coasts, and Great Lakes Health Report that notes progress on reaching ecological indicators;
- Fund regional ocean partnerships that can make the best use of scarce federal funding by bringing federal, state, tribal, scientific, and non-governmental entities together to start to address ocean management challenges.

## I. RESILIENCY AND ADAPTATION TO CLIMATE CHANGE AND OCEAN ACIDIFICATION

Given the magnitude of the climate change threats that our coast and ocean face, it is critical that the Plan's Resiliency and Adaptation to Climate Change and Ocean Acidification Section (Climate Change Section) include actions to prepare communities and ecosystems for sea level rise, ocean acidification, and other climate change impacts. As described below, the Climate Change Section largely focuses on the assessment phase of climate adaptation activities. While it is critical that we improve our understanding of climate change impacts, it is equally important that we take action to actually prepare for and mitigate impacts on communities and ecosystems. The Climate Change Section should provide specific, near-term direction regarding funding; legal and policy reforms; and on-the-ground work to facilitate coastal resilience.

### A. *Ensure adequate funding for climate change preparedness at all levels of governance.*

The Plan fails to identify sources of funding to support states' assessment, planning and implementation of adaptation strategies for sea level rise. Many states have already undertaken impact assessments and now need funding to support climate change preparedness and sea level rise mitigation activities. A recent survey by the California State Lands Commission found that Governors of several states, including Florida, Louisiana, Maryland, New Jersey, New York, South Carolina, Virginia, and Washington, have issued Executive Orders establishing various climate change commissions and advisory committees to consider and act on the potential effects of global climate change, including sea level rise.<sup>1</sup> A relatively modest but immediate infusion of federal dollars to help California and other coastal states adapt to projected changes will reap significant benefits.

The Plan should identify many more sources of federal financing to support regional, state, and local efforts to identify and map climate change impacts, and develop and implement plans to deal with projected impacts in the climate corridor. As just one example, funding from the Disaster Mitigation Act could be used to ensure that state and local National Hazard Mitigation Plans consider sea level rise and other climate change hazards.<sup>2</sup> The Council should analyze how to tap existing federal sources of funding and consider how to establish new sources of funding for compilation into a comprehensive list of funding sources for climate adaptation in the Plan.

### B. *Reform federal policies and laws to address climate change.*

One of the biggest obstacles to climate change resiliency is a lack of institutional capacity to address sea level rise, ocean acidification, and other climate change-driven impacts to the coast and ocean. Federal,<sup>3</sup> state and local agencies, and the environmental and other laws that they administer, were put in place before the problem of climate change was recognized, and can at times actually operate counter to the pressures that climate change increasingly places on our people, infrastructure and environment.

The Plan could greatly enhance climate resiliency by clarifying how federal laws and policies like the Clean Water Act and Coastal Zone Management Act should be interpreted and implemented in light of climate change. This guidance is being released at the federal level; U.S. EPA's recent recognition of

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<sup>1</sup> California State Lands Commission, "A Report on Sea Level Rise Preparedness, Staff Report to the California State Lands Commission," (December 2009) at p. 19.

<sup>2</sup> 42 U.S.C. §5121 et seq.

<sup>3</sup> Notably, the National Oceanic and Atmospheric Administration (NOAA) is restructuring to create a new Climate Service. See <http://www.noaa.gov/climate.html>.

ocean acidification impairments under Section 303(d) of the Clean Water Act is one example.<sup>4</sup> However, guidance is being released slowly and sporadically. The Council could accelerate and coordinate work to analyze federal laws in light of climate change, and help identify data gaps, by including an analysis of federal laws related to climate change in the Plan.

This analysis would aid agencies and states in expeditiously implementing the Plan. The Plan currently contains the smart and laudable policy goal of “achiev[ing] a no-net increase in the amount of property and infrastructure in high-hazard areas,” which we strongly support. However, the Plan does not identify what legal and policy reforms are necessary at the federal and state level to make this happen. The Council should work with member agencies and other partners to clarify how the Coastal Zone Management Act should be re-interpreted and applied in light of sea level rise.

*C. Promote coastal resilience by prioritizing adaptation strategies that enhance an ecosystem’s natural adaptive capacity and limiting the use of structural barriers such as sea walls.*

The Plan should identify on the ground restoration and buffering strategies that improve coastal resilience (instead of aiming only to reduce vulnerability) by prioritizing adaptation strategies that enhance an ecosystem’s natural adaptive capacity and limiting the use of structural barriers such as sea walls. Restoring tidal wetlands, eelgrass beds, oyster beds and other natural coastal ecosystems both creates aquatic habitats for threatened species and establishes a natural buffer against extreme weather. Creating buffers of open space around beaches and wetland areas is a “no-regrets” sea level rise adaptation strategy that both increases the amount and diversity of estuarine habitats and enhances an ecosystem’s natural adaptive capacity by allowing beaches and wetlands to migrate inland as the sea level rises. These adaptation strategies should be highlighted in the Plan.

## **II. WATER QUALITY AND SUSTAINABLE PRACTICES ON LAND**

Polluted runoff (both urban stormwater and non-stormwater runoff such as agricultural runoff) is the most significant and widespread source of contamination of coastal waters. The Commission on Ocean Policy (COP) found that “[n]inety percent of impaired water bodies do not meet water quality standards at least in part because of nonpoint source pollution.”<sup>5</sup> Additionally, “millions of dollars are spent on treating the symptoms of stormwater pollution but much less is spent on efforts to control its causes.”<sup>6</sup> The COP has found that “substantial enhancement of coastal water quality will require significant reductions in nonpoint source pollution.”<sup>7</sup> Specific action is needed now to address this major threat to coastal waters.

*A. Market-based trading is not an effective tool against agricultural runoff.*

CCKA disagrees with the Water Quality and Sustainable Practices on Land section, Action One, which provides a Milestone to “[i]mplement environmental market pilot projects (e.g., USDA Chesapeake Bay Watershed Initiative) between Federal and regional partners for nutrient and sediment reduction.”<sup>8</sup> While CCKA appreciates the Council’s attention to agricultural runoff, we respectfully

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<sup>4</sup> United States Environmental Protection Agency, Memo: Integrated Reporting and Listing Decisions Related to Ocean Acidification (November 15, 2010) (EPA Ocean Acidification Memo), available at: [http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/oa\\_memo\\_nov2010.pdf](http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/oa_memo_nov2010.pdf).

<sup>5</sup> U.S. Commission on Ocean Policy, *An Ocean Blueprint for the 21st Century: Final Report*, p. 213, available at [http://oceancommission.gov/documents/full\\_color\\_rpt/14\\_chapter14.pdf](http://oceancommission.gov/documents/full_color_rpt/14_chapter14.pdf) (COP Report).

<sup>6</sup> *Id.* at 217.

<sup>7</sup> *Id.* at 204.

<sup>8</sup> Plan, at 66.

oppose such an action from both a philosophical and practical perspective. Incentive-based market programs are a fundamental departure from the spirit of the Clean Water Act (CWA). CWA's goal is to eliminate pollutants from watersheds, so a cap-and-trade approach is simply not compatible with that goal. CCKA does not believe there is an "acceptable" level of pollution, other than the CWA's water quality standard provisions. From a practical perspective, non-point source monitoring practically does not exist, making it impossible and unwise to allocate pollution credits. Agricultural runoff is a serious pollutant that requires real solutions. CCKA does not believe market-based programs are the appropriate way to reduce agricultural pollutants.

Instead, the Council needs to require federal agencies to establish regulatory programs to enforce nonpoint sources of pollution. The COP itself found that "[i]mprovements to the [nonpoint] programs should . . . require *enforceable best management practices* and other management measures throughout the United States . . ."<sup>9</sup> and recommended that "[t]o ensure protection of coastal resources nationwide, Congress should provide authority under the Clean Water Act and other applicable laws for federal agencies to establish enforceable management measures for nonpoint sources of pollution . . ."<sup>10</sup> The Council should assign discharge limits and mandate best management practices (BMPs)—then enforce them.

#### *B. Best management practices.*

Water Quality and Sustainable Practices on Land section, Action Two, sets a milestone to take "[i]nventory and evaluate best management practices to address storm-water runoff from the Federal-aid highway system, the efficiency of measures implemented to reduce pollutants, and the costs associated with construction, operation, and maintenance to establish performance measures that can be applied consistently across the Nation."<sup>11</sup> CCKA agrees that supporting and implementing BMPs is an important tool to improve water quality.

However, the Plan needs to go further than simply taking *inventory* of BMPs and *evaluating* their success. California's waterbodies are severely polluted, largely from non-point source runoff such as agriculture. If the Council is serious about controlling non-point source pollution, then the Plan needs stronger language on implementing BMPs. The Plan should support the COP's call for "enforceable best management practices," both in state law and in the CWA for *all* sources of polluted runoff, and adopt specific tasks to implement the COP Report in each coastal state.<sup>12</sup>

#### *C. Regulate sanitary sewer overflows with Clean Water Act permits.*

CCKA commends the Council on Action Six of the Water Quality and Sustainable Practices on Land section, which provides a Milestone to "[i]mprove use of and expand existing regulatory tools (e.g., Total Maximum Daily Loads (TMDLs), Combined Sewer Overflow (CSO) controls, waste and recycling management, stormwater management, Superfund) to reduce land-based sources of marine debris and trash."<sup>13</sup> CCKA believes this is a laudable Milestone, but the Council can provide further detail in the regulation of sanitary sewer overflows (SSOs).

To meet the obligations imposed by the provisions of the CWA and EPA regulations, this Council should provide a process for all sewage collection system operators that discharge raw sewage to

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<sup>9</sup> COP Report at 218 (emphasis added).

<sup>10</sup> *Id.* at 220 (emphasis added).

<sup>11</sup> Plan, at 67.

<sup>12</sup> COP Report at 218 (emphasis added).

<sup>13</sup> Plan, at 73.

waters of United States to apply for and obtain NPDES permits regulating such raw sewage discharges. The Council should also support enhanced federal funding for upgrades to state's coastal sewage treatment plants and collection systems, with a specific focus on retrofitting aging and overcapacity bay- and ocean-side systems and those systems that may be impacted by sea level rise.

*D. Low- energy, localized water.*

The Plan devotes an entire section to “Water Quality and *Sustainable Practices on Land*<sup>14</sup>,” yet the entire implementation plan contains not one Milestone creating a low-energy, localized water supply. The Council should endeavor to capitalize on the energy and environmental benefits of increasing stormwater capture and storage through low-impact development (LID), by crafting a Milestone that discourages energy-intensive and environmentally destructive water sources such as ocean desalination.

Stormwater capture and storage can provide significant, low-energy, localized water sources that reduce a growing focus on destructive ocean desalination as a water source. The California Energy Commission has found that water management consumes nineteen percent of the state's electricity generated every year. If our water sources are not sustainable from an energy and climate change perspective, they will increasingly harm, rather than benefit, the ocean environment. The Plan should provide a Milestone for the development of a comprehensive report on the coastal water-energy carbon nexus, including ocean desalination, with follow-up recommendations of tasks that will simultaneously: (a) reduce polluted runoff, (b) reduce demands on water supply, and (c) mitigate climate change by encouraging low-energy (and discouraging high-energy) sources of fresh water.

The Plan should also add a Milestone to conduct a federal survey of coastal land use and make recommendations as to how policies and programs, such as the U.S. Fish and Wildlife Service Coastal Program and National Coastal Wetlands Conservation Grant Program can be used to facilitate a measureable increase in acres of wetlands and coastal habitats restored and protected, *and* a measureable decrease in the amount of impervious surface area through conversion or retrofit.

Finally, the Plan should provide a Milestone to direct the U.S. EPA and other members of the Council to develop specific guidance on how coastal states can finance LID techniques to reduce coastal stormwater pollution, through existing funding sources, such as the Clean Water State Revolving Fund, and carve out a new pot of funding dedicated specifically for LID in coastal areas, with preference given to designated national marine sanctuaries and other marine protected and managed areas.

*E. Scientific research on synergistic effects of pesticides and other pollutants.*

Action One of the Water Quality and Sustainable Practices on Land section states “[p]ollution to our streams, rivers, estuaries, and coasts from diffuse sources (non-point source pollution) is the leading cause of water quality problems in the United States and a major cause of rapidly declining ocean and coastal ecosystem health. Pollutants from rural sources include nutrients, sediment, toxins, *pesticides*, and pathogens.”<sup>15</sup> However, the Plan does not contain one milestone to address water quality impacts from pesticides.

A study by NOAA and Washington State University found that five of the most common pesticides used in California and the Pacific Northwest – diazinon, malathion, chlorpyrifos, carbaryl and carbofuran – act in “deadly synergy” by suppressing an enzyme that affects the nervous system of

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<sup>14</sup> Plan, at 63.

<sup>15</sup> Plan, at 63.

salmon.<sup>16</sup> Exposures to a single chemical did no harm, but pairing chemicals lowered enzyme activity, sometimes fatally. Moreover, scientists noticed effects at lower pesticide levels when chemicals were applied in combinations. The scientists concluded that “[s]ingle-chemical risk assessments are likely to underestimate the impacts of these insecticides on salmon in river systems where mixtures occur.” This means that even if our existing water quality laws are implemented fully, they will fail to protect fish, because the standards on which they are based are too low.

The Plan should direct U.S. EPA and U.S. Fish and Wildlife Service to compile and augment scientific research on synergistic impacts of pesticides and other key pollutants on coastal habitats, fish and wildlife (particularly salmon).

*F. Reduce the impacts of trash and marine debris on ocean, coastal and Great Lakes waters.*

One of the greatest threats to sustainable healthy waters is plastic pollution. CCKA believes that leadership from the Council can improve this particular problem on a national scale, in a relatively short time-frame, and with significant efficiency, since relevant source reduction policies and regulatory tools to ameliorate plastic marine pollution already exist. Accordingly, we wish to call attention to the Water Quality and Sustainable Practices on Land section, Action 6: “Reduce the impacts of trash and marine debris on ocean, costal, and Great Lakes waters and associated watersheds, through cooperative efforts aimed at pollution prevention, reduction, and removal.”<sup>17</sup> Given the enormous extent of the plastic pollution problem CCKA is pleased to see the plan for increased interagency coordination and communication on ocean trash issues, and in particular the inclusion of an action related to marine debris and plastic pollution with focus on prevention and source reduction.

CCKA supports the approach taken in the Plan that calls for specific actions to prevent and reduce marine debris, which is critical to achieve measurable marine debris reductions. However, we recommend that the Plan include specific target reductions of marine plastic pollution to set a clear goal for achievement of this action. Target reductions are not new to solving environmental problems-- governments have implemented similar strategy goals for carbon reduction and water pollution. A target reduction approach has also been successfully used in several trash pollution reduction plans, including many of the Total Maximum Daily Load regulations for trash in California.<sup>18</sup> Specifically, CCKA urges a goal of zero trash to the environment be established in the Implementation Plan.

CCKA also supports research as an area of focus by the Plan. Specifically, economic research on the cost of plastic marine pollution clean-up and management to local governments, and cost-benefit analyses of single-use plastics and their reusable alternatives, would be extremely helpful to proper assessment of pollution management alternatives. CCKA understands that establishing a marine debris baseline will be helpful in measuring milestones and outcomes; however, focusing on baseline

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<sup>16</sup> Laetz, Cathy, *et al*, “The Synergistic Toxicity of Pesticide Mixtures: Implications for Risk Assessment and the Conservation of Endangered Pacific Salmon,” *Environmental Health Perspectives*, Vol, 117, No. 3 (March 2009), available at [http://www.eenews.net/public/25/9960/features/documents/2009/03/03/document\\_gw\\_01.pdf](http://www.eenews.net/public/25/9960/features/documents/2009/03/03/document_gw_01.pdf). See also Goodman, Sara, “Mix of common farm pesticides deadly to salmon – study,” *New York Times* (March 3, 2009).

<sup>17</sup> National Ocean Council, Draft National Ocean Policy Implementation Plan 71 (January 2012), available at [http://www.whitehouse.gov/sites/default/files/microsites/ceq/national\\_ocean\\_policy\\_draft\\_implementation\\_plan\\_01-12-12.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/national_ocean_policy_draft_implementation_plan_01-12-12.pdf) (*Hereinafter: Plan*).

<sup>18</sup> See, e.g., Amendment to the Water Quality Control Plan – Los Angeles Region to incorporate the TMDL for Trash in the Los Angeles River Watershed Resolution No. 07-012 [http://63.199.216.6/larwqcb\\_new/bpa/docs/2007-012/2007-012\\_RB\\_BPA.pdf](http://63.199.216.6/larwqcb_new/bpa/docs/2007-012/2007-012_RB_BPA.pdf). We also note that, for example, as in the Los Angeles River TMDL, a target of “zero trash” does not mean a single piece of litter is equivalent to noncompliance; there is a margin of error established in the TMDL, there is monitoring to establish a baseline, and there are rolling averages for compliance determinations, etc.

determination will simply prolong federal agency efforts to take decisive action to prevent and reduce plastic marine pollution. CCKA encourages the Plan to call for a parallel track, which moves forward with source reduction and prevention priorities *at the same time* as new research areas are initiated. Marine debris issues have been researched for decades, and several reports (as well as decades of citizen data from International and U.S. Coastal Cleanups) exist to support timely implementation of prevention policies.<sup>19</sup> These efforts, many of which have originated along the West Coast, should be used as a resource for NOP implementation.

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We respectfully request that the National Ocean Plan Implementation Plan include the above-described actions to protect and ensure the health of coastal and marine waters and affected habitat and life.

Thank you for your continued strong support and action for a vibrant coast and ocean.

Respectfully,



Sara Aminzadeh  
Programs Manager



Sean Bothwell  
Policy Analyst

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<sup>19</sup> See, e.g., California Ocean Protection Council, “Resolution of the California Ocean Protection Council On Reducing and Preventing Marine Debris,” Adopted February 8, 2009; California Ocean Protection Council, “An Implementation Strategy for the California Ocean Protection Council Resolution to Reduce and Prevent Ocean Litter,” Adopted November 20, 2008, etc.

# NATIONAL OCEAN COUNCIL

Name: **Jack Fullmer**

Organization: NJ Council Diving Clubs

Path: [http://edit.whitehouse.gov/sites/default/files/webform/draft\\_nat\\_ocean\\_policy.doc](http://edit.whitehouse.gov/sites/default/files/webform/draft_nat_ocean_policy.doc)

Comment: See attachment!



# NEW JERSEY COUNCIL OF DIVING CLUBS

P. O. Box 841  
Eatontown, NJ 07724-0841  
<http://www.scubanj.org>



## COMMENTS ON THE DRAFT NATIONAL OCEAN POLICY IMPLEMENTATION PLAN

The NJ Council of Diving Clubs is an organization of 14 sport diving clubs in New Jersey with a few clubs in nearby states. As sport divers, we observe the underwater environment. We respectfully submit the following comments on your Draft National Ocean Policy Implementation Plan.

1. Regarding designing a National Ocean Policy solely by executive order without involving the legislative process or Congress, the NJCDC believes that to be a mistake. Your Executive order may only last as long as the current administration. You may not have the funds to do the things you want to do without Legislative support and funding.
2. Regarding the Theme of Adopt Eco-System Management, the NJCDC is not against the concept of eco-system management. The problem is eco-system management is very complex and the science to understand all factors affecting the underwater environment is rarely available. Don't make eco-system management a god! Eco-system management is not going to solve all your problems with the ocean.
3. I also have a problem with a science based system that appears to be allowing only scientists from federal agencies or those under contract from universities to make most decisions, and not allowing the stakeholders directly into the decision making process. Putting an excessive emphasis on science without engaging what I will refer to as "common sense" would be problematic.
4. Regarding Inform Decisions and Improve understanding, I do not have a problem with sharing data between agencies, with the public and stakeholders, and improving education provided you have the funding for this. I support Action 1, as sport divers are explorers and research the u/w environment. In Action 3, are you talking about sharing data only with scientist or sharing data with stakeholders and the users of the resource? I have no problems with the desirability of Action 5 and 6, but action 4 sounds like bureaucratic and pedantic nonsense.
5. Regarding Observation, Mapping and Infrastructure, most of these Actions sound like desirable things to do if you have the funding to do so. I don't think the US should be responsible for mapping the entire world's oceans, and this is one area where international involvement would be important.
6. Regarding Coordination and Support, I have problems with Reduce Barriers to Implantation of the National Ocean Policy which suggests a legal approach to mandating everything in your national Ocean Policy by stretching existing laws and regulations without involving the people's representatives. It also suggests that these decisions will all be federal bureaucracy legal decisions without involving your state partners.
7. Regarding Regional Eco-system Protection and Restoration, I like much of this, but have some reservations about Action 6. If you are talking about National Marine Sanctuaries or protecting large sections of the ocean, you could be wiping out whole fishing communities, etc. You would need to make sure you have the support of most of the local people and states opposite these areas and not make decisions based solely on the desires of federal bureaucrat. What do you mean by cultural protection? The sport diving community dives on Shipwrecks and artificial reefs and would not be in favor of defining all shipwrecks as cultural resources and/or going off the deep end on that sort of thing. Defining specific habitat for protection depends on what protection you envision. Again, you could be wiping out whole fisheries with an overprotective attitude toward underwater habitat. You

(2)

8. should be focusing not only on protection, but also the concept of full sustainable utilization of our ocean resources.
9. Regarding Water Quality and Sustainable Practices on the Land, I agree with most of what you say in this section. Researching and doing something about very destructive algal blooms is desirable, and should be a priority. Our sport diving clubs have participated in u/w clean up operations in a number of water environments.
10. Regarding Changing Conditions in the Arctic, I will not comment on this section as we are more concerned with the part of the ocean off New Jersey than elsewhere, and really have little knowledge of the Arctic area.
11. Regarding coastal and Marine Spatial Planning, I do not agree that you should be creating 9 regional planning bodies without legislative authorization from Congress. These decision making bodies should be created by Congress, not by executive order. States and stakeholders opposite ocean areas must always be directly involved.
12. Regarding decision making guided by the "precautionary approach" in the comments section, the NJCDC does not agree with taking actions based on perceived threats that do not have proven science behind them. This is one area that could lead to an excessive over protective stance that would not be in the interest of fisheries or the full utilization of our ocean resources.

Sincerely

Jack Fullmer  
Legislative Committee

Please respond directly to:  
Jack Fullmer  
443 Chesterfield-Arneytown Rd  
Allentown, NJ 08501  
Jf2983182@msn.com

# NATIONAL OCEAN COUNCIL

Name: **Marcus Peterson**

Organization: National Conference of State Legislatures

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_implementation\\_plan\\_comments\\_letterhead.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_implementation_plan_comments_letterhead.pdf)

Comment: Please find a letter attached on behalf of the National Conference of State Legislatures in response to the Draft National Ocean Policy Implementation Plan.



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

**Stephen Morris**  
*Senate President  
Kansas Senate  
President, NCSL*

**Michael P. Adams**  
*Director, Strategic Planning  
Virginia Senate  
Staff Chair, NCSL*

**William Pound**  
*Executive Director*

March 27, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear National Ocean Council Members:

On behalf of the National Conference of State Legislatures (NCSL) we are writing in response to the Draft National Ocean Policy Implementation Plan. While NCSL does not have policy that addresses many of the detailed components of the draft plan, we commend the Council on including language repeatedly throughout the plan on the need for collaboration amongst federal agencies and with other entities including state government. It is in light of that acknowledgement, that such collaboration will benefit the management of ocean and coastal resources, that we raise concerns over the design of the regional planning bodies' key to implementation of the coastal and marine spatial planning objective.

As one of the nine priority objectives of the plan, Coastal and Marine Spatial Planning (CMSP), seeks to implement a comprehensive, integrated, ecosystem-based approach to marine spatial planning and management. As a component of this objective, the draft plan envisions nine regional planning bodies that will bring together federal, state, and federally-recognized tribal partners to develop regional coastal and marine spatial (CMS) plans to improve stewardship and streamline processes. The long-term success in implementing any plans developed by the regional planning bodies will be the involvement of key stakeholders in the process. However, despite the easily foreseen need for state implementing legislation to advance the policies included in the CMS plans, the role of state legislators is not recognized in the CMSP process. We are concerned by this omission and the potential implications this will have for the future of these plans. State legislators are partners in the process with responsibility for state budgets, policy planning and oversight activities and should have a seat at the table to be a part of the consensus building process for the regional planning bodies.

NCSL urges the National Ocean Council to ensure that state legislatures are active partners in all aspects of the implementation plan and we stand ready to assist the Council in these efforts. If you have questions about these comments, or for further discussion, please do not hesitate to contact NCSL staff: Tamra Spielvogel (202-624-8690 or [tamra.spielvogel@ncsl.org](mailto:tamra.spielvogel@ncsl.org)) or Marcus Peterson (202-624-8670 or [marcus.peterson@ncsl.org](mailto:marcus.peterson@ncsl.org)). Thank you again for the opportunity to provide input

**Denver**  
7700 East First Place  
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**Washington**  
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Website [www.ncsl.org](http://www.ncsl.org)  
Email [info@ncsl.org](mailto:info@ncsl.org)

March 27, 2012

p. 2

on the draft implantation plan. NCSL looks forward to continuing conversations with the National Ocean Council as it continues to work on implementing the National Ocean Policy.

Sincerely,

Handwritten signature of Beverly Gard in cursive script.

Senator Beverly Gard, Indiana  
Co-Chair, NCSL Environment Standing  
Committee

Handwritten signature of Jeff Morris in cursive script.

Representative Jeff Morris, Washington  
Co-Chair, NCSL Environment Standing  
Committee

Name: **William Herz**

Organization: The Fertilizer Institute

Path: [http://edit.whitehouse.gov/sites/default/files/webform/tfi\\_final\\_comments\\_-\\_ocean\\_policy\\_implementation\\_plan\\_-\\_mar\\_28\\_2012\\_-\\_mk.pdf](http://edit.whitehouse.gov/sites/default/files/webform/tfi_final_comments_-_ocean_policy_implementation_plan_-_mar_28_2012_-_mk.pdf)

Comment:



# The Fertilizer Institute

Nourish, Replenish, Grow

William C. Herz  
Vice President,  
Scientific Programs

March 28, 2012

## **VIA ELECTRONIC DELIVERY**

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503  
(202) 456-0753 fax

***RE: The Fertilizer Institute Comments on the National Ocean Council's "Draft National Ocean Policy Implementation Plan."***

Dear Sir or Madam:

The Fertilizer Institute (TFI), on behalf of its member companies, submits these comments in response to the Council on Environmental Quality's notice of availability and request for comments on the National Ocean Council's draft *National Ocean Policy Implementation Plan* released for public comment in the *Federal Register* on January 18, 2012. 77 Fed. Reg. 2514.

### **Statement of Interest**

TFI represents the nation's fertilizer industry including producers, importers, retailers, wholesalers and companies that provide services to the fertilizer industry. Its membership is served by a full-time Washington, D.C., staff in various legislative, educational and technical areas as well as with information and public relations programs.

TFI members own and operate fertilizer facilities within coastal states. As such, TFI members rely on the extensive infrastructure, including pipelines, ports, navigation routes and commerce centers, concentrated along the Nation's waters. Further, TFI members and their employees live along ocean-border states and are significantly involved in the long-term sustainability of the economic, environmental and community resilience of these areas. Finally, farmers and ranchers using our members' products have a similar interest in preserving the Nation's ocean, coastal, and Great Lakes ecosystems and resources. Thus, TFI and its members have an interest in the *Draft National Ocean Policy Implementation Plan* (Implementation Plan) and offer the following comments.

## **TFI Comments**

TFI generally concurs with the Implementation Plan's stated goals for moving forward in a strategic manner to address some of the most pressing challenges and overlapping issues facing the ocean, coasts, and Great Lakes. TFI also agrees that the National Ocean Policy should "ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhance the sustainability of ocean and coastal economies, preserve our maritime heritage, support sustainable uses and access, provide for adaptive management to enhance our understanding of and capacity to respond to climate change and ocean acidification, and coordinate with our national security and foreign policy interests." Exec. Order No. 13547 (July 19, 2010).

However, as set forth below, TFI has significant concerns about the Implementation Plan and its integration with existing federal and state efforts to address environmental issues in the ocean, coastal states, and the Great Lakes, as well as concerns with specific actions identified in the Implementation Plan to implement its delineated goals. Generally, TFI is concerned that the Implementation Plan (1) significantly overlaps with existing water resource protection programs and regulations, and (2) may cause some Federal agencies to exceed their regulatory authority while pursuing certain Implementation Plan actions and milestones. Specific concerns are delineated below.

### **I. Implementation Plan Significantly Duplicates Existing Intergovernmental Activities**

TFI is concerned that the Implementation Plan, while sincere in its efforts to add value to many extant protection activities for the ocean, coastal states, and the Great Lakes, does not create a structure with the formal standing to coordinate among the existing intergovernmental bodies involved in existing activities. TFI believes that without some authorized hierarchy among the participating government agencies, the Implementation Plan may devolve into overlapping and duplicative efforts from another (as yet undefined) task force. This concern is underscored by the fact that the Implementation Plan recites approximately 290 separate milestones for interagency coordination and implementation, most of which are expected to be pursued within the next year. Further, when examined individually, several of these milestones may require much more interagency coordination and longer timeframes than anticipated in the document. *See, e.g.*, Implementation Plan at 68 ("Produce and implement at least 12 State-wide nutrient reduction strategies," which is bounded by a 2013 timeframe).

Given the increasing time demands on Federal agencies and current budget shortfalls felt across all levels of government and the private sector, TFI questions the efficacy of establishing and supporting yet another overarching Implementation Plan and subsequent Task Force focused on restoration activities in the ocean, coastal states, and the Great Lakes. For instance, broad-based, budget-intensive watershed protection efforts already are underway for several major water bodies that also will be addressed by the draft Implementation Plan; these efforts were initiated through similar Executive Orders. *See, e.g.*, Exec. Order No. 13508 (May 12, 2009) (Chesapeake Bay Protection and Restoration); Exec. Order No. 13340 (May 18, 2004) (Great Lakes Interagency Task Force). Moreover, these efforts are being spearheaded by other task forces, management panels, and similar governmental coordination bodies that antedate the Implementation Plan.

*TFI requests that the Implementation Plan clearly delineate a proposal for integrating the existing intergovernmental bodies focused on protection and restoration efforts in the ocean, coastal states, and the Great Lakes, including a hierarchy for decision-making and, wherever possible, integration of existing efforts into a single Task Force. TFI also requests the publication of a rewritten Implementation Plan for formal public notice and comment with an appropriate time period for review.*

## **II. Coastal Wetlands Reduction Action Item is Duplicative and Inefficient**

Action 2 under “Regional Ecosystem Protection and Restoration” (reducing coastal wetland loss and improving understanding of coastal wetland status and trends)<sup>1</sup> is duplicative of existing intergovernmental activities focused on coastal wetland protection and restoration. Federal and state water quality programs already commit significant manpower and fiscal resources towards assessing, mapping and otherwise studying the status and trends of coastal wetlands health and loss. Most, if not all, of these programs are acutely aware of the location, efforts and costs necessary to restore and protect coastal wetlands. TFI therefore is concerned that completing new assessments, developing additional analytical frameworks and identifying further pilot assessments will be redundant with existing data and reports across most of the United States. In fact, Action 2 expressly acknowledges that these identification-based “efforts to protect and restore coastal wetland ecosystems” already are “numerous.” However, actual funding and other resources to restore wetlands are in high demand and short supply.

*TFI requests that Action 2 be completely rewritten to focus on actual restoration of wetlands, especially in areas such as the Gulf of Mexico and the Chesapeake Bay where the areas of greatest concern have already been identified and specific plans for restoration and protection have been delineated.*

## **III. Implementation Plan Includes Certainty Action Item not Authorized by Clean Water Act**

As amended, Section 319 of the Clean Water Act (33 U.S.C. § 1329) authorizes states to develop regulatory programs for non-point source (NPS) pollution. That section sets forth states’ statutory authority to prepare State NPS Assessment Reports and State NPS Management Plans; it also authorizes federal approval of these state programs, and federal provision of technical and financial assistance to states as they develop, implement, and enforce these programs. A state’s Section 319 plan identifies waters with substantial NPS pollution inputs and best management practices (BMPs) to mitigate those inputs. The Clean Water Act (CWA) also provides the states with authority to identify water quality problem areas, and estimate the limits of point-source and NPS loadings (*i.e.*, total maximum daily loads (TMDLs)). Similarly, the 1990 Coastal Zone Management Act Reauthorization Amendments established the Coastal Non-Point Pollution Program that provides for the creation of Section 319 plans in coastal zones (*see* 16 U.S.C. § 1455b).

Therefore, with respect to NPS regulation, the Environmental Protection Agency’s (EPA) role is providing guidance and support to the states for their efforts to manage their own unique NPS

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<sup>1</sup> Implementation Plan at 47-49.

challenges,<sup>2</sup> rather than undertaking efforts to centrally regulate how those challenges will be managed. Section 319 of the CWA does not authorize the federal government to undertake centralized regulation to address NPS pollution.<sup>3</sup> Thus, Action 1 for “Addressing Water Quality and Sustainable Practices on Land” in the Implementation Plan (reducing rural sources of excessive nutrients, sediments, toxics and pathogens) conflicts with Congress’s delegation of regulatory authority to the states regarding NPS issues. Specifically, the document’s proposed milestones of establishing priority watersheds for addressing NPS issues, participating in states’ implementation of NPS reduction strategies, and developing “State regulatory certainty programs” through the Implementation Plan appear to run afoul of the CWA. Similarly, the Implementation Plan’s milestone to “[t]arget State CWA Section 319 programs” toward certain regional objectives may interfere with states’ ability to develop, implement, and enforce their respective NPS regulatory programs.

Finally, on a practical level, even though voluntary certainty programs can be successful if implemented correctly at the state level,<sup>4</sup> a federal-imposed effort to “accelerate” certainty programs most likely will deter participation and raise additional legal and policy problems, as discussed further in the next section of these comments. In any event, a certainty action item that will regulate NPS issues is not authorized by the CWA.

*TFI does not support the inclusion of a certainty action item within the Implementation Plan, and requests that Action 1 for “Addressing Water Quality and Sustainable Practices on Land” be rewritten or omitted to conform to the authorized federal activities set forth in Section 319 of the CWA. Further, as discussed below, the inclusion of an NPS-related item regarding certainty raises additional legal and policy concerns.*

#### **IV. Certainty Framework<sup>5</sup> Contains Significant Policy Uncertainties**

Even if EPA and/or the courts were to determine that Certainty programs were allowed under the CWA, the framework as currently defined leaves significant policies undefined. This creates significant uncertainty for participating farmers and ranchers as to how supporting agencies

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<sup>2</sup> For example, under the Coastal Non-Point Pollution Program, Congress authorized EPA to “publish (and periodically revise thereafter) guidance for specifying management measures for sources of nonpoint pollution in coastal waters.” 16 U.S.C. § 1455b(g).

<sup>3</sup> See, e.g., *Pronsolino v. Nastri*, 291 F.3d 1123, 1125 (9th Cir. 2002) (“[T]he CWA uses distinctly different methods to control pollution released from point sources and that traceable to nonpoint sources.”), *cert. denied*, 123 S. Ct. 2573 (2003); *Oregon Natural Desert Ass’n v. Dombeck*, 172 F.3d 1092, 1096-97 (9th Cir. 1998) (“Nonpoint source pollution is not regulated directly by the Act . . . the Act provides no direct mechanism to control nonpoint source pollution but rather uses the ‘threat and promise’ of federal grants to the states to accomplish this task.”); see also Congressional Research Service, *Clean Water Act: A Summary of the Law*, at 6 (Apr. 23, 2010) (“Nonpoint sources of pollution . . . are not subject to CWA permits or other regulatory requirements under federal law. They are covered by state programs for the management of runoff, under Section 319 of the act.”), available at <http://www.cnre.org/nle/crsreports/10May/RL30030.pdf>

<sup>4</sup> See, e.g., The Fertilizer Institute, “*Is an Agricultural Certainty Program a Useful Tool?*” (Nov. 9, 2011), <http://www.tfi.org/voice/agricultural-certainty-program-useful-tool>.

<sup>5</sup> U.S. EPA, *Certainty Framework* (July 2011), downloaded on Feb. 2, 2012 at [http://www.or.nrcs.usda.gov/technical/engineering/environmental\\_engineering/AFO-CAFO\\_Workshop/2011/EPANutrientReductionStrategy-CertaintyFramework\\_.pdf](http://www.or.nrcs.usda.gov/technical/engineering/environmental_engineering/AFO-CAFO_Workshop/2011/EPANutrientReductionStrategy-CertaintyFramework_.pdf)

would provide assurance that investments in conservation practices will provide returns consistent with state water quality programs including TMDL or other watershed implementation plans.

While the Framework document is careful to use words such as “encourage,” “consider” and “incentives” in terms of agricultural producer participation in Certainty programs, the specific goals, objectives and elements of the Framework are more consistent with a regulatory compliance program. The Framework ties all verified water quality improvements to state water quality programs such as TMDL or other watershed implementation plans. Best Management Practices (BMPs) and schedules are tied to verifiable set of standards. Verification and continued monitoring by state governments, soil and water conservation districts or independent third parties are required. The Framework also delineates noncompliance parameters and loss of accreditation. Taken together, as currently constructed, the Certainty Framework appears to be more similar to a regulatory program than a voluntary partnership.

Further, the elements of implementation and verification have significant policy uncertainties. It is unclear who would be responsible for implementation of which conservation practice system. For example, it is unclear whether a landowner would be ultimately responsible for management practices on leased farmland (*e.g.*, nutrient management plans) and/or whether producers would be accountable for physical BMPs (*e.g.*, riparian area restoration and maintenance) on leased lands. The vague definition of “verification” in the Framework also creates significant uncertainty in terms of whether compliance is defined in terms of existence or efficacy of selected BMPs. Finally, there is uncertainty as to what the process for verification would be, including Agency participation, scheduling, and timeframe delineation, as well as the ramifications of noncompliance status and its implications for continued production on affected lands. The time period for certainty also is defined in vague terms, which provides little incentive for implementation of physical BMPs.

Significant uncertainty also surrounds the concept of “incentives” as used in the Framework. It is unclear how participating agencies can assure economic incentives for BMPs over the time period of certainty. There are important legal uncertainties as to how a state can provide assurance that BMPs will shield producers from compliance with existing or future Federal regulatory actions, and the Framework provides no basis for how BMPs will be tied to specific loading allocations under a TMDL or other watershed program.

*TFI cannot support the inclusion of any Certainty Framework within an Implementation Plan and requests that all references to a Certainty Framework be removed from the final Implementation Plan until such time as the above-referenced legal and policy issues are delineated and appropriately vetted through the administrative procedures process.*

## **V. Strategy Should Focus on Goals not Covered under other Regulatory Authorities**

If the National Ocean Council does not accept TFI’s recommendation to integrate existing intergovernmental bodies focused on restoration activities in the ocean, coastal states, and the Great Lakes under a single task force, then the Strategy should be rewritten to focus on those specific goals and action items not currently covered under other regulatory frameworks.

Restoring water quality is already authorized and implemented under the CWA and state water

quality authorities. Nutrient enrichment is currently being addressed through various state regulatory programs (e.g., nutrient water quality criteria, TMDLs, etc.) and public/private partnerships (e.g., conservation programs, development of incentives for precision agriculture through the U.S. Department of Agriculture Natural Resources Conservation Service (USDA NRCS) 590 federal and state standards, and nutrient trading programs). TFI is of the opinion that the National Ocean Council, through its Implementation Plan, should focus its time and resources on those goals and activities that most directly impact Ocean water quality and habitat and that are not specifically and actively covered under existing regulatory programs.

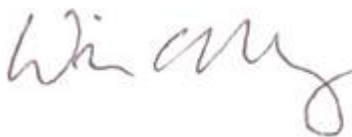
The Implementation Plan states that the rapid rate of coastal land and habitat loss in the ocean, coastal states, and the Great Lakes is threatening to collapse these ecosystems, and yield negative consequences for the marine and terrestrial environment, national commerce, the maritime industry, energy security, and fisheries. All of the goals in the Implementation Plan with the exception of “Water Quality and Sustainable Practices on Land” are focused on pressing issues specific to the ocean, coastal states, and the Great Lakes. While TFI understands and shares the Council’s concerns regarding connections between land use and upstream water quality on ocean ecosystems and water quality, limited manpower and fiscal resources necessitate selection of implementation strategies for which policy needs can be most effectively matched with existing expertise and lack of resources and/or attention. As a microcosm of this, due to existing efforts already ongoing in the Chesapeake Bay and the Great Lakes (and the corresponding Executive Orders noted above), TFI has long expressed to regulatory agencies that prioritization of high risk regions is the most cost effective method for approaching edge of fields nutrient loss reduction.

*Given the broad and resource-intensive goals and action items delineated in the Implementation Plan, TFI requests that the Strategy focus on prioritizing those items that most directly impact onshore, near-shore and ocean ecosystem protection and restoration. TFI requests that the Implementation Plan exclude the goals and action items included under “Water Quality and Sustainable Practices on Land,” as significant resources are focused on these issues under other existing Federal and state regulatory programs.*

## **Conclusion**

TFI appreciates your consideration of these comments on the National Ocean Council’s draft *National Ocean Policy Implementation Plan*. TFI supports the overall goals of restoring and protecting the ocean, coastal states, and the Great Lakes, but believes that the Implementation Plan should not focus on issues that already are addressed under other regulatory programs, or promote new policy objectives that actually entail the creation of new regulatory programs. Please contact me by telephone at (202) 515-2706 or via e-mail at [wcherz@tfi.org](mailto:wcherz@tfi.org) if you would like to further discuss our comments.

Sincerely yours,



William C. Herz  
Vice President of Scientific Programs

Name: **Ben Unger**

Organization:

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_sign\\_on\\_letter\\_-\\_washington\\_electeds\\_03262012.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_sign_on_letter_-_washington_electeds_03262012.pdf)

Comment: Attached is an updated letter from Washington State elected officials.

**A letter from Washington state local elected leaders:**

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairs Sutley, Holdren, and National Ocean Council Members:

We would like to share our support for National Ocean Policy draft Implementation Plan. As elected officials from Washington, we are charged with promoting and protecting our communities' assets, including our coast and ocean.

The draft Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. The draft Plan has successfully incorporated the needs and concerns of governmental, non-profit, and commercial groups and provides clarifying details to improve accountability and monitor progress toward improved ocean management. Frequent notations on how implementing actions are related to one another provide confidence that activities will be coordinated and make good use of limited resources.

Nonetheless, the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.

With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goals of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. As elected officials from Washington, we look forward to the release of the final plan and hope to see policy translated into action on the water soon.

Sincerely,

Councilmember Larry Phillips, Metropolitan King County Council  
Commissioner Karen Valenzuela, Thurston County Board of Commissioners  
Councilmember Fred Butler, Issaquah City Council  
Councilmember Joshua Schaer, Issaquah City Council  
Council Member Dana Ralph, Kent City Council  
Mayor Bruce Bassett, Mercer Island  
Mayor Pro-Tem Doug Osterman, Normandy Park City Council  
Councilmember Stacia Jenkins, Normandy Park City Council  
Councilmember Hank Margeson, Vice-President of Redmond City Council

Councilmember Barry Ladenburg, SeaTac City Council  
Councilmember Dave Bush, SeaTac City Council  
Deputy Mayor Mia Gregerson, SeaTac City Council  
Councilmember Jean Godden, Seattle City Council  
Councilmember Richard Conlin, Seattle City Council  
Councilmember Mike O'Brien, Seattle City Council  
Deputy Mayor Chris Eggen, Shoreline  
Councilmember Jesse Salomon, Shoreline City Council  
Councilmember Katherine Kruller, Tukwila City Council  
Councilmember Jeff Gadman, Lacey City Council  
Councilmember Cynthia Pratt, Lacey City Council  
Councilmember Andy Ryder, Lacey City Council  
Council Member Jack Weiss, Bellingham City Council  
Council Member Terry Bornemann, Bellingham City Council  
Council Member Seth Fleetwood, Bellingham City Council  
Council Member Michael Lilliquist, Bellingham City Council  
Commissioner John Creighton, Port of Seattle Commission  
Council Member Susan Boundy-Sanders, Woodinville City Council  
Councilmember Carl Weimer, Whatcom County Council  
Council President Strom Peterson, Edmonds City Council  
Councilmember Rick Talbert, Pierce County Council  
Council Member Jake Fey, Tacoma City Council  
Councilmember Ryan Walters, Anacortes City Council  
Councilmember Debbi Lester, Bainbridge Island Council

Name: **Jonathan Gasset**

Organization: Association of Fish and Wildlife Agencies

Path: [http://edit.whitehouse.gov/sites/default/files/webform/sutley\\_draft\\_implementation\\_plans\\_march\\_2012\\_final.pdf](http://edit.whitehouse.gov/sites/default/files/webform/sutley_draft_implementation_plans_march_2012_final.pdf)

Comment: Please see attached letter from Dr. Jonathan Gasset, President of the Association of Fish and Wildlife Agencies.



ASSOCIATION *of*  
FISH & WILDLIFE  
AGENCIES

---

The voice of fish and wildlife agencies

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March 28, 2012

Honorable Nancy Sutley, Chair  
National Ocean Council  
722 Jackson Place, N.W.  
Washington, D.C. 20503

Dear Ms. Sutley:

On behalf of the Association of Fish and Wildlife Agencies (Association), thank you once again for the opportunity to comment on the work of the National Ocean Council (NOC). We greatly appreciate the work you and the NOC staff, staff of the federal agencies, and others have done in preparing the draft National Ocean Policy (NOP) Implementation Plan (draft plan).

As you know, the Association represents all 50 state fish and wildlife agencies regarding the conservation and management of fish and wildlife resources. Many of our member agencies have statutory responsibilities for marine fish and wildlife resources, and the Association has a long history of assisting with the development of marine policy, regulations, and legislation, including re-authorization of the Magnuson-Stevens Act.

After reviewing the draft plan, we remain convinced that the NOC and the regional planning bodies must recognize the inherent sovereign jurisdiction that states have over their marine and coastal resources. We encourage the NOC to adopt policies that reflect that jurisdiction, and to modify the draft plan to include an explicit statement on how federal agencies will work with their state counterparts.

In reviewing the draft plan, we focus our general thoughts on the four themes: (1) adopt ecosystem-based management; (2) obtain, use, and share the best science and data; (3) promote efficiency and collaboration; and (4) strengthen regional efforts. We also would like to comment on the importance of connecting Americans with the coastal, marine, and estuarine environments.

### **Ecosystem Based Management**

In earlier letters to both you (October 16, 2009) and Michael Weiss (February 12, 2010), we indicated our support for ecosystem-based management (EBM) as a constructive tool for addressing the challenges facing our nation's coastal and marine resources. While many states use ecosystem approaches to management, we do not believe it is necessary to adopt federal

guidelines for ecosystem-based management. Indeed, we continue to believe that EBM tools can be effective but that there must be flexibility in their application.

Given the vast differences in ecosystems, we also believe that it is important that any planning efforts remain regionally focused and rooted. Flexibility to respond to regional needs and changing conditions is crucial to successful management of our marine and coastal resources and their uses.

We strongly encourage the NOC to ensure that federal funds that support existing state-led projects are not diverted towards new EBM efforts. We are particularly concerned that efforts to create new EBM projects will result in unintended consequences to successful existing programs. In addition, EBM efforts under the plan must build on the capacities and capabilities of existing state programs.

### **Science and Data**

While the draft plan correctly focuses on obtaining, using, and sharing science and data we remain concerned that current budget proposals, particularly the President's FY2013 budget for the National Oceanic and Atmospheric Administration (NOAA), undermine this theme. The President's budget continues to short-change the science and data necessary to optimally manage the nation's marine fisheries. This will ultimately result in sub-optimal yields from commercially and recreationally important species. If we cannot achieve optimal yields, we cannot create new jobs and the healthy coastal communities that we all desire. In short, we need more resources, not more rules, to ensure conservation of our coastal and marine resources.

In addition, we are concerned that when states have shared data with NOAA the data has not been used in the agency's decision-making. We encourage the NOC to look closely at how federal and state agencies can better collaborate on science and data needs.

### **Efficiency and Collaboration**

We continue to have concerns with the resources necessary to achieve the actions in the plan. We remain concerned about diverting resources, particularly from the National Marine Fisheries Service (NMFS) budget, to undertake the tasks laid out in the plan. We are even more concerned that the demands of the NOP place new unfunded mandates on state agencies. Each time a new federal initiative requires state fish and wildlife agency participation, the states have to divert resources from their base fishery management needs. This is particularly troubling since our member agencies already face reduced federal support in FY2013 from NOAA to the fishery management councils and interstate fishery commissions. When the councils and commissions are underfunded, the states again have to reallocate funds from base activities to meet federal requirements. This is unsustainable for state agencies. We continue to appeal to the Administration to provide direct financial assistance to state fish and wildlife agencies to assist with meeting the needs of the NOP. If funding cannot be provided, the states will not be able to provide the level of service required to collaborate. Without state engagement, we believe the effort will be significantly diminished.

## **Regional Efforts**

Regional planning bodies must have the flexibility to focus on priority needs that take into consideration the resources that state and federal agencies have to plan and implement activities in a given region. This includes the ability to decide which areas of the NOP, including coastal and marine spatial planning (CMSP), are addressed at any given time. We would like to reiterate that if regional planning is to be successful, it must be carried out in a collaborative manner with state fish and wildlife agencies at the table. Also, dispute resolution resulting from lack of consensus must not be federalized. The health and management of our marine and coastal resources is simply too critical to engage in a process that does not provide a meaningful decision role for both state and federal agencies.

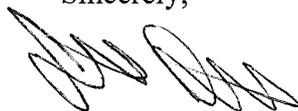
In addition, we strongly believe that regional ocean management is already in place for fisheries. The final implementation plan must clearly state that the authority to manage fisheries must remain with the regional fishery management councils, the interstate fishery management commissions, and with the state fish and wildlife agencies.

## **Recreational Access**

In keeping with President Obama's emphasis on getting Americans outdoors, we remind you of the importance of maintaining opportunities for recreational access for angling, hunting, wildlife observation, and boating. We suggest the draft plan explicitly acknowledge the need to accommodate or feature the value of recreational access. Connecting Americans to nature will enhance state and coastal community economic development under any planning scenario.

Once again, thank you for the opportunity to offer these comments. We look forward to working with the Administration on these issues in the future.

Sincerely,



Jonathan Gassett, Ph.D.  
President

cc: Coastal State Directors  
Eric Schwaab, NOAA  
Sam Rauch, NMFS

Name: **Sarah Winter Whelan**

Organization: Regional Marine Conservation Project

Path: [http://edit.whitehouse.gov/sites/default/files/webform/hoc\\_letter\\_on\\_dip\\_3.28.12.pdf](http://edit.whitehouse.gov/sites/default/files/webform/hoc_letter_on_dip_3.28.12.pdf)

Comment: Please find attached a joint comment letter in support of the National Ocean Policy from 95 conservation groups, coalitions, labor, business and religious organizations spanning seventeen states, the District of Columbia and representing millions of members.

March 28, 2012

Ms. Nancy Sutley, Dr. John Holdren, and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

**Re: Recommendations for the Draft Implementation Plan**

Dear Chairs Sutley and Holdren and National Ocean Council Members,

On behalf of the undersigned organizations and their combined membership, we thank you for the time and effort that you, your staff, and the agency participants have dedicated to developing the *Draft National Ocean Policy Implementation Plan* (Plan). The Plan is a major step forward in advancing the vision laid out in President Obama's Executive Order 13547: "To achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations." We strongly support the National Ocean Council's work towards an inclusive process for engaging all stakeholders and the general public and to craft and implement strategies that address the most pressing challenges facing our ocean, coastal, and Great Lakes resources, such as ocean acidification, habitat protection and restoration, water quality and pollution, and appreciate this opportunity to provide you with further comments on the Plan.

We are pleased to see a strengthened definition for ecosystem-based management in this draft Plan; however, we urge you to be explicit in the final Plan that ecosystem-based management must result in the protection, maintenance, and restoration of the health of our oceans' natural ecosystems. Only healthy, functioning, and resilient marine ecosystems can provide the resources and services humans want and need, now and into the future.

The Plan shows great strength in providing government accountability and coordination. In addition, to gain the full suite of economic and environmental benefits that stem from the Plan's robust implementation, it should be reiterated that the National Ocean Council and every relevant federal agency be engaged in implementation of the National Ocean Policy to the full extent of their statutory responsibility.

To successfully achieve the Plan's goals, we also urge you to:

- Prioritize protecting, maintaining, and restoring the health of our oceans, coasts, and Great Lakes with an emphasis on achieving conservation milestones that can provide immediate ecological benefit such as the protection and restoration of coastal and marine habitat for priority species;
- Conduct regional ecological assessments that identify important ecological processes and areas and inform the Regional Ocean Partnerships' coastal and marine spatial planning processes;

- Advance the timelines provided for milestones for actions related to these key priorities: ecosystem-based management; prevent and mitigate pollution and harmful impacts to water quality caused by poor land use practices; and protect and restore marine habitat for priority species;
- Analyze potential interagency actions for resiliency and adaptation to climate change and ocean acidification which include regional reduction of carbon emissions;
- Establish regional planning bodies in New England and the Mid-Atlantic in 2012 and in the West Coast in 2013;
- Retain efforts to coordinate financial and educational resources to achieve the Plan's goals;
- Produce a progress report on completion of the milestones in the Plan every two years and an Oceans, Coasts, and Great Lakes Health Report that notes progress on reaching set ecological indicators.

We also strongly urge the National Ocean Council to support funding for regional ocean partnerships in those regions which are best prepared to begin regional planning and convene stakeholder participation. Regional ocean partnerships can make the best use of scarce federal funding by bringing federal, state, tribal, scientific, and non-governmental entities together to start to address ocean management challenges.

Thank you for all of your efforts to ensure a healthy future for our oceans, coasts, Great Lakes, and the millions of people who depend upon them.

Sincerely,

Cindy Chogan  
Executive Director  
Alaska Wilderness League  
Washington, DC

Sean Mahar  
Director of Government Relations  
Audubon Society of New York  
Albany, NY

Arthur Benner  
President  
Alewives Anonymous  
Rochester, MA

Meryl Redisch  
Executive Director  
Audubon Society of Portland  
Portland, OR

Tim Dillingham  
Executive Director  
American Littoral Society  
Highlands, NJ

Eugenia Marks  
Senior Director of Policy  
Audubon Society of Rhode Island  
Bristol, RI

Paul Engelmeyer  
Manager  
Audubon's Ten Mile Creek Sanctuary  
Yachats, OR

Larry Davis  
Chairman  
Bedford Global Warning Coalition  
Bedford, MA

David Helvarg  
President  
Blue Frontier Campaign  
Washington, DC

Joey Racano  
Director  
California Ocean Outfall Group  
Los Osos, CA

Ed Amador  
President  
Canyon Land Conservation Fund  
Silverado, CA

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Executive Director  
Cape & Islands Self-Reliance Corp.  
North Falmouth, MA

Joseph E. Payne  
Beykeeper  
Casco Baykeeper  
South Portland, ME

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Oceans Director  
Center for Biological Diversity  
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Executive Director  
Center for Chesapeake Communities  
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Executive Director  
Center for Oceanic Awareness, Research, and  
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Mike Doherty  
Commissioner  
Clallam County, Washington

Jamie Rhodes  
Rhode Island Director  
Clean Water Action  
Providence, RI

Paula Walker  
Founder  
Coalition to Protect Ocean Diversity  
Portland, OR

Pricilla Brooks  
VP & Director, Ocean Conservation  
Conservation Law Foundation  
Boston, MA

Peg Reagan  
Executive Director  
Conservation Leaders Network  
Wedderburn, OR

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Director of Advocacy/Inketkeeper  
Cook Inletkeeper  
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Eight Towns and the Great Marsh  
Haverhill, MA

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Endangered Habitats League  
Los Angeles, CA

Gordon R Hensley  
San Luis Obispo Coastkeeper  
Environment in the Public Interest  
San Luis Obispo, CA

Doug O'Malley  
Field Director  
Environment New Jersey  
Trenton, NJ

Sarah Higgenbothan  
State Director  
Environment Oregon  
Portland, OR

Linda Krop  
Chief Counsel  
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Judith Albert  
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Friends of the Bay  
Oyster Bay, NY

Bob Stokes  
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Galveston Bay Foundation  
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John Hocevar  
Oceans Campaign Director  
Greenpeace USA  
Washington, DC

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Green Marlborough  
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Susan Altman  
Green Medford  
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Group for the East End  
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Aaron Viles  
Deputy Director  
Gulf Restoration Network  
New Orleans, LA

Joe Esmonde  
Business Agent  
IBEW #48  
Portland, OR

Jenny Holmes  
Environmental Ministries Director  
Interfaith Network for Earth Concerns  
Portland, OR

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Legislative Representative  
League of Conservation Voters  
Washington, DC

Alfredo Quarto  
Executive Director  
Mangrove Action Project  
Port Angeles, WA

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Vice President for Government Affairs  
Marine Conservation Institute  
Washington, DC

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Executive Director  
Mass Association of Conservation  
Commissions  
Belmont, MA

Jack Clark  
Director of Public Policy & Gov't Relations  
Mass Audubon  
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Mass Climate Action Network  
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Erik Balsbaugh  
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Andrew Jay  
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Massachusetts Oyster Project  
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Corry Westbrook  
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Oceana  
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Executive Director  
Ocean River Institute  
Cambridge, MA

Howard Garrett  
President  
Orca Network  
Greenbank, WA

Doug Moore  
Executive Director  
Oregon League of Conservation Voters  
Portland, OR

Promise King  
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Seal Rock, OR

Steve Pedery  
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Portland, OR

Shawna Larson  
Alaska Program Director  
Pacific Environment  
Palmer, AK

Tom Bancroft  
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People for Puget Sound  
Seattle, WA

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Reef Check Foundation  
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Chair, Marine Action Team  
Sierra Club  
San Francisco, CA

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Surfrider Foundation  
San Clemente, CA

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President  
Sustainable South Shore  
Marshfield, MA

Dean Holden  
President  
Sustainable Sudbury  
Sudbury, MA

Carolyn starrett  
President  
Sustainable Winchester  
Winchester, MA

Peter Alexander  
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Talking Conservation  
Bath, ME

Frank Fuller  
Chair  
Texas Coastal Partners  
Austin, TX

Brendon Cechovic  
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Washington Conservation Voters  
Seattle, WA

Jeremy Personius  
Western and Central Pacific Network  
Hawaii

Jack Eidt  
Director  
Wild Heritage Planners  
Los Angeles, CA

Meg Ruby  
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Environmental Commission of the Episcopal  
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Portland, OR

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Organization: Darden Restaurants

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_comment\\_letter\\_final.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_comment_letter_final.pdf)

Comment: We question the need for the National Ocean Policy (NOP) put forward by Executive Order 13547, however we support the priority objectives outlined in the Draft Plan.

March 22, 2012

Ms. Nancy Sutley, Dr. John Holdren, and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

**Re: Comments and Priorities on the Draft National Ocean Policy Implementation Plan**

Dear Chairs Sutley and Holdren and National Ocean Council Members,

Thank you for the opportunity to provide comments and recommendations on the Draft National Ocean Policy Implementation Plan (Draft Plan).

Darden is the world's largest full-service restaurant company with more than 1,900 wholly owned and operated restaurants employing nearly 185,000 people who serve over 400 million meals a year throughout North America. We operate seven brands: Red Lobster, Olive Garden, LongHorn Steakhouse, The Capital Grille, Bahama Breeze, Seasons 52 and Eddie V's. We rank as the largest commercial importer of seafood in the United States, operating a global supply chain that sources from approximately 35 different countries around the globe.

As a leader in seafood sustainability and an active stakeholder in the health of oceans and management issues, we offer the following comments and recommendations to the Draft Plan.

**General Comments**

We question the need for the National Ocean Policy (NOP) put forward by Executive Order 13547, however we support the priority objectives outlined in the Draft Plan. Given additional funding, NOAA would be capable of carrying out the noble objectives and managing activities regarding the oceans in a sustainable, effective and efficient manner without creating another bureaucracy.

**Ecosystem Based Management**

Recognizing the complexities of marine species and ecosystems, we fully support the Draft Plan's emphasis on "ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and Great Lakes." We would add the need to ensure that the management process incorporates commercial interests to ensure

industry and shore base communities can economically thrive in a collaborative and sustainable manner.

**Establish an independent multi-stakeholder advisory body to guide development and implementation of an inter-agency collaborative framework.**

We strongly agree with the goal identified in Action 1 to “establish a framework for collaboration and a shared set of goals for Federal implementation of ecosystem-based management” for the purpose to help inform the development, evolution and implementation of a collaborative framework between all stakeholders including: government, industry, science, academics and NGO’s. This would encourage consistency in implementation from one administration to the next, and generate greater public support.

**Prioritize and incorporate cumulative impact analyses.**

We strongly agree with the need identified in Action 2 to “use the best available science and knowledge to inform decisions affecting America’s waterways.” Establishing a science-based framework is essential as a prioritized tool in the development and evaluation of assessing and managing the health and cumulative impacts incorporated into the decision-making process.

**Inform Decisions and Improve Understanding**

***Elevate aquaculture as a priority issue for which greater scientific research and support is needed.***

We strongly support the inclusion of aquaculture as part of a sustainable use strategy and Action 2 goal of providing scientific information to support aquaculture development.

Currently, the United States has a seafood deficit of approximately US \$9 billion for both wild and farmed species. The US lags behind other countries in aquaculture production, although it is the second largest seafood market in the world. NOAA’s recent Aquaculture Policy includes the explicit goal of promoting the development of US aquaculture. Indeed, the domestic production of aquaculture products represents an important opportunity for the US to decrease the trade deficit and food importation issues, and assume a leadership role with the development of progressive environmental regulations and food safety initiatives around aquaculture.

When done correctly, aquaculture may contribute to food and economic security and improved ecosystem function. Practiced incorrectly, aquaculture has the potential to destroy critical habitat, decrease biodiversity and be a net consumer (as opposed to a producer) of fish protein.



As such, it is incumbent upon the US to invest in research and innovative technologies to develop and promote sustainable aquaculture operations at home and abroad.

While we support the first milestone of Action 2 to establish a National Shellfish Initiative to maximize ecosystem benefits and economic value of commercial aquaculture, we urge the NOC to establish additional research initiatives around the development of sustainable finfish farming operations. We acknowledge that finfish aquaculture is typically associated with higher ecological impacts, however the demand and drive for farmed finfish products is not going away. Including finfish operations as a research priority may help to position the US as a leader in the development of low impact finfish aquaculture operations and reduce demand for imported products.

In addition, support for research around coordinated aquaculture management and large-scale integrated multi-trophic aquaculture is needed. Moreover, research into broader aquaculture sustainability issues, such as feed, mitigation and prevention of fish escapes, and disease control should be identified as priorities.

We recommend that research around domestic aquaculture production be elevated as a priority area for NOAA.

***Link the development and use of decision support tools with the integration of social and ecological systems in decision-making.***

We commend efforts to develop more effective and efficient decision support tools to support science-based decision-making and integrating both social and natural scientific information into decision-making. These two proposed actions are critical.

To effectively integrate social and ecological systems into the management processes and stakeholder engagement strategies, decision support tools that identify and accurately capture the relevant aspects of the human dimension are required. Indeed, more robust and comprehensive decision support tools that incorporate social, political and economic variables may help us better understand the risks, trade-offs and costs/benefits of different decisions.

***Improve efficiency of aquaculture permitting and establish federal aquaculture regulations.***

We strongly agree with Action 5 regarding the need to reduce “overlapping, redundant, and sometimes conflicting permit review processes” and improve permitting efficiency for aquaculture. There is a growing need to develop a productive and responsible aquaculture industry in US waters, which, in our opinion, is hampered by an inefficient permitting process and incomplete regulation. We recommend that the development and promulgation of federal aquaculture regulations be identified as a priority and included as a milestone under Action 5. Federal aquaculture regulations should be designed to facilitate the harmonization and coordination of aquaculture permitting at all levels of government.



***Engage fully with the international community to combat illegal, unregulated and unreported (IUU) fishing.***

IUU fishing is a worldwide challenge and one of the primary barriers to sustainable fisheries. IUU fishing threatens food security, species survival, ecosystem health, distorts markets and subverts fair labor standards. As IUU is inherently a global problem, it demands global solutions and improved international coordination. While the Draft Plan makes cursory reference to the importance of engaging with the international community, it does not provide specific actions or milestones or even mention IUU fishing as a priority issue. We recommend that NOAA include domestic and international efforts to combat IUU fishing as a priority in their objectives. On the domestic front, this may include full implementation of the IUU provisions of the Magnuson-Stevens Act, ratification of the Port State Measures Agreement, and greater investments and support of monitoring, control and surveillance.

**Educate and inform agencies and stakeholders about existing tools and strategies for engaging in coordinated ocean management.**

We believe the eight regional fishery management councils established under the Magnuson-Stevens Act already fulfill the role of regional planning bodies (RPBs). Through enhanced efforts these councils could serve as the coordinating entities.

Once again, we appreciate this opportunity to comment on the Draft Plan and we look forward to working collaboratively and serving as a market resource in managing our ocean and water ways going forward. Thank you for your strong leadership and efforts to improve the health and sustainability of our Nation's oceans and coasts.

Sincerely,



Roger Bing  
Vice President, Seafood Purchasing  
Darden Restaurants, Inc.



Name: **Ned Dikmen, Ph.D.**

Organization: Great Lakes Boating Federation

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_glb\\_f\\_comments\\_0.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_glb_f_comments_0.pdf)

Comment: Please see attached comments.  
I am re-submitting because of the incomplete email given in the first transmission.



## Great Lakes Boating Federation

1032 N. Lasalle, Chicago, IL 60610 • Phone: 312.266.8408 • Fax: 312.266 8470

March 27, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Comment on the "Draft National Ocean Policy Implementation Plan" from the Great Lakes Boating Federation

Boating and sportfishing are two of America's dominant recreational sports and hobbies, yet they are not mentioned in the Draft Implementation Plan (DIP) that espouses an action plan for our oceans, coasts, and the Great Lakes. The failure of the DIP to not include the needs of recreational boating, boaters and sportfishers, active users of our marine spatial miles, is a serious oversight.

There are an estimated 12 million registered boaters in the US, including 4.3 million in the Great Lakes, with an estimated economic impact of \$36 billion, including an estimated \$9 billion from the Great Lakes. A little more than one in 20 citizens engage in this sport and hobby providing the American family a needed recreational outlet. Recreational boating is a major contributor to our oceans, coasts, and the Great Lakes, as is fishing. The DIP must include all of these sectors because they are conducted at the corridor of every marine spatial mile around our oceans, coasts, and the Great Lakes.

If the federal government is to develop policies and programs for our nation's oceans, coasts, and the Great Lakes, the first step it must take is to provide current, accurate, factual information so that we can make informed decisions for the future. Thus, we propose that a national boating access feasibility report be undertaken to reveal the economic and societal value of recreational boating to our economy, as well as our oceans, coasts, and Great Lakes.

Statistics point out that three-quarters of all boaters are also anglers, yet the report makes no mention of this. Boating is integral to the fishing experience and is a way for families and friends to rest, relax, and enjoy the beauty of nature. The boating lifestyle promotes being outdoors, freedom, and the wonders of nature. Government should acknowledge this fact and make efforts to promote, grow, and develop a sustainable future for sportfishing and boating. Sadly, the DIP has nothing about this.

Currently, the Dept. of the Interior's Fishing and Wildlife Services (FWS) does an outstanding job in coordinating activities to make fishing and boating sustainable activities. FWS, guided by the Sportfishing and Boating Partnership Council, keeps boating sustainable by implementing boaters pay and boaters benefit programs. The DIP should highlight and promote FWS's efforts.

To keep boating sustainable, we further propose that the U.S. Army Corps of Engineer's harbor dredging and maintenance efforts should also include funds for recreational boating harbors.

The proposed plan is woefully inadequate in dealing with the Great Lakes compared to the oceans and coasts. There are whole sections on algae blooms, plastic and debris, and the Arctic, but nothing on the invasive species problem that threatens the health and well-being of our oceans and the Great Lakes, specifically the Asian Carp. One of the most important challenges of the Great Lakes is how to keep the ecosystem sustainable and thriving. We need to take immediate action to keep the Asian Carp out of the Great Lakes. That's why we believe that the Chicago River should be returned to its pristine glory of centuries ago, returning to its tributary status and setting up revetments to keep the river from inundating other rivers and tributaries during floods and storms.

For a plan that proposes 50 actions and timetables, the current implementation plan is remarkable for its absence of specifics. For example, the plan proposes actions and timetables that build on the good work going on in the states, local tribes, and federal government, but then it never identifies those good works. The implementation plan proposes opportunities for stakeholders to work together for the better stewardship of the Great Lakes, but then never specifies how this can be accomplished. It proposes using an Ecosystem-based management, including humans, to determine priorities, allocate resources, and produce results. The problem with this is that the ordinary person doesn't have the foggiest notion how this works.

The importance of recreational boating to the health and well-being of our oceans, coasts, and the Great Lakes should never be underestimated. At a time when record high gas prices are prompting a decline in the amount of fossil fuel being sold to boaters, the recreational boating community needs to find new sources of revenue, such as renewable energy sources and others, to supplement the Wallop-Breaux Amendments that use fuel tax revenue to grow and sustain the boating industry. The DIP should go one step further and actively propose grants and other funds to help grow boating.

Getting people to "buy into" the plan requires coordinating the competing uses of our oceans, coasts, and Great Lakes. The plan says that this cannot be done using the traditional management approaches that were designed to manage single activities and independent sectors. Therefore, it proposes this Ecosystem-based plan, and this is where theory and reality don't match. One cannot propose a management system that views everything working into an inherent whole when the previous system never took this approach. In theory, this is ideal. In reality, it alienates all the people who have a stake in our oceans and Great Lakes.

In conclusion, we believe the DIP is a good first effort that strives to be comprehensive, but is lacking. It makes no mention of a major stakeholder—recreational boating—nor does it touch on this sector's economic and environmental impact to our nation's oceans and coasts. Moreover, it has very little to offer the millions of people living on and using the Great Lakes in its initiatives and proposed joint actions. The next DIP must address these sectors and their needs.

To rectify these oversights, we propose that the Council and ORAP actively solicit and seek input and membership from the Great Lakes boating and sportfishing community. These members can provide the practical knowledge and experience to makes these plans useful, productive, and beneficial to all.

Sincerely,



Ned Dikmen, Ph.D.  
Chairman  
Great Lakes Boating Federation

Name: **Joseph Martens**

Organization: NYS Department of Environmental Conservation

Path: [http://edit.whitehouse.gov/sites/default/files/webform/dec\\_commentstonoc.pdf](http://edit.whitehouse.gov/sites/default/files/webform/dec_commentstonoc.pdf)

Comment: A letter providing comments from the New York State Department of Environmental Conservation is attached.

ANDREW M. CUOMO  
GOVERNOR



JOE MARTENS  
COMMISSIONER

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ALBANY, NEW YORK 12233-1010

**MAR 28 2012**

Ms. Nancy H. Sutley  
Chair, Council on Environmental Quality  
Co-Chair, National Ocean Council  
Executive Office of the President  
National Ocean Council  
722 Jackson Place  
Washington, D.C. 20503

Mr. John P. Holdren  
Director, Office of Science and  
Technology Policy  
Co-Chair, National Ocean Council  
Executive Office of the President  
National Ocean Council  
722 Jackson Place  
Washington, D.C. 20503

Dear Ms. Sutley and Mr. Holdren:

On behalf of the New York State Department of Environmental Conservation (DEC), I would like to express our support of the overall approach taken in the draft Implementation Plan for the National Ocean Policy (NOP). If fully implemented, the recommended actions would provide beneficial federal attention to our many Atlantic Ocean and Great Lakes issues.

We welcome actions that would direct federal agencies to better integrate and coordinate their programs and resources related to the Atlantic Ocean and the Great Lakes. In the process of doing so, we must emphasize the importance of recognizing the many state and regional strategic goals and programs that have already been developed for these valuable resources, and the need to account for them during implementation of the identified federal actions. New York has been working on numerous initiatives through such efforts as: the New York Ocean and Great Lakes Ecosystem Conservation Council, the Mid-Atlantic Regional Council on the Ocean (MARCO), the Great Lakes Restoration Initiative, Lakewide Management Plans for Lake Ontario and Lake Erie, three National Estuary Program Areas within New York, and other action plan programs to address regional and sub-regional concerns within the Great Lakes and Atlantic Ocean. Coordination of the proposed federal efforts with these state and regional entities will be important to ensure the effectiveness of the work you have set out under the National Ocean Policy. Clearly, we need to avoid adding extra layers of bureaucracy and conflicting objectives.

We appreciate the acknowledgement of the funding that is needed to support and sustain the NOP Implementation Plan. The greatest value to New York's Atlantic Ocean and Great Lakes programs would be the integration of complementary federal programs in ways that reinforce existing state and regional programs and priorities. For example, New York State has developed a Great Lakes Action Agenda that purposely reflects the priorities of the President's Great Lakes Restoration Initiative, and identifies key actions to make measurable progress for New York's portion of the Great Lakes watersheds.

For New York's Atlantic Ocean region, New York State is currently preparing an amendment to the state Coastal Management Program through NOAA. In addition, DEC has facilitated collaborative, multi-stakeholder action agendas for New York's ocean and coastal regions, including the Hudson River Estuary, Peconic Estuary and Long Island Sound in conjunction with EPA. The policy objectives and priority actions embodied in these state and regional efforts should similarly be reflected in proposed federal initiatives that derive from the NOP.

Another important component of federal assistance that could support New York's Ocean and Great Lakes Ecosystem-Based Management (EBM) work is funding and technical assistance to generate or obtain data that fills critical information gaps necessary to guide management decision making for interstate and coast-wide resources. Of course, New York welcomes the efforts of the various federal agencies to "take on" specific priority tasks identified in existing action plans. Enhancing these efforts, rather than creating new or competing programs, is plainly the preferred approach.

New York supports the underlying theme of ecosystem-based management that is embodied in the document, and is hopeful that the federal role will serve to reinforce New York's existing complementary policies. Specific comments on the draft Implementation Plan are enclosed. We look forward to working with you to achieve our shared vision.

Sincerely,



Joseph J. Martens

Enclosure

c: Cesar A. Perales, New York Secretary of State

## **Specific Comments on Draft National Ocean Policy Implementation Plan**

### **General Comments:**

A clearer vision statement for EBM should be provided in the opening of the Implementation Plan, which would drive the goals for the policy and all the subsequent actions.

A phased and prioritized approach to NOP implementation should be considered. There is an ambitious array of actions, many of which could be quite costly. Some things should be done early to engage the public and to capture their imagination and support. A list of milestones should be provided by agency, with target dates, so that agencies can plan their work loads and to provide greater accountability.

Given the current federal staffing and budgetary constraints, the Implementation Plan should have recommendations for restructuring programs/agencies to more efficiently deliver existing programs and improve coordination and collaboration.

The plan also continues to segregate habitat restoration and protection from water quality/quantity and air quality improvement into different chapters, despite the interconnection of these issues as they affect ecosystem health. (Examples - Seagrass needs excellent water quality and hydrology to survive; atmospheric deposition of mercury and PCBs causing fish consumption restrictions especially in bays, estuaries and the Great Lakes having limited flow/buffer capacity.)

There are a number of specific pilot projects identified in the draft Implementation Plan. We would be glad to discuss opportunities to pursue these with New York State.

### **Observations, Mapping, and Infrastructure:**

The Implementation Plan should include more actions that would support pertinent resource monitoring or data collection and convert scientific data to usable information for resource management and marine spatial planning purposes. The data platforms should allow easy access and be easily manipulated to produce products. New York's specific data needs that could be assisted through federal means include:

- bathymetric mapping of near-shore areas;
- real-time integrated observing systems for endangered marine mammals, at risk fish populations, and physical/chemical conditions;
- data-gathering for fish resources, habitat use, and food webs, that will move us toward an EBM approach to fisheries management;
- climate adaptation, including preparation for sea level rise; and
- landscape-scale actions to promote ecosystem resilience by promoting sustainable practices on land.

### Regional Ecosystem Protection and Restoration:

More connections should be provided to implement existing resource monitoring networks, estuary programs and enhanced coordination and integration of these programs.

### Water Quality and Sustainable Practices on Land:

Action 1 in this section includes several milestones that would tie funding to priority watersheds, and would exclude worthwhile and needed projects in areas that are deemed non-priority. The scope of nutrient problems is so vast, that valuable load reductions are needed throughout these watersheds. The top-down approach used by NRCS and EPA to fund agricultural projects in the Chesapeake Bay watershed should not be the model for the large part of the country tributary to ocean and Great Lakes waters.

The NOC needs to ensure each action, as delineated in the draft Implementation Plan, will increase the certainty of achieving the NOP's goals/objectives. For example, the adopted NOP objective on page 73 to "eliminate impacts of vessel discharges on marine waters" cannot be achieved by the delineated action on page 74 to adopt a Vessel General Permit to "reduce risk." Specifically, "eliminating impacts" is not synonymous with "reducing risk." In this instance, the stated action should be "to adopt a VGP having a strong, uniform national standard and testing protocols that provide for achievable and cost-effective technology to treat ballast water and thereby protect against the harms associated with aquatic invasive species."

### Coastal and Marine Spatial Planning:

New York State has already recognized Marine Spatial Planning as a method of accomplishing EBM objectives, and is currently working on planning activities in the New York Bight. However an additional source of (non-competing) funding would be needed to implement MSP more fully at the state and regional scales. Further, coastal mapping needs to include bays, embayment, mouths of tributaries, and other environmentally and socially sensitive areas from the shoreline into the watersheds that directly impact the ocean ecosystems.

Name: **Josh Stull**

Organization: National Fisheries Institute

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nfi\\_ocean\\_policy\\_comments\\_march\\_2012\\_-\\_final\\_3\\_28\\_2012.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nfi_ocean_policy_comments_march_2012_-_final_3_28_2012.pdf)

Comment:

March 28, 2012

The Honorable Nancy Sutley  
Co-Chair, National Ocean Council  
Chair, White House Council on Environmental Quality  
Executive Office of the President  
722 Jackson Place, NW  
Washington, DC 20503

The Honorable John Holdren  
Co-Chair, National Ocean Council  
Director, White House Office of Science and Technology Policy  
Executive Office of the President  
722 Jackson Place, NW  
Washington, DC 20503

**Re: Comments of the National Fisheries Institute on the Draft National Ocean Policy Implementation Plan**

Dear Co-Chairs Sutley and Holdren and Members of the National Ocean Council:

Thank you for the opportunity to provide comments and recommendations on the Draft National Ocean Policy Implementation Plan (“Plan”). The National Fisheries Institute (“NFI”) submits these comments in response to the National Ocean Council’s release of the Plan on January 12, 2012 and subsequent request for public input.

NFI continues to support open ocean aquaculture and appreciates the prioritization of the advancement of aquaculture in U.S. waters by the Administration. We previously submitted comments on the aquaculture policies proposed by the United States Department of Commerce and the National Oceanic and Atmospheric Administration (76 Fed. Reg. 9210-9211 (Feb. 16, 2011)).

**Background**

NFI is the leading voice for our nation’s commercial seafood industry dedicated to education about seafood safety, sustainability, and nutrition. From vessels at sea to your favorite seafood restaurant, our member companies bring fish and shellfish to American families. NFI and our members are committed to sustainable management of our oceans and being stewards of our environment by endorsing the United Nations’ Principles for Responsible Fisheries. From responsible aquaculture, to a marketplace supporting free trade, to ensuring the media and consumers have the facts about the health benefits of fish and shellfish, we support and promote sound public policy based on ground truth science.

## **Specific NFI Comments**

The Administration has emphasized that this Plan is the first framework established at the Federal level to allow all relevant Federal agencies to work together under one policy, the National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes (“National Ocean Policy” or “NOP”). We agree that a National Ocean Policy should take advantage of the open ocean resources offered by Federal waters, but we need to ensure that these resources are managed in a way that is commercially feasible, sustainable, and able to ensure the long-term production of high-quality seafood for consumers.

Though there may be benefits to the approach the Administration has taken, NFI has two main overarching concerns of the Plan. The first concerns the authorization of the NOP’s Coastal Marine Spatial Planning (“CMSP”) and the Regional Planning Bodies. Congressionally established regional fishery management councils have been very successful in balancing local control and sustainability – while ensuring full consideration of the best science – for fisheries from New England all the way to Alaska. Our concern is that a regional body, made up entirely of Federal, State, and Tribal entities with authorities relevant to CMSP (and no local representation), on top of the regional fishery councils, would create another level of bureaucracy that is not needed in a time of fiscal austerity. Furthermore, this would be a duplicative regulatory program creating an ocean governance structure on top of the existing framework that has successfully worked since its inception.

We are also concerned about funding for the implementation of the various aspects of a National Ocean Policy. The CMSP and Regional Planning Bodies will need federal funds to operate. Most Federal departments and agencies have experienced funding cuts over the past several fiscal years with the inevitability that this will continue for the foreseeable future. For Fiscal Year 2011, the National Oceanic and Atmospheric Administration (NOAA) received \$4.52 billion in funding, \$142 million or 3 percent below the previous fiscal year enacted level of \$4.738 billion. For Fiscal Year 2012, the final funding amount for NOAA was \$4.89 billion, \$297 million or 6 percent over the FY 2011 enacted level. However, this came at a price, as all other parts of NOAA saw cuts in order to fund the increase to the Joint Polar-orbiting Satellite System. As this example points out, an increase to one program or activity within an agency means a cut to others. And NOAA’s experience is by no means unique among NOP-affected agencies.

Proper fisheries management starts with good science. As NOAA and other federal budgets continue to be squeezed, it is essential that the federal government focus its resources on conducting the status assessment and related research that yields data upon which to make decisions. Any effort that duplicates existing, functioning systems (and thus draws away resources) should be very carefully considered and be required to prove their return on tax payer investment.

A newly-minted regulatory entity – and that is what the National Ocean Council is – will have to be funded one way or another, and we are concerned that, in order to fund CMSP and

the Regional Planning Bodies, needed funds will be diverted from the regional fisheries councils, the one collaborative effort that is currently working to manage our fisheries and oceans.

The Plan is characterized by four principal objectives: 1.) adopt ecosystem-based management; 2.) obtain, use, and share the best science and data; 3.) promote efficiency and collaboration; and 4.) strengthen regional efforts. We agree with these goals, but as previously mentioned, we have concerns about funding and loss of local control, and we question how NOAA and the existing RFMOs are deficient in any of the four.

We support the adoption of ecosystem-based management in order to address our issues on a national scale. However, while addressing issues from the “bigger picture” is important, as previously mentioned, we want to ensure that local control and funding is not compromised at the expense of implementing a new federal bureaucracy.

We agree that obtaining, using and sharing the best science and data is crucial to making sound science management decisions. Data collection will not only take time, but money, our other concern. The key theme is efficiency and collaboration. Through these efficiency and collaboration, the Administration can ensure that the best science and data is obtained, used, and shared.

Finally, strengthening regional efforts could help the management of our oceans, coasts, and the Great Lakes, but NFI would only support this if local control is not lost. Establishing Regional Planning Bodies without local representatives as participants directly contradicts the Administration’s efforts to ensure collaboration and transparency. More importantly, creating Regional Planning Bodies without Congressional approval may present a problem for the regulatory bodies in the future.

Thank you for the opportunity to provide comments on the National Ocean Policy.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John Connelly". The signature is written in a cursive, flowing style.

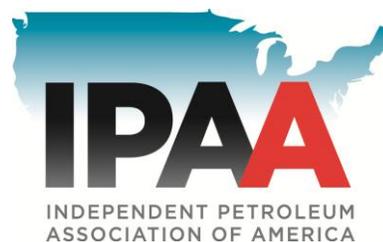
John Connelly  
President

Name: **Luke Johnson**

Organization: National Ocean Industries Association

Path: [http://edit.whitehouse.gov/sites/default/files/webform/joint\\_comments\\_on\\_nop\\_draft\\_implementation\\_plan\\_3.28.12.pdf](http://edit.whitehouse.gov/sites/default/files/webform/joint_comments_on_nop_draft_implementation_plan_3.28.12.pdf)

Comment: Joint comments on behalf of NOIA, IADC, and IPAA are attached.



March 28, 2012

Submitted Electronically

National Ocean Council  
722 Jackson Place NW  
Washington, DC 20503

**RE: Comments on National Ocean Policy Draft Implementation Plan**

Dear Members of the National Ocean Council:

The National Ocean Industries Association (NOIA), the International Association of Drilling Contractors (IADC), and the Independent Petroleum Association of America (IPAA) are pleased to submit comments on the National Ocean Policy Draft Implementation Plan (Plan) on behalf of its member companies. In addition, with members of our associations that are members of the National Ocean Policy Coalition, we would ask that the National Ocean Council review those detailed and comprehensive comments submitted by NOPC as it considers its Plan.

NOIA, founded in 1972, represents more than 270 companies among all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the nation's outer continental shelf (OCS). NOIA's mission is to secure reliable access and a fair regulatory and economic environment for the companies that develop the nation's valuable offshore energy resources in an environmentally responsible manner.

The IADC is dedicated to enhancing the interests of oil-and-gas and geothermal drilling contractors worldwide. The IADC is the sole trade association representing virtually the entire global oil and natural gas drilling industry, both onshore and offshore. IADC's membership of more than 1,600 companies also includes oil-and-gas producers, and manufacturers and suppliers of oilfield equipment and services. Headquartered in Houston, it also has permanent offices in Washington DC, The Netherlands, Dubai and Thailand, and chapters on every continent except Antarctica.

The IPAA is a national trade association representing over 5,000 oil and natural gas producers that drill 90 percent of the nation's oil and natural gas wells. These companies account for 54 percent of America's oil production and 85 percent of its natural gas production. The members of IPAA that operate in the OCS are dedicated to energy production from the domestic offshore and are extremely interested in the development of the OCS.

Our members live, work and recreate in the oceans and coastal areas and clearly understand their tremendous value, as well as that of marine ecosystems to our quality of life. They are important to our nation's health and well-being while also serving as a tremendous economic and energy security benefit to our country. We support the concept of a national ocean policy, but believe that the present policy embodied in EO 13547 has been lacking in meaningful stakeholder involvement both in its development and implementation. In addition, we believe a national ocean policy is incomplete without greater recognition for how increased access to the OCS might help realize national policy objectives of job creation, greater energy security and reliability, and greater federal revenues derived from increased oil and gas activities.

We continue to have substantial concerns with the National Ocean Policy (NOP) and the Plan proposed that would implement it. Chief among those concerns is the anticipated use of coastal and marine spatial planning (CMSP). We continue to be concerned that CMSP poses the likelihood of additional obstacles to access for the oil and natural gas resources of the OCS and that the requirements of "expeditious development" directed under the Outer Continental Shelf Lands Act (OCSLA) will be subjected to limitations through this policy.

We have previously highlighted that there is a potentially serious conflict between the National Ocean Policy and its Plan and the statutory directive outlined in the Outer Continental Shelf Lands Act (OCSLA). The OCSLA states:

"It is hereby declared to be the policy of the United States that ... the Outer Continental Shelf is a vital national resource held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs ....."

It does not appear that the Plan being considered by the National Ocean Council (NOC) has provided any more detail or recognition of how the NOP will avoid conflict with these or other statutory mandates or how implementation would actually work in practice. In fact, the Plan does not contain a single reference to the Outer Continental Shelf Lands Act. It is disconcerting that with each release of a new policy document, including this Plan, these fundamental questions remain unanswered. It is not surprising then that the uncertainty surrounding the NOP has not been alleviated as new policy documents have been released, but has actually grown.

Underscoring the challenges and concerns of implementing this policy, the 2012-2017 Proposed OCS Leasing Program, has already reduced the pool of geographic areas available for leasing through 2017, citing, at least in part, the National Ocean Policy as justification. Consequently, at

a time when the nation needs more access to the OCS, we are concerned that this policy presents an even more challenging and uncertain outlook for new access. Furthermore, it appears to be nearly certain that the Department of the Interior will be unable to complete its 2012-2017 OCS Leasing Plan before the expiration of the present plan at the end of June 2012. This underscores that now is the wrong time for the administration to move ahead on experimenting with the implementation of a plan that would add new layers of bureaucracy that will lead to further uncertainties and future failures to meet statutory deadlines mandated by law.

OCSLA and other laws such as the Coastal Zone Management Act (CZMA) currently require coordination and cooperation among Federal and State officials in the development of a 5 year plan, and while the Administration suggests that EO 13547 is not intended to usurp existing statutory authority, there remains very little detail or guidance on how implementation of the EO will affect the development or implementation of upcoming or future 5 year plans.

As justification for CMSP, *onshore federal land use planning* [actual citation to be inserted] has been used as a model in an effort to reassure those who may be concerned. Section 364 of the Energy Policy Act of 2005 directed a study to be conducted of federal onshore oil and natural gas and “the extent and nature of any restrictions or impediments to the development of the resources.” This study, often referred to as EPCA III, concluded that more than 62% of the oil and 41% of the gas were entirely inaccessible. An additional 30% of the oil and 49% of the gas were accessible only with restrictions. Only 8% of the oil and 10% of the gas were accessible under standard lease terms. While some of these restrictions were indeed imposed through Congressional withdrawals or executive orders, an examination of the study’s findings demonstrates that the vast majority of the limitations upon access to these resources were implemented through the land use planning process. Once these areas are placed off limits, experience shows these decisions are rarely altered or revisited, leaving the resources inaccessible, or with limitations that may render the resource uneconomic. If this is the model, from an energy access perspective, this is highly disconcerting.

Finally, we anticipate that CMSP may result in decisions being made about setting significant areas of the OCS off limits to future access without the benefit of knowing what oil and natural gas resources lie underneath those areas. The Plan does not include any detail for what efforts might take place to ensure that CMSP efforts will not be conducted with major data gaps that would otherwise be avoidable were the administration to have made policy choices to have opened those same areas to the gathering of that data. Language included in Section 2 of the EO indicates that the best available science and knowledge is to be used to inform decisions affecting the oceans. However, due to federal limitations on the activities necessary to collect new data, the only available seismic based data, other than in areas of the Western and Central Gulf of Mexico and some areas of Alaska, is approximately 30 years old. New technological methods are now available that might give us a much better view of the potential for oil and gas development, yet the EO directs implementation of CMSP without the benefit of this knowledge. While, of course, the only fully precise measure of oil and gas potential is actual exploration, it should be noted that in the mid-eighties, many felt that that Gulf of Mexico had reached its oil and gas potential. However, due to new technology and the entrepreneurial spirit of those in the industry, actual production and verified resources are now at least more than five times as much

as those decades' old resource estimates. While no one can predict similar results in the rest of the OCS, the premature zoning out of oil and gas development is likely to place that potential off the table. It would be very shortsighted to make CMSP decisions without the benefit of new data. At a minimum, new geological and geophysical data should be obtained before conducting any planning decisions that may place these areas off limits to future access.

In addition, due to the lifting of both Congressional and Executive oil and gas exploration moratoriums, nearly all of the OCS may be made available for oil and gas exploration if first approved either through the OCSLA five year planning process or through further Congressional action. While the proposed 2012-2017 OCS Leasing Program makes no new areas available, it is hard to envision how a new zoning process would result in a better access picture following the zoning process implemented through EO 13547. The end result may very well be de-facto exploration moratoria established by regional committees and not through direct Presidential or Congressional action.

We believe there are ample policy and statutory tools to ensure that ocean resources are conserved and protected and that potential conflicts are managed without imposing a cumbersome new layer of federal bureaucracy upon an already time intensive and uncertain regulatory process.

We believe that one of the major weaknesses of the draft Implementation Plan is that it leaves many important questions unanswered. The lack of detail has been raised since the inception of the EO, but remains unresolved. We believe that a suspension in implementation of this policy until such time as the public, the industry, relevant agencies, and the Congress have had the time to openly and fully study and discuss the initiative and its potential impacts would be the prudent course of action. In the event that the administration insists on moving forward with implementation of this particular policy--either now or after a recommended suspension, we support the idea that a pilot project in just one of the regions would be preferable and ensure a greater likelihood of meaningful stakeholder involvement and fewer unintended consequences.

While we appreciate the opportunity to provide comments, unfortunately the draft Implementation Plan continues to lack any meaningful detail as to how the policy will be implemented within the context of key statutes such as the OCSLA and the CZMA that make it very difficult to adequately address the questions presented by the NOC. To ensure a sound and balanced NOP that is based on well-informed input with regard to the policy's nine national priority objectives, policy implementation should be suspended in order to allow for comprehensive studies—coupled with the full engagement of Congress—that are subject to public review and comment and carefully analyze all potential economic, societal, and legal implications associated with implementation. The need for such analyses is highlighted by numerous statements in previous NOC documents about recognition of the uncertainty and anxiety regarding policy implementation. This is coupled with the hundreds of policies, laws, and regulations that are implicated, the fundamental shift in resource management that the policy represents, as well as the significant concerns that exist regarding statutory authorities and the lack of understanding of the full costs associated with implementation. The analyses will help

ensure that the policy is fully vetted regarding potential harm to economic activities prior to implementation and reduce the risk of litigation.

Furthermore, given the many federal laws and resulting potential conflicts involved, and the inevitable reinterpretation of those statutes in light of the mandate that federal entities implement the NOP to the maximum extent allowed by existing statutes, it is wrong that Congress has been preempted. Congress has a meaningful role to play, and at minimum, should have an integral role in advising the Executive Branch on the legislative intent of existing statutes.

The absence of such studies and engagement prior to implementation could result in significant harm to economic and societal interests in marine, coastal, and even inland areas, and would serve as an obstacle to achieving the national priority objectives. Without such analyses, issues related to the economy and jobs, budget constraints at all levels of government, statutory authorities, and questions of state sovereignty, among others, will not have been adequately addressed.

In conclusion, we reiterate our support for a national ocean policy that serves as a mechanism for job creation, infrastructure revitalization, and economic growth, and relies on full utilization of existing programs and well-established authorities that are already in place, rather than the creation of new bureaucracies, procedures, and regulations that only serve to create additional uncertainty and unnecessary restrictions and delay. Suspending policy implementation until studies analyzing the potential economic, societal, and legal impacts have been carried out (and been made subject to public review and comment) and full engagement with Congress has taken place will help ensure that the policy is based on informed input, is legally sound, and fully recognizes and accounts for the critical role our oceans, coastal areas, and marine ecosystems play in our nation's economy, national security, culture, health, and well-being. After such time, testing the implementation of the NOP in a pilot project in a limited geographic area, rather than starting nationwide, will allow for any necessary adjustments and further mitigate the risk for unintended consequences that could accompany a policy of this magnitude.

Again, we appreciate the opportunity for comment and hope that our recommendations for how a NOP might be better implemented will be carefully considered.

Sincerely,



Luke Johnson, NOIA



Brian Petty, IADC



Dan Naatz, IPAA

Name: **Laura Bowie**

Organization: Gulf of Mexico Alliance

Path: [http://edit.whitehouse.gov/sites/default/files/webform/goma\\_comments\\_to\\_noc\\_implementation\\_plan-compressed.pdf](http://edit.whitehouse.gov/sites/default/files/webform/goma_comments_to_noc_implementation_plan-compressed.pdf)

Comment: Please accept comments from the Gulf of Mexico Alliance to the National Ocean Policy Implementation Plan. Thank you for the opportunity.



March 28, 2012

Ms. Nancy Sutley, Dr. John Holdren and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place NW  
Washington, DC 20503

Re: Gulf of Mexico Alliance Comments on NOP Implementation Plan

Dear Ms. Sutley, Dr. Holdren and Members:

The Gulf of Mexico Alliance (GOMA) was initiated by the five Gulf State Governors and our federal partners in 2004 in response to the U.S. Commission on Ocean Policy's preliminary report. The effort has resulted in a successful approach to developing and implementing a Regional Ocean Partnership (ROP) for the Gulf.

GOMA appreciates the tremendous effort required to develop the *National Ocean Policy Implementation Plan* and looks forward to working with the National Ocean Council (NOC) in implementing its priorities. We encourage the NOC to make sure that the implementation process remains transparent and that all products generated by this effort be made available to the public through the NOC website and announced through existing partnerships with states and local governments including ROPs and Coastal Zone Management (CZM) programs. Stakeholder involvement in the Plan should not end with finalization of the Plan as coastal communities, states and ROPs need to remain engaged in the effort to implement National Ocean Policy initiatives. Federal agencies tasked with implementation should engage with ROPs, Marine Protected Area (MPA) networks, National Estuarine Research Reserve Systems (NERRS), Sea Grant, National Estuary Programs and other existing programs to sustain a strong connection with local communities as actions are implemented.

GOMA offers the following comments to the NOC for use in finalizing the *National Ocean Policy Implementation Plan*. In addition, attached to this letter are those of the Coastal States Organization (CSO) and the State of Louisiana that echo the recommendations made herein.

GOMA strongly supports the four themes that guide the Plan: (1) ecosystem-based management; (2) obtain, use and share the best science and data; (3) promote efficiency and collaboration; and (4) strengthen regional efforts.



## **Ecosystem-Based Management**

GOMA encourages the NOC to build on the efforts of Coastal States and ROPs (this includes current Regional Action Plans and priorities). GOMA is concerned that the introductory remarks of the Plan state that the effort will not require major new resources but rather rely on realignment and leveraging of existing resources. GOMA agrees with making all efforts to be as efficient as possible, but experience teaches that when no new resources are provided for such a fundamental change, other regional and state priorities suffer. In addition, GOMA is unique in that it has eight years of momentum behind identifying and addressing regional priorities that are in alignment with other regional initiatives such as the Gulf Hypoxia Task Force, the Gulf Coast Ecosystem Restoration Task Force, NOAA's Coastal Services Center and U.S. EPA's Gulf of Mexico Program Office as well as those of the NOC. To realign those priorities would mean large losses of leveraging opportunities and resource allocations from existing ROPs, state CZM programs, National Estuary Programs and other programs vital to the states.

### **Action 1: Establish a framework for collaboration and a shared set of goals for Federal implementation of ecosystem-based management**

Since many state programs implement federal programs and plans, it is important for states to be involved early in this process. State water quality and coastal management programs in particular should have input on developing implementation guidance that their programs will be expected to implement.

### **Action 2: Establish a science framework to support science-based EBM implementation**

GOMA recommends that existing site-based programs engaged in science-based training and education, like the NERRS, be incorporated. Stronger collaboration with existing networks of science-based programs and facilities that are successfully engaging with coastal decision-makers at local levels, where most land use decisions are made, can have the greatest influence on the nation's coastal and marine resources. A prime example of existing capacity and experience to facilitate "best science to local policy" is the NERRS. Coastal Training Programs (CTP) within the NERRS has invested heavily in developing local networks of decision-makers from public and private sectors. Targeted audiences include land use planners, developers, landscape managers, storm water managers, and others. An important and often overlooked benefit of locally facilitated training efforts is the opportunity to assess priority information needs from the decision-maker community to help drive decisions regarding research priorities.

Also, GOMA recommends utilizing a multi-dimensional approach (including groundwater, surface water, soils, sediments and the atmosphere) when implementing ecosystem based management including development of the vulnerability analyses, water quality and land use analyses, and Coastal and Marine Spatial Planning (CMSP) tools.

### **Action 3: Build capacity to implement EBM through training on principles, best practices and decision-support tools**

GOMA agrees with the comments made by the Coastal States Organization (CSO) in their response dated February 24, 2012, regarding this action, including:



- Utilizing state and local expertise
- Collaborative planning for federal, state, tribal and local government partners
- Collaborative training programs to provide training on EBM principles, best practices, and latest decision-support tools to ocean and coastal managers and scientists at the federal, state, tribal and local levels
- Align federal funding and technical resources to support existing ecosystem priorities in state and federal programs

**Action 3: Identify and implement place-based pilot projects that foster an EBM approach to managing ocean and coastal resources**

GOMA recommends watersheds as logical units to be utilized for implementing place based management, and this scale should continue to be supported by science, training and outreach. Additionally we would suggest that pilot projects be located in a variety of ecosystems focusing on results which will be applicable to other regions. This effort should encourage additional collaboration among the federal and state agencies early in the planning process for federal projects or federally funded activities. It is recommended that the pilot projects selected include demonstration projects which can provide examples for improving this collaboration.

**Inform Decisions and Improve Understanding**

GOMA supports the six (6) actions identified under this priority. As with many of the actions in this plan, efforts should build on existing programs. Research in the Gulf of Mexico has increased tremendously as a result of the Deepwater Horizon incident. Gulf Research Institutions have formed the Gulf of Mexico Universities Research Collaborative (GOMURC) to support and advance the Gulf of Mexico coastal marine science, oceanography and resource management programs through education, research and public outreach. Efforts like GOMURC and the Gulf Research Initiative should be utilized and coordinated with to make the most effective use of research resources.

**Action 2: Provide scientific information to support emerging sustainable uses of resources including renewable energy, aquaculture, and biotechnology.**

GOMA supports the goal of providing scientific information to support emerging sustainable uses of resources including renewable energy, aquaculture, and biotechnology as supported by some of the milestones: for example, the National Shellfish Initiative which looks to maximize both ecosystem benefits and production. GOMA recommends consideration of its environmental impact with the second milestone under this Action.

**Action 3: Provide the data and tools necessary to support science-based decision-making and ecosystem-based management.**

Regional Marine Protected Area (MPA) and Special Management Area networks are effective frameworks for ocean and coastal management. Recent experience in the Gulf of Mexico has demonstrated that in the face of regional catastrophic events such as the recent Deepwater Horizon oil spill, it is essential that federal, state and local agencies involved in the management of MPAs and SMAs



have existing networks in place that can facilitate the effective exchange of site-based information, as well as rapid access to changing information that can help guide management decisions. Emphasis should be placed on developing and sustaining regional MPA networks such as the Gulf of Mexico, to ensure a robust and effective collaboration in the event of another catastrophic event and to help build the foundation for addressing issues such as climate change.

## **Observations, Mapping and Infrastructure**

### **Action 4: Provide local and regional observation systems to support a variety of ocean, coastal and Great Lake users.**

GOMA strongly supports this action. Current resources are completely inadequate to support the needed monitoring efforts. GOMA believes it is important to have a comprehensive observing system that includes upstream waters as well as coastal and marine. The implementation of a National Water Quality Monitoring Network for U.S coastal waters through the National Water Quality Monitoring Council will require additional funding if the states are going to assist in implementation. GOMA has been developing a water quality monitoring plan for the region for approximately four years. It is recommended that the National Water Quality Monitoring Council engage the regions to establish a common suite of water quality parameters, sampling protocols, and QA/QC requirements to ensure data consistency in a national network.

GOMA recommends that the science of ground and surface water flow as it relates to karstic environments be emphasized, including enhancing predictive models.

### **Action 5: Coordinate and leverage ocean and coastal mapping efforts to improve access to existing data and efficiently collect future data**

As with action 4, GOMA strongly supports this action. Since 2008, GOMA and its partners have collected and/or compiled some of this data for the Gulf and stand ready to assist with this action. GOMA further recommends that additional partnerships with commercial cruise lines, military fleets, drones and other vessels of opportunity continue to be investigated for obtaining basic water quality, bathymetry, and air quality data.

## **Coordinate and Support**

### **Action 1: Support regional priorities and enhance regional partnerships**

GOMA supports the CSO recommended change to Action 1 milestones: *"Identify grant and non-monetary opportunities to support the continued development and organization of regional alliances and existing ROPs without undermining federal support to existing programs that support and make up the ROPs."*



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#### **Action 4: Develop cross-cutting budget analyses that address priority areas in the National Ocean Policy**

GOMA supports this effort but recommends that this effort be flexible enough to incorporate for regional priorities and needs.

#### **Action 6: Address high priority ocean issues through international engagement by promoting the exchange of information and expertise**

GOMA and its partners have worked extensively to establish and improve collaboration with our neighbors from Mexico. This action should focus initially on exchange of information and expertise and less on policy.

### **Regional Ecosystem Protection and Restoration**

#### **Action 2: Reduce coastal wetland loss and improve understanding of coastal wetland status and trends**

GOMA strongly supports actions that will reduce coastal wetland loss, and recommends the addition of the following milestone: *“Support and build on regional, state, local plans and projects such as the Mississippi Coastal Improvement Plan, and the Louisiana’s Coastal Master Plan.”*

#### **Action 4: Strengthen interagency collaboration to protect and conserve coral reef ecosystems**

GOMA agrees that coral reef ecosystems would benefit from a national policy identifying research priorities and encouraging concrete actions to reduce declining reef health or restoring reef habitat. GOMA supports the continued partnership with the U.S. Coral Reef Task Force. GOMA also recommends that the discussion on Page 49 should mention other stressors to reefs, particularly climate change, coastal construction impacts, and changes to ecosystem structure which also have an impact on these systems.

#### **Action 7: Improve the effectiveness of coastal and estuarine habitat restoration projects**

This effort should encourage additional collaboration among the federal agencies early in the planning process for federal projects or federally funded activities.

### **Resiliency and Adaptation to Climate Change and Ocean Acidification**

GOMA supports the comments submitted by CSO regarding this objective and acknowledges that it is very encouraging to see the Plan address resiliency and adaptation to climate change. While there is a lot of mention of actions associated with this, there isn’t an overarching piece that connects with current adaptation efforts going on throughout federal, state and local entities. It would be great to connect this with work that is pre-existing. In addition, resiliency to flood inundation and reducing a community’s overall vulnerability is mentioned as a priority. However there is no tie-in with FEMA and some of the initiatives they are currently working on that relate to community resiliency – specifically those tied to hazard mitigation. GOMA recommends including these initiatives:



1. **Presidential Policy Directive 8:** The National Mitigation Framework – an overall reorganization of how the federal government supports communities in their efforts to mitigate the impacts of disasters, thereby reducing the vulnerability of a community.
2. **National Disaster Recovery Framework:** A document focused on long-term recovery following a disaster that takes a holistic approach to community long-term recovery, recognizing it as both an opportunity to build back smarter (thus decrease vulnerability of the community) as well as advance the vision for the community.
3. **Strategic Foresight Initiative:** An initiative that will advance strategic planning and thinking about the future, to prepare the community both for emerging challenges and for the key opportunities presented by our changing environment.

**Action 3: Provide critical projections of climate change impacts on coasts and oceans at decision-relevant scales.**

GOMA would suggest that the third milestone on page 58 be modified to read: *“Develop region and local scale, decision-relevant models and projections...”*

## **Water Quality and Sustainable Practices on Land**

GOMA strongly supports the actions of this objective and agrees with the recommendation of CSO that it would be amended to include and enhance the Coastal Nonpoint Source Pollution Program.

Additionally GOMA offers the following comments.

### **Action 1: Reduce rural sources of excessive nutrients, sediments, toxics, and pathogens**

GOMA recommends the addition of the following milestones:

- *“Encourage federal and state regulatory programs to more fully consider environmental benefits when evaluating and permitting projects that have the potential to enhance water quality”*
- The USDA’s Mississippi River Basin Healthy Watersheds Initiative and other federal and state programs have provided financial cost-sharing is provided to assist private landowners with the application of conservation practices to reduce excessive nutrient and sediment loadings. It is recommended that part of the milestone should be to identify lessons that have been learned, obstacles that limit the participation of private landowners, and improvements that need to be implemented to affect outcomes.

### **Action 2: Reduce urban sources of excessive nutrients, sediments, toxins, and pathogens**

GOMA recommends the addition of the following milestone: *“Working across federal agencies, provide a stable revenue source to implement regulatory activities to improve water quality.”*

### **Action 3: Minimize impacts of hypoxia**

GOMA believes that since some portion of at least 33 states (over 60% of the continental U.S.) contribute runoff to the Gulf of Mexico, that addressing hypoxia is a national issue requiring national resources. GOMA commends USDA for recent efforts such as the Mississippi River Basin Initiative and the Gulf of Mexico Initiative. We feel that other federal agencies should find ways to leverage available resources to complement and enhance these activities.



#### **Action 4: Minimize impacts of harmful algal blooms**

GOMA supports this action and encourages NOC to build on actions that GOMA and others have taken to better address HABS. GOMA recommends adding two milestones:

- *“Evaluate the role of inland Harmful Algal Blooms (HABs) as significant sources of toxins that are transported into coastal areas ( EPA working with other federal and state partners)”*
- *“Link improvements made to the quality and speed of detection for HABS forecasting to the overall Action to minimize impacts to regional ecosystems and human populations”*

#### **Action 5: Address threats posed by toxic chemicals and land-use practices to human, environmental, and wildlife health.**

GOMA recommends that this action be revised to read: *“Address threats posed by toxic chemicals, toxins, and pathogens and associated land-use practices to human, environmental, and fish and wildlife health.”*

#### **Action 6: Reduce the impacts of trash and marine debris on ocean, coastal, and Great Lakes waters and associated watersheds, through cooperative efforts aimed at pollution prevention, reduction, and removal**

GOMA supports the CSO recommended amendment to the fifth and ninth milestones to read:

- *“Facilitate removal of trash and marine debris through community-based grants, **coastal zone management program support**, non-profits, and other means”*
- *“Improve use of existing regulatory tools (e.g., **Coastal Nonpoint Pollution Program**, TMDLs, Combined Sewer Overflow controls, waste management, storm-water management, and Superfund) to reduce land-based sources of trash and marine debris”*

#### **Action 7: Identify, seek to protect, and maintain high-quality near-shore ocean, coastal, and Great Lake Waters**

GOMA supports this action and would offer the same comment provided above for Action 2 of Ecosystem Protection and Restoration.

### **Changing Conditions in the Arctic**

GOMA generally supports the actions described under this objective. GOMA recommends that action 1 which calls for *improved Arctic environmental response management* be expanded to include other regions. Included in the Milestones should be the need to develop a response management framework based on lessons learned from the Deepwater Horizon oil spill and other events and address research needs specific to a possible Cuban-originated oil spill.

### **Coastal and Marine Spatial Planning**

GOMA believes that CMSP can be an important tool which can be beneficial to both environmental resources and the economy. However, the potential for a top-down regulatory approach has raised the concern among Gulf States and the Gulf business community. Care must be taken to engage all



stakeholders from the beginning of the process. CMSP must be used as a tool to address regional priorities, not a priority itself. Additionally, additional resources must be provided at various levels to support the Regional Planning Body effort. GOMA strongly supports the recommendations offered by CSO on page 13 of their response to NOC which include:

- Build on the efforts of Coastal States and Regions (this includes current Regional Action Plans and priorities),
- Encourage the Regional planning Bodies to recognize and endorse existing planning priorities and activities identified by ROPs, and
- Develop Results-Oriented Messaging.

**Action 1: Distribute a Handbook of Regional Coastal and Marine Spatial Planning.**

GOMA supports the comments made by CSO.

**Action 2: Convene regional workshops and CMSP exercises.**

GOMA agrees with the comments made by CSO regarding having all the partners at the table as RPB implementation begins. We are already engaged with our federal partners in the Gulf and are in the process of creating a Business Advisory Council. We would further offer our annual meeting to be held in Corpus Christi June 19 – 21 to begin Gulf RPB implementation.

**Action 3: By 2015, all of the applicable non-confidential and other non-classified Federal data identified for inclusion will be incorporated into a National Information Management System and Data Portal ([ocean.data.gov](http://ocean.data.gov))**

GOMA agrees with CSO that having robust geospatial data is vital for a successful CMSP effort. Care must be taken with the design of this web portal so that it is easy for a variety of users to navigate and connects to pre-existing portals, such as NOAA Digital Coast, GOMAportal and the Gulf of Mexico Data Atlas – so as not to duplicate existing efforts. Early in its evolution, GOMA created a Data management Advisory Council (DMAC) made up of state and federal data managers and users. This effort has been built upon with our Gulf Research Initiative. We would offer the services of the DMAC as the NOC begins the process data assimilation.

**Action 4: Establish Regional Planning Bodies**

ROPs around the country have invested tremendous time and effort in strengthening regional approaches to complex coastal and marine issues. Priorities and challenges are different in each region and therefore how these ROPs are established and operated must reflect these differences. GOMA urges the NOC to build on the successes of the ROPs and allow the development of RPBs to move at the pace that best fits the regional priorities. In particular, the use of existing ROPs, such as GOMA, is highly encouraged.



**Action 5: Within 3 to 5 years of their establishment, nine regional planning bodies (i.e., one per region) will have developed Council-certified regional CMS Plans for the sustainable use and long term protection of the ocean, our coasts and the Great Lakes**

GOMA recommends that this action be strictly tied to the regions receiving adequate resources to develop such a plan. For example, Action 5 should be revised to state that certified CMS Plans will be developed within 3 to 5 years of the allocation of sufficient federal funding. This Plan recognizes that "implementing EBM necessitates a long term commitment" (Pages 12 & 13). Acknowledging that funding is appropriated annually, it is necessary to work towards programs and grants which allow for multi-year efforts needed for uninterrupted data gathering and analysis on which to base EBM.

In addition, the Plan should clarify how a regional CMS Plan will be certified and what the implications will be of having a non-certified plan.

Finally, we cannot stress the importance of using existing ROPs for the implementation of NOC plans, policies and priorities. We also encourage that existing state and federal programs not be realigned or reallocated to implement NOC strategies or plans. Thank you for consideration of these recommendations.

Sincerely,

A handwritten signature in black ink that reads "Phil Bass".

Phil Bass

Acting Director, Gulf of Mexico Alliance

Cc: Jeff Littlejohn, Florida Department of Environmental Protection  
Drew Bartlett, Florida Department of Environmental Protection  
Patti Powell, Alabama Department of Conservation and Natural Resources  
Phillip Hinesley, Alabama Department of Conservation and Natural Resources  
Trudy Fisher, Mississippi Department of Environmental Quality  
Bill Walker, Mississippi Department of Marine Resources  
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February 24, 2012

Ms. Nancy Sutley, Dr. John Holdren and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place NW  
Washington, DC 20503

Re: CSO Comments on NOP Implementation Plan

The Coastal States Organization (CSO) offers the following comments to the National Ocean Council (NOC) for use in amending its *Draft National Ocean Policy Implementation Plan*.

Since 1970, CSO has represented the interests of the Governors of the nation's thirty-five coastal states and territories, including the Great Lakes states, on issues relating to the sound management and development of coastal and ocean resources. CSO recognizes and appreciates the significant work reflected in the *Draft National Ocean Policy Implementation Plan* and its detailed actions and milestones. Comments are based in part on recommendations submitted by CSO in April 2011 toward developing Strategic Action Plans and comments submitted this month from CSO work groups made up of Governor-appointed delegates across the nation.

***Acknowledge Critical Partnership of the Coastal Zone Management Programs***

CSO's primary concern with the Implementation Plan is that it fails to acknowledge or build upon the foundational federal-state partnership of the 40-year Coastal Zone Management Program. These programs are in 34 of 35 US coastal states and span the globe addressing issues embedded within each of the nine NOP Priorities. In most cases, these programs also provide the foundation for the Regional Ocean Partnerships – recognized in the Implementation Plan as one of four key themes for advancing the NOP. Indeed, the failure to acknowledge the CZM Program – at the state and federal levels - and build upon its existing authorities, infrastructure and partnerships reduces the credibility of the Plan and its ability to advance a National Ocean Policy. As noted in greater detail below, CSO strongly recommends a greater acknowledgement of the role of the National Coastal Management Program and the 34 state programs on the ground in the Implementation Plan in order to: “*improve efficiency by leveraging expertise and resources, identifying and augmenting synergies, reducing redundancies, and streamlining management.” (Implementation Plan p. 4.)*

The following CSO comments focus on seven of the nine priorities.

## *Objective – Ecosystem Based Management*

### **Action 1: Establish a framework for collaboration and a shared set of goals for Federal implementation of ecosystem-based management.**

Under Action 1, given the comprehensive nature of coastal management programs around the country and reviews conducted under the CZMA consistency provision, CSO recommends that the CZMA be explicitly incorporated into the milestones. Specifically, CSO recommends amending milestone bullet 4 as: Develop guidance for all Federal agencies about how to implement EBM under existing regulatory and legislative authorities, such as the National Environmental Policy Act (NEPA) and Coastal Zone Management Act (CZMA), into agency-specific programs and associated actions.

As stated under Action 1, CSO and its state-based Legal Council look forward to partnering with the NOC to complete a review of EBM-relevant statutes and regulations to identify: agency authorities, opportunities to incorporate EBM principles into Federal laws, regulations, and policies, and potential legislative changes that would fill gaps and support full implementation of EBM.

In addition, CSO strongly recommends that the Plan describe in more detail how the federal agencies will carry out early and regular coordination with state, local, and tribal partners on EBM projects. Many reviews and case studies of successful EBM efforts focus on the importance of substantive involvement and input from stakeholders, indigenous groups and management agencies at a variety of levels during the project. CSO recommends revising Action 1 milestones to illustrate how federal efforts will integrate local knowledge and coordinate with existing resource management efforts at the state and local levels.

### **Action 2: Establish a science framework to support science-based EBM implementation.**

As stated under Action 2, CSO supports and looks forward to partnering with the NOC to:

- Identify regional information gaps to enable science-based EBM;
- Establish a process for adaptive resource management; and
- Develop national guidelines and best practices for EBM implementation.

### **Action 3: Build capacity to implement EBM through training on principles, best practices, and decision-support tools.**

Under Action 3, CSO applauds the focus on capacity to implement EBM. This capacity exists at the state and local levels. CSO recommends that the training called for under Action 3 be reframed as a two-way effort; i.e., state and local managers have expertise and can share key principles from on the ground efforts. CSO recommends that “Training will be made available to State, Tribal, and local government partners” be replaced with “Collaborative planning for federal, state, tribal and local government partners will ensure sharing of best management practices from all levels and build more trusted partnerships.”

Similarly, training programs exist that can be utilized with minimal cost and also strengthen collaborative relationships. Under Action 3 milestone bullet 3, CSO recommends that the statement “Provide formal training on EBM principles, best practices, and latest decision-support tools to Federal managers and scientists” be replaced with “Use existing collaborative training programs to provide training on EBM principles, best practices, and latest decision-support tools to ocean and coastal managers and scientists at the federal, state, tribal and local levels.”

Action 3 also can be strengthened by adding a milestone of: *Align federal funding and technical resources to support ecosystem priorities in state and federal programs.* An essential element of implementing ecosystem-based management will be the alignment of federal funds and resources. To do so, the Implementation Plan must ensure that federal agency programs and management activities for coastal ecosystems are coordinated, and where possible, integrated with each other and with state resource

management priorities and regional ocean partnership goals. A specific near-term action is to establish a process through the NOC to coordinate and align ecosystem-based programs of various federal agencies.

### ***Objective - Observations, Mapping, and Infrastructure***

CSO is encouraged to see the Draft Implementation Plan's observations, mapping, and infrastructure objective acknowledge the need to better integrate Federal and non-Federal ocean observing systems, sensors, data collection platforms, and mapping capabilities. Improved data acquisition and availability, more robust, coordinated coastal and nearshore observations, and better integrated mapping resources will be critical to improving understanding of the underlying physical and ecological processes driving the oceans, coasts, and Great Lakes systems. This, in turn, will help better address coastal zone management issues, including: coastal population growth and land use change, offshore energy activities, aquaculture, water quality and nearshore habitat degradation, coastal storms and hazards, sea level rise, and other emerging threats.

CSO supports the NOCs efforts to collect and deliver baseline data, improve predictive models, and provide critical information to enable sound decision-making; however, this investment should not come at the expense of implementing programs at the Federal, state, local, or regional levels – including the National Coastal Management Program and the federal-state partnerships under the CZMA. Data that is collected but is not actionable or relevant to identified ocean and coastal management needs is not an effective or efficient use of resources. CSO urges the NOC to ensure that the actions and milestones in this objective not only support the other NOP objectives but also consider the data, observation, and mapping priorities identified by coastal managers.

CSO looks forward to working with the NOC to help ensure that the nation's coastal and ocean observation and mapping efforts are cost-effective, well coordinated, and integrated into existing institutional frameworks and processes. Specific comments on Actions 4, 5, 6, and 7 follow.

#### **Action 4: Provide local and regional observation systems to support a variety of ocean, coastal, and Great Lakes users.**

CSO is pleased to see Action 4 acknowledge the need to further implement the U.S. Integrated Ocean Observing System (IOOS) observational and data management components and bring IOOS to a baseline operational level. Sustained observing systems in the oceans, coasts, and Great Lakes are critical for sound management and decision-making at regional and local scales. CSO urges the NOC to consider areas of the country that may be lacking any data collection, research sites, or observations systems. CSO recommends amending Milestone 4 which states "Establish a mechanism for obtaining external expert advice (e.g. a Federal Advisory Committee) to advise the IOOC," to specifically mention the state coastal programs which can play an important role in identifying observation needs and priority areas.

In addition, current IOOS funding levels are insufficient to meet coastal management needs. CSO recommends exploring options to provide a more consistent funding mechanism to support ocean and coastal observation and mapping.

#### **Action 5: Coordinate and leverage ocean and coastal mapping efforts to improve access to existing data and efficiently collect future data.**

As stated in Action 5, improvements in providing fundamental baseline data for defining and mapping ocean, coastal, and Great Lakes areas will be important to helping better define critical habitat areas, assess vulnerability to coastal hazards, manage marine resources, and support sound coastal management

decisions. As the NOC moves forward with Action 5, CSO looks forward to working with the NOC to leverage existing efforts, share best practices, and identify priority mapping needs and gaps.

CSO recommends the following for Action 5 milestones:

- “Develop, evaluate, and expand a prototype interagency Ocean and Coastal Mapping Inventory that includes information (metadata) on existing and planned acquisition of framework data meeting agreed standards...”
  - While CSO supports the development of this type of inventory and recognizes the value of more robust metadata descriptions, it will be critical to ensure the information is readily accessible and provided in a form that is valuable to users.
- “Obtain modern high-resolution seafloor mapping data in key coastal and shelf waters...”
  - How will “key coastal and shelf waters” be defined? CSO recommends the NOC to engage coastal managers and other on-the-ground stakeholders to help identify and define the criteria for designating “key coastal and shelf waters.”

CSO also recommends considering public-private partnerships whereby data is collected and government agencies can pool resources to process it at the scales and resolutions needed for decision making.

#### **Action 6: Improve mapping capabilities and mapping products.**

CSO is pleased to see that Action 6 addresses the need to improve mapping capabilities and products, and acknowledges that the majority of the nation’s oceans and coasts are not mapped to modern standards. Access to high-quality, easy-to-use ocean and coastal mapping data and derived products is highly valuable for supporting coastal management decision making. CSO supports efforts to improve the quality of and access to mapping products, but also recommends federal guidance and technical support for ongoing mapping efforts at the state and regional levels. CSO recommends the NOC to ensure that the milestones under Action 6 are carried forward in a manner that yields products and services that can be integrated into existing processes. CSO also recommends including a milestone to support the development of a centralized portal where mapping products and services are made available to users.

#### **Action 7: Develop an integrated ocean and coastal data collection, processing, and management system to support real-time observations.**

CSO is pleased to see that Action 7 recognizes the value of “end-to-end data services” (from data collection to product dissemination) and agrees that the development of an integrated, centralized portal for “data and information management, archiving, access, and stewardship” is needed to support easy access to relevant data and information for research, planning, and decision support. Linkages to existing ocean and coastal data portals and services such as [ocean.data.gov](http://ocean.data.gov), NOAA’s Digital Coast, and NOAA’s State of the Coast, will be particularly important to ensure continuity, improve access to existing resources, and reduce duplication of effort.

CSO specifically looks forward to working with the NOC to:

- Create a program for the notification, collection, and organization of Federal and non-Federal ocean observing systems that will reduce redundancies in collection, provide a central database for public information and connect to privately held information, and assist in prioritizing areas in need of additional collection.
- Adopt recommended best practices and standards to ensure consistent terminology for coastal and marine ecological features when describing and delivering ocean and coastal mapping data and derived products; and

- Extend the current data standards...to allow for increased interoperability between marine biological data and physical and social data.

While the NOC indicates a “long-term commitment to integrating biological data with other natural and social data”, CSO also recommends including a specific milestone to reflect that commitment. With over half of the American population living within 50 miles of the coast, the critical need to better link physical, biological, chemical, and social data is evident.

### *Objective – Coordinate & Support*

#### **Action 1: Support regional priorities and enhance regional partnerships.**

The Coastal Zone Management Programs have taken lead roles in the establishment and growth of the nation’s Regional Ocean Partnerships (ROPs), identifying regional priorities, and creating paths to successfully manage coastal ecosystems on a regional basis. For the coastal states that make up the ROPs, the CZMA is also a legal and policy foundation for many of the identified regional priorities. Given the significant contribution of CZM programs, CSO recommends the introductory language under Action 1 be reworded to: “They have different structures and employ varied methods and approaches to enhance the ecological and economic health of the region, but most are supported at the state level by Coastal Programs authorized under the CZMA.”

Under Action 1 milestones, CSO recommends the first bullet be changed from “Identify grant and non-monetary opportunities to support the continued development and organization of regional alliances and existing ROPs” to “Identify grant and non-monetary opportunities to support the continued development and organization of regional alliances and existing ROPs without undermining federal support to existing programs that support and make up the ROPs.”

As stated in this section, CSO looks forward to partnering with the NOC to identify and distribute, in coordination with ROPs, Best Management Practices (BMPs) that are broadly applicable for all ROPs.

#### **Action 2: Strengthen existing partnerships and establish new partnerships, as appropriate, to enhance the actions within this Implementation Plan.**

Given the significance of CZM Programs to the ROPs and the 40-year cooperative nature of the CZM state-federal partnership, CSO recommends the background language of Action 2 include the National Coastal Zone Management Program. Thus, that section would read: “In addition to facilitating new partnerships, this action will improve leveraging of existing partnerships (e.g., National Oceanographic Partnership Program, Corporate Wetlands Restoration Partnership, National Fish Habitat Partnerships, and National Coastal Zone Management Program).” CSO recommends including a milestone under Action 2 that reads: “Enhance collaboration with existing CZM Programs to advance NOP priorities.”

In Action 2 milestone bullet 4, CSO recommends editing “Identify, in coordination with the National Oceanographic Partnership Program, funding opportunities to support National Ocean Policy priorities” to include “including alignment of federal funds across agencies and multi-agency cooperative grant programs to external partners.”

#### **Action 3: Reduce barriers to implementation of the National Ocean Policy.**

CSO is pleased that the Plan recognizes needed improvements to the Coastal Zone Management Act to better support climate change adaptation efforts. CSO looks forward to partnering with the NOC to:

- Identify Federal legal or regulatory gaps, overlaps, redundancies, and inconsistencies to effective collaboration and governance that require further analysis.
- Review the interpretation and, as necessary, propose to strengthen content and/or application of Federal legislation, including the Coastal Zone Management Act, Coastal Barriers Resources Act, the Stafford Act, and others to incorporate and better support climate change adaptation efforts.

**Action 4: Develop cross-cutting budget analyses that address priority areas in the National Ocean Policy.**

CSO applauds Action 4. A cross-cutting Federal budget analyses will help governments and stakeholders to better understand the complexities of federal ocean and coastal funding and assist in making the funding more targeted and efforts more efficient.

**Action 5: Improve efficiency of permitting ocean, coastal, and Great Lakes uses.**

CSO supports efforts to improve efficiency in permitting activities but recommends assurances in this section that federal consistency authority provide to the states through the CZMA will not be undermined. Federal consistency is a critical tool to ensure that federally permitted or funded activities do not jeopardize resources within our respective state waters. In addition, CSO recommends that these efforts be more detailed to describe how these efforts will be coordinated with states so as to avoid undermining existing state permitting requirements.

*Objective – Regional Ecosystem Protection & Restoration*

**Action 1: Develop and transfer decision support tools to identify land protection and restoration priorities.**

CSO supports the NOC’s priority of developing and transferring decision support tools among various levels of government. CSO encourages the NOC to focus these tools for interagency use, so that the acquisition of lands and restoration activities will be coordinated and supported across agencies and to shorten some of the milestone deadlines so that initial partnership collaboration may begin this year. Consideration of the relationships between state and existing state coastal management programs and their respective standing relationships with local governments in this action will help ensure that decision support tools (as piloted in the build-out of the Chesapeake System) will be transferable into other regions and ensure their utility beyond the initial pilot area.

**Action 2: Reduce coastal wetland loss and improve understanding of coastal wetland status and trends.**

CSO applauds the goal of Action 2 to reduce coastal wetland loss. Recent work conducted through state coastal management programs has identified the loss of wetlands attributed to sea level rise and climate change as well as the economic impact the loss of these wetlands will have on the built environment. CSO encourages the NOC to use the wealth of existing research when “identify[ing] the underlying causes of loss” of these habitats. CSO recommends milestones be consolidated and the deadline moved earlier, so that on the ground benefits can be achieved as quickly as possible.

The Plan fails to recognize current programs, such as the Coastal and Estuarine Land Conservation Program, which address wetland degradation and loss. CSO recommends the addition of the following milestone.

- Incorporate and support state, local, and tribal government projects into this action, such as those pursued by coastal programs, non-profit organizations and academic institutions.

CSO also recommends the addition of the following milestone to address the issue of changing data quality and availability.

- Work with federal and state partners to develop mechanisms to share new technologies as they become available including the transfer of decision support tools (state, local, regional) and data sets.

**Action 4: Strengthen interagency collaboration to protect and conserve coral reef ecosystems.**

CSO supports Action 4 to address the needs of coral reef ecosystems. CSO recommends including the following early milestone.

- Quantify ecosystem services and economic impact analyses of healthy coral reef systems.

Because there are no milestones for 2013 and the milestone with the most tangible benefits is delayed by two years, CSO also recommends that the timeline for reducing land-based pollution be moved up as it is one of the most critical improvements for reducing coral reef degradation.

**Action 6: Identify nationally significant marine and Great Lakes natural and cultural resources in need of protection.**

Under Action 6, CSO is disappointed to see the lack of terrestrial coastal areas considered. Nationally significant coastal areas are also in need of protection, as evidenced by the Congressional designation of the Coastal and Estuarine Land Conservation Program (CELCP), the National Estuarine Research Reserves (NERRs), DOI's coastal programs, and other associated federal programs. CSO encourages the expansion of this action to include coastal areas, to build on the expertise of land acquisition programs such as CELCP and coordinate acquisition programs and restoration programs. The CZMA provides federal funding that is matched by the states and often leveraged by other partners that can be utilized to acquire, preserve, and/or restore areas within a state. CSO recommends the addition of the following milestones under Action 6.

- Increase support for the National Coastal Management Program to advance this priority.
- Engage the states and NGO community in the identification of significant areas.

CSO also supports milestones that align budget priorities within Federal agencies for the programs identified under this action.

**Action 7: Improve the effectiveness of coastal and estuarine habitat restoration projects.**

CSO looks forward to working with the NOC on Action 7. CSO recommends that the Plan include steps to coordinate coastal land acquisition and restoration programs across the federal agencies. To facilitate and support this activity, CSO recommends a milestone that states: "Agencies will develop a messaging campaign for the public and decision-makers highlighting how they complement and build upon each other to bring about ecosystem protection and restoration." It is important to grow the recognition and support of these programs to better protect and restore habitat.

## *Objective – Resiliency and Adaptation to Climate Change and Ocean Acidification*

CSO is encouraged to see that the Draft Implementation Plan’s climate change objective highlights gaps in scientific understanding and technology; notes the need for more accessible data, decision support tools, and training; and acknowledges the significant progress that can be made by “building on current efforts at Federal, State, Tribal, regional, and local levels and coordinating across political jurisdictions” (pp. 55). Many coastal states and territories are already taking action to address the impacts of climate change and ocean acidification through their existing coastal management programs. These state coastal programs, established through the CZMA, play a particularly important role in ensuring the consideration of social, environmental, and economic impacts of climate change along our nation’s coastlines.

CSO recommends strengthening the Plan by specifically including the National Coastal Management Program and the federal-state partnerships under the CZMA. CSO looks forward to working with the National Ocean Council to help foster better collaboration with State, Tribal, regional, and local efforts. With increased coordination, a consistent federal funding mechanism, and capacity building, states can play a central role in carrying out this priority objective of the National Ocean Policy.

### **Action 1: Strengthen and integrate observations from the Nation’s protected areas, research sites, and observing systems into a coordinated network of sentinel sites to track changes in the condition of ocean, coastal, and Great Lakes environments and communities.**

While CSO supports a coordinated and integrated network of climate “sentinel sites” to increase the quality, consistency, and availability of past and current climate and ocean acidification information, it will be critical to ensure that an integrated “network” of sites adequately represent a variety of coastal areas throughout the country. CSO urges the NOC to be mindful that sentinel sites are selected with consideration to areas of the country that may be lacking any data collection, research sites, or observations systems. It will also be important to ensure that the information produced readily available on decision-relevant scales that are easily understood and useful for decision-makers and coastal resource managers.

CSO looks forward to partnering with the NOC to:

- Determine priority observation areas and identify potential sentinel sites.
- Develop a framework for indicators of community and ecosystem impacts (physical, biological, chemical, cultural, social, and economic) to track changes in vulnerability and resiliency through time.
- Disseminate and implement best practices and standardized monitoring protocols.
- Build and expand on partnerships with both Federal and non-Federal entities to increase integration of existing observing activities into sentinel site networks.

### **Action 2: Determine the impacts of climate change, ocean acidification, and interacting stressors on ecological, economic, and social systems.**

As stated in Action 2, an “integrated research agenda that includes physical, chemical, biological, and social sciences” (pp. 57) is key to not only addressing gaps in understanding, but also developing more robust models, tools, and services to inform climate adaptation efforts and increase the ecological and economic resilience of coastal communities. As the NOC moves forward on Action 2, states and academic programs should be close partners in the effort to establish an integrated, interdisciplinary research agenda.

While the milestones under Action 2 focus on research and dissemination of findings, CSO notes that *how* this information is presented and used by stakeholders is critical. CSO recommends specifying that these

findings be disseminated in formats that are understood and useful for a variety of audiences, including decision-makers and resource managers. To do so, CSO recommends adding the following milestones:

- Utilize research findings to support the development of models, decision support tools, and services to guide efforts to increase the resiliency of coastal ecosystems, communities, infrastructure, and economies to the impacts of climate change and ocean acidification.
- Integrate and support the ongoing research efforts of states and academic institutions to address the impacts of climate change, ocean acidification, and interacting stressors on ecological, economic, and social systems and work with states and academic institutions to set scientific research priorities in a collaborative way.
- Ensure that new research efforts reflect or incorporate state research priorities.

**Action 3: Provide critical projections of climate change impacts on coasts and oceans at decision-relevant scales.**

Under Action 3, CSO is pleased that the NOC has acknowledged the need for “accurate, timely, and relevant multi-decadal projections” (pp. 58) and improved regional-scale projections. Impacts from climate change and ocean acidification vary regionally. Armed with a range of regional climate projections on physical, ecological, and social systems, decision-makers and resource managers can more effectively plan and take adaptive action in their states and regions. It is important, however, that these projections be founded on credible, peer-reviewed science.

CSO encourages the NOC to consider adding milestones regarding how these critical projections will be incorporated into existing federal agency policies and programs, such as FEMA flood hazard maps and the National Flood Insurance Program.

CSO looks forward to working with the NOC to implement the milestones identified as well as adding more explicit language stating how the federal agency partners will work through the CZMA and state coastal programs to do the following:

- Develop and disseminate a suite of regional climate projections for all coastal and marine regions of the United States.
- Develop and disseminate a set of estimates for global mean sea-level rise that incorporates thermal expansion and ice-sheet melting, as well as a summary of what is known regarding regional variations from the global trend.
- Make available coastal inundation and sea-level change visualization and decision support tools at decision-relevant scales.
- Provide and integrate coastal and ocean job trends data via NOAA’s Digital Coast to enable decision-makers and planners to better assess economic impacts.

**Action 4: Assess the vulnerability of coastal and ocean environments and communities to climate change and ocean acidification.**

CSO looks forward to working with the NOC on the development of “methods, best practices, and guidance for assessing the vulnerability and resiliency of resources, infrastructure, and communities to a changing climate” (pp. 59). The integrated focus of this Action item – looking at natural resources, built infrastructure, and communities – will support a necessarily coordinated approach across sectors impacted by climate change. CSO is also pleased to see the emphasis on collaboration with and support of ongoing State, Tribal, and local efforts.

CSO looks forward to working with the NOC on the following milestones:

- Provide guidance for performing comprehensive, risk-based vulnerability assessments of climate change impacts for voluntary adoption by coastal programs.
- Develop and disseminate methods, best practices, and standards for assessing the resiliency of natural resources, cultural resources, populations, and infrastructure.
- Develop tools for and conduct training courses on design and implementation of vulnerability assessments for coastal and ocean infrastructure, communities, and natural and cultural resources.
- Collaborate with State, Tribal, and local efforts on climate change vulnerability assessments for communities.

**Action 5: Strengthen interagency coordination on the development and provision of information, training, guidance, tools, and support for adaptation practitioners.**

Under Action 5, CSO appreciates the acknowledgement of the “complex landscape of Federally-produced science” (pp. 60) and the challenge for decision-makers to locate, access, and use information that meets their needs. CSO supports a sustained, mutual information exchange among scientists, decision-makers, and managers, and is encouraged by the focus in Action 5 on the development of an infrastructure that will improve the accessibility of relevant science, sharing of lessons learned among practitioners, and training opportunities. It will be important to ensure that the guidance and tools produced can be easily incorporated into existing institutional frameworks and processes.

CSO supports the following milestones included under Action 5:

- Develop a strategic plan for continuously identifying information needs of decision-makers and addressing them through an integrated research agenda.
- Integrate climate information, tools, and services on coasts and oceans into the online interagency global change information system.
- Provide accessible, standardized guidance and training for incorporating climate change information into ecosystem management, restoration, and CMSP activities.
- Provide guidance on the effective use of regional climate projections and local sea-level rise scenarios, including associated uncertainties.

**Action 6: Design, implement, and evaluate adaptation strategies to reduce vulnerabilities and promote informed decisions.**

The focus in Action 6 on improved communication of adaptation actions across all levels of government is helpful; however, CSO recommends amending “improved communication” to “improved collaboration and coordination” to reflect the need for active integration and action. A coordination of effort and resources will enable more efficient implementation of adaptation activities that will reduce vulnerability, improve resiliency, and help avoid maladaptive action.

CSO acknowledges the importance of climate adaptation guidance and is pleased to see that the NOC plans to provide guidance to local jurisdictions that may lack resources and capacity to prepare for climate change. CSO urges the NOC to ensure that federal adaptation guidance, particularly guidance related to land use activities, is well coordinated with state and local land use laws and policies, as these policies ultimately govern the implementation of on-the-ground adaptation strategies. This is especially true for

waterfront properties faced with challenges posed by sea level rise, changes in storm conditions, and shoreline erosion. It should also be noted that there is not a “one-size-fits all” approach to adaptation.

CSO also recommends adding the following milestone:

- Identify Federal policies, programs, and projects that reduce the resilience of coastal ecosystems, infrastructure, and communities, and make changes, as appropriate.

### ***Objective – Water Quality and Sustainable Practices on Land***

#### ***Amend Section to Include and Enhance Coastal Nonpoint Pollution Program***

CSO is pleased to see the priorities and actions identified in the Water Quality section but strongly urges amending the section to include the National Coastal Nonpoint Pollution Program. By the late 1980s, Congress recognized that land use practices were inextricably linked to water quality and that protection of coastal waters from nonpoint source pollution demanded a federal-state shared approach and better coordination of programs between coastal area managers and water quality experts. In response, Congress enacted the Coastal Zone Act Reauthorization Amendments in 1990, adding Section 6217 entitled “Protecting Coastal Waters,” which establishes a framework for collaboration, the development of shared goals and best management practices and encourages adaptive strategies.

Section 6217 requires that states with federally-approved coastal zone management programs develop Coastal Nonpoint Pollution Control Programs. Currently 34 of 35 coastal states participate in this Program and Section 6217 delineates parallel coordinative and collaborative roles for federal and state partnerships:

- 1) Partnership of state coastal zone management agencies and state water quality agencies and
- 2) Partnership of NOAA (with authority under CZMA § 6217) and EPA (with authority under Clean Water Act § 319).

While CSO appreciates acknowledgement of the “number of programs that exist to address point and nonpoint source pollution within the federal government,” the lack of reference to the Coastal Nonpoint Pollution Program fundamentally disregards one of the core reasons for this implementation plan, namely: “improve efficiency by leveraging expertise” and “reducing redundancies” (Implementation Plan p. 4). The Plan needs to incorporate this unique federal-state partnership with its 20+ year history of coordination and enhancement of two existing programs under the CZMA and CWA, led by NOAA and EPA respectively. The program is playing a vital role toward improving coastal waters and conditions by providing a local liaison that integrates EPA and NOAA objectives. The Program works well to leverage implementation of effective projects and enhance interagency understanding of important environmental goals at the state and local levels.

CSO recommends the following specific changes to incorporate this program into the implementation plan to address the nation’s water quality issues.

#### **Action 1: Reduce rural sources of excessive nutrients, sediments, toxics, and pathogens.**

CSO supports the priorities and milestones under Action 1. CSO recommends that the Implementation Plan amend the ninth milestone to include the Coastal Nonpoint Pollution Program under CZMA section 6217. Thus the milestone would read:

- Target State CWA section 319 programs and CZMA section 6217 programs to current regional landscape initiatives and other priority areas identified by States as they develop comprehensive

strategies for reducing nitrogen and phosphorus pollution, and encourage the use of Clean Water State Revolving Fund funding to high-priority projects in each state, including those that address nutrient pollution. (EPA, [NOAA](#); 2015)

**Action 2: Reduce urban sources of excessive nutrients, sediments, toxins, and pathogens.**

CSO supports the priorities and milestones under Action 2. CSO recommends that the fourth milestone be amended to include the role of the Coastal Nonpoint Pollution Program and coastal programs around the nation. Specifically, that milestone would read:

- Implement an effective storm-water control program through existing mechanisms like the Coastal Nonpoint Pollution Program and state coastal zone management programs that promote green infrastructure and low-impact development approaches in urban and suburban areas to reduce discharges and their impacts from newly developed and existing sites. (EPA, [NOAA](#); 2015)

States, working with local partners, have already made significant progress in implementing green infrastructure, low-impact development projects, and best management practices for constructing roads and other infrastructure. Failure to include the program disregards these successes. NOAA should be added in the list of agencies assigned to work on Action 2.

We also recommend adding a milestone to Action 2 that states:

Ensure adequate resources are available to implement actions related to improving water quality under existing federal-state partnerships such as the Coastal Nonpoint Pollution Program under the CZMA.

**Action 6: Reduce the impacts of trash and marine debris on ocean, coastal, and Great Lakes waters and associated watersheds, through cooperative efforts aimed at pollution prevention, reduction, and removal.**

Under Action 6, CSO recommends amending the fifth milestone to read:

- Facilitate removal of trash and marine debris through community-based grants, coastal zone management program support, and other means. (NOAA, USCG, EPA, DOI; 2014)

Also under Action 6, CSO recommends amending the ninth milestone to read:

- Improve use of existing regulatory tools (e.g., Coastal Nonpoint Pollution Program, TMDLs, Combined Sewer Overflow controls, waste management, storm-water management, and Superfund) to reduce land-based sources of trash and marine debris (EPA, [NOAA](#); 2014)

**Action 7: Identify, seek to protect, and maintain high-quality near-shore ocean, coastal, and Great Lakes waters.**

CSO recommends amending the second milestone to read:

- Support habitat restoration and acquisition programs and other innovative land protection tools to protect, restore, or enhance 100,000 acres of wetlands, wetland-associated uplands, and high-priority coastal, upland, urban, and island habitat. (USDA, USACE, NOAA, DOI, EPA; 2014)

CSO recommends adding additional milestones to read:

- EPA and NOAA shall clarify coastal nonpoint pollution standards within the agencies so that regions and agency headquarters are applying the standards of review consistently.
- EPA and NOAA shall facilitate the full approval of all Coastal Nonpoint Programs by striving for faster resolution of remaining issues and improved coordination amongst federal partners.
- Utilize and strengthen the National Coastal Management and Coastal Nonpoint Source Programs in their mandates to identify, protect and maintain priority near-shore ocean, coastal and Great Lakes waters.

### ***Objective – Coastal and Marine Spatial Planning***

CSO has several recommendations concerning Coastal and Marine Spatial Planning (CMSP) that do not fall under a specific action outlined in the Draft Implementation Plan. CSO recommends that the following areas be considered.

*Build upon the Efforts of Coastal States and Regions:* CSO recommends that the Plan build upon existing successful efforts in coastal states. States have led the move toward comprehensive, ecosystem-based coastal and ocean management, as evidenced by state Coastal Programs taking a leadership role in ROPs and the employment of CMSP concepts in state waters.

To effectively build upon the work of the ROPs, CSO recommends that the Regional Planning Bodies (RPB) recognize and endorse the existing planning priorities and activities already identified in a region by the existing ROPs, including the Northeast Regional Ocean Council, Mid-Atlantic Regional Council on the Ocean, Southeast Governors' Alliance, Gulf of Mexico Alliance, West Coast Governors Alliance, Council of Great Lakes Governors, and the priorities emerging from efforts in the Pacific and Caribbean islands and Alaska. In terms of implementing CMSP, states are the leaders: utilizing CMSP on the ground as an effective tool to move toward a system of comprehensive management.

*Develop Results-Oriented Messaging:* CMSP is a planning tool that is used to build capacity in order to solve one or more management problems. To date, too much emphasis has been placed on the process of CMSP, not the intended on-the-ground outcomes. CSO recommends that the Plan include messaging for CMSP focused on actions and outcomes. CSO recommends a milestone for this objective rather than a particular action focused on messaging CMSP as a spatial tool, within a larger complement of tools, used to achieve more proactive, ecosystem-based management.

#### **Action 1: Distribute a Handbook for Regional Coastal and Marine Spatial Planning.**

CSO supports the development of a Handbook as web-based that highlights case studies or regional profiles of existing successful efforts in coastal states. CSO recommends including the following early milestones for the development of the Handbook.

- Information of links to handbooks, guides, and data portals developed by states and ROPs is compiled for inclusion in the Handbook.
- Information regarding scaling up current state CMSP efforts to a regional level, including collecting and analyzing data, information, and science, negotiating regulatory issues across boundaries, and broadening stakeholder processes is developed.

**Action 2: Convene regional workshops and CMSP exercises.**

CSO looks forward to working with the NOC through the regional workshops and meetings under Action 2. Because it is vital that the initiative avoid the top-down perception, CSO recommends that federal agency representatives in the regions, states, tribes and the ROPs are at the table when implementation discussions begin. To assist in meeting this goal, CSO recommends a milestone that “NOC Staff meet with each ROP to learn how to best engage regional stakeholders for each particular region.”

**Action 3: By 2015, all of the applicable non-confidential and other non-classified Federal data identified for inclusion will be incorporated into a National Information Management System and Data Portal (ocean.data.gov).**

Action 3 outlines a critically important component for the success of comprehensive ocean planning – baseline data for mapping and decision making. However, CSO notes that this action applies only to Federal data. Recognizing that this is a good first step, it will be necessary to expand this effort to external data sources as well. CSO suggests that the milestones are expanded to include:

- Establish an agreement on the data sets that will be used for both site planning and regulatory management decisions;
- Conduct a gap analysis as to the availability of the data sets;
- Create a geospatial data acquisition action dissemination plan;
- Establish MOAs between agencies, states, academia and/or NGOs to formulize the use of a specific framework around data and information gathering;
- Ensure compliance with map accuracy standards;
- Include a special award condition in federal grants affecting data and information requiring public data sharing through data portals;
- Develop user-friendly, open-source, efficient and transparent tools for data visualization, integration, and sharing; and,
- Summarize and evaluate decision-support tools.

A number of the existing ROPs have developed their own regional mapping and planning portals. CSO encourages the acknowledgement and support of these developing efforts.

**Action 4: Establish Regional Planning Bodies.**

With this action in particular, CSO recommends that the NOC continue to build upon existing successful efforts in coastal states. The ROPs have shown significant leadership by producing meaningful and measurable results on-the-ground benefiting both the economy and the environment across a broad set of issues relevant to the National Ocean Policy. This will help avoid redundancy and maximize efficiencies.

In the Implementation Plan, CSO recommends clarification of the language within the *Final Recommendations* around the adherence mechanism and the dispute resolution process. Governors and other constituencies will need to understand the specific requirements or restrictions that are likely to be included in these mechanisms before they can commit to participate in the RPBs.

Toward these goals, CSO recommends the following early milestones be included during the phase of development of the RPBs.

- Develop incentives for states to ensure broad interest and participation in the RPBs in the form of a business case that clearly presents why CMSP is essential and provides concrete examples highlighting the benefits to states of engaging in the RPBs.

- Focus initial efforts and resources in regions where interest in CMSP activities exists amongst partner states and ROPs.
- Establish robust stakeholder processes for the development of CMS Plans including input opportunities for stakeholders, an estimated timeline for those opportunities and a common place that notice will be made public online.

**Action 5: Within 3 to 5 years of their establishment, nine regional planning bodies (i.e., one per region) will have developed Council-certified regional CMS Plans for the sustainable use and long term protection of the ocean, our coasts and the Great Lakes.**

CSO recommends that the NOC add milestones to those in the Draft Implementation Plan to acknowledge CZMA as a foundational tool for comprehensive planning. CSO recommends adding the following milestones.

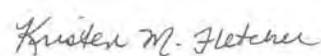
- Develop a strategy for streamlining permitting and programmatic environmental impact statements for projects in planned areas.
- The NOC and the RPBs will work with the CZM programs of the coastal states and territories throughout the planning process.
- The RPBs will work with state coastal programs to identify priorities and key regional players.

The states and territories strongly support the NOC in its work to implement the priority objectives. CSO appreciates the opportunity to comment and work with the National Ocean Council on the Implementation Plan.

Sincerely,



Braxton Davis  
Chair  
Coastal States Organization



Kristen M. Fletcher  
Executive Director  
Coastal States Organization

**BOBBY JINDAL**  
Governor



## State of Louisiana Office of the Governor

February 12, 2010

The Honorable Nancy Sutley  
Chair, Interagency Ocean Policy Task Force  
c/o The White House  
Council on Environmental Quality  
Washington, DC 20500

Dear Chair Sutley:

Thank you, once again, for the opportunity to comment on the Interim Framework for Effective Coastal and Marine Spatial Planning. We appreciate the Task Force's visit to New Orleans and your goal to improve the coordination of ocean policies of various federal agencies, reduce regulatory complexities, and to take a proactive approach to ensure the continued conservation, development, use and sustainability of our coastal resources.

President Barack Obama's June 12, 2009 memorandum on national ocean policy and the Task Force's interim reports indicate the need for a fundamental restructuring of ocean governance and appear to suggest an approach guided by national priorities and policies. We believe that this issue should be revisited to allow for a larger role for states.

While we support the concept of consistent governance of ocean and coastal regions, the uses, complexity and balance of Gulf Coast resource management is second to none.

- Louisiana is the nation's top maritime state. We are home to five of the top 15 ports in the nation, have the largest port complex in the world, supply over 30 states with maritime commerce, and have the nation's only offshore oil port – capable of offloading supertankers. Some of the largest vessels and most valuable cargo in the world transit our coastal waters.
- Our state is also the top producer of commercial fisheries in the continental United States. Louisiana's waters produce more shrimp, oysters, crawfish and blue crab than anywhere else in the country. Including fin fish, our fishermen and women account for nearly 35 percent of the nation's commercial fisheries harvest.
- The unique estuary in coastal Louisiana serves as a "Sportsman's Paradise". We have one of the top recreational fishing industries in the nation. In recent years, over half a million saltwater anglers

tested their skills in Louisiana's waters. This important ecosystem provides an opportunity for citizens from all walks of life to access and enjoy our abundant coastal resources.

- Louisiana is also the most important energy state in the nation. The offshore energy production in our state's coastal waters and the outer continental shelf together with imports from our offshore oil port and extensive energy infrastructure makes Louisiana's coastal area responsible for up to 30 percent of our nation's energy. Further, energy reserves in our offshore waters are believed to be the most abundant in the United States.
- Finally, it is important to note the inextricable link between our people and the coast. Coastal Louisiana is home to over two million citizens and the highest concentration of economic activity. The employment opportunities, subsistence, commercial and recreational fishing, energy production and culture associated with coastal Louisiana cannot be moved or separated – they are co-dependent.

The Gulf States, through their coastal zone management plans, the Gulf of Mexico Alliance and other venues have struck a balance that allows for all of these activities to co-exist.

Development of coastal and marine spatial planning is likely to upset this careful balance and threaten the sustainability of the coastal economy, coastal ecosystem and coastal culture. We have been able to develop and sustain the various and complex uses and enjoyment of our coastal area without blanket restrictions and blocking recreational and commercial access as spatial planning would suggest.

Attempting to "zone" the Gulf of Mexico would likely lack the flexibility required to allow recreational anglers to "find the fish" and place further burdens on an economically-stressed domestic commercial fishing industry already attempting to compete with their wholly-unregulated international counterparts. In addition, spatial planning could stymie the innovation and access required to improve our energy independence and yield the types of large finds like McMoran's recent natural gas discovery on the Davy Jones prospect or BP's oil reserves from the Tiber site. These types of policies would exacerbate our dependence on foreign, volatile energy sources like Venezuela, Nigeria and Middle Eastern nation's while serving as an additional obstacle to alternative energy production offshore.

The United States has some of the most stringent environmental regulations in the world governing offshore energy production. Any effort to restrict or impede our domestic energy industry would conflict with one of the very goals of the Task Force – sustainability. Requiring additional production in other countries with lax environmental controls to supplant restricted domestic energy supplies would cause a net loss to our global environment.

Any framework for ocean governance should begin with state coastal zone management plans – rather than direction from Washington pushed down to states. The framework should not result in a structure that would infringe upon the sovereignty of states or serve as an additional venue to place restrictions on onshore and near-shore activities.

In the case of Gulf Coast states, we have coordinated state plans into a regional structure through the Gulf of Mexico Alliance (GOMA). The alliance serves as a venue for Gulf States and relevant federal agencies to address coastal and ocean governance issues.

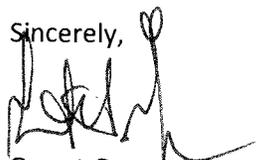
History is clear; the “top down” approach has proven ineffective in Louisiana as it pertains to coastal and ocean sustainability. The installation of river levees by the U.S. Army Corps of Engineers and their refusal to mitigate for these actions has served as the primary cause of the loss of over 2300 square miles of coastal wetlands. The very agency that regulates wetlands is now obstructing efforts to restore this important and productive ecosystem. In addition, the MMS has taken the position that they lack the authority to provide for the mitigation of cumulative outer continental shelf impacts while simultaneously delivering 90 percent of the revenues derived from energy production on federal lands to states. The need to share offshore energy revenues with host states was addressed in the report of the U.S. Commission on Ocean Policy. We urge the Task Force to promote this policy initiative.

Louisiana was pleased to see the inclusion of provisions relating to “cumulative impacts”. This is a concern that the state has expressed on numerous occasions to the Department of the Interior’s Minerals Management Service (MMS). We are optimistic that the Task Force’s recognition of this phenomenon will contribute toward our efforts to provide for the mitigation of the cumulative impacts from offshore energy production. MMS collects billions of dollars annually from energy producers offshore our coast while reinvesting virtually nothing to mitigate for these impacts or to ensure the sustainability of these activities.

We believe that the Task Force should also address the issue of consistent state seaward boundaries on the Gulf of Mexico. Currently, the states of Texas and Florida have state seaward boundaries reaching nearly 9 miles (three marine leagues) from their coast while Louisiana, Mississippi and Alabama exercise jurisdiction over only three miles. This inconsistency is unfair and outdated.

Finally, the State of Louisiana suggests that any fundamental change in ocean governance should ultimately be acted on by Congress rather than reinterpretations of dozens of vague statutes related to coastal issues. The repercussion of flawed ocean governance on coastal states could be profound. We support “testing” any changes in framework through a pilot program with limited geographical application.

The value of Louisiana’s coast to our state is immeasurable. We would appreciate the opportunity to join other states and stakeholders at the table with the Task Force to discuss an appropriate path forward toward ocean, coastal, energy, commercial fisheries, recreational anglers, maritime and economic sustainability.

Sincerely,  


Garret Graves  
Executive Assistant to the Governor  
Coastal Activities

Name: **Gary Kania**

Organization: The Congressional Sportsmen's Foundation

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_implementation\\_2nd\\_set\\_of\\_coalition\\_comments\\_3-28-2012\\_final.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_implementation_2nd_set_of_coalition_comments_3-28-2012_final.pdf)

Comment:

American Sportfishing Association  
Center for Coastal Conservation  
Coastal Conservation Association  
Congressional Sportsmen's Foundation  
International Game Fish Association  
National Marine Manufacturers Association  
The Billfish Foundation

March 27, 2012

The Honorable Nancy Sutley  
Chair, Council on Environmental Quality  
Co-Chair, National Ocean Council  
Executive Office of the President  
Washington, DC 20500

Dr. John P. Holdren  
Director, Office of Science and Technology Policy  
Co-Chair, National Ocean Council  
Executive Office of the President  
725 17<sup>th</sup> Street Room 5228  
Washington, DC 20502

**Re: Comments on the Draft National Ocean Policy Implementation Plan**

Dear Ms. Sutley and Dr. Holdren:

We once again thank you for the opportunity to provide comments on the Draft National Ocean Policy Implementation Plan (Implementation Plan). The recreational fishing and boating community has been involved in the National Ocean Policy (NOP) and Coastal and Marine Spatial Planning (CMSP) processes from the beginning – commenting on every step of Federal implementation. We have been and will continue to be a voice for the interests of recreational fishermen and boaters as NOP implementation moves forward.

Our community came together to submit an initial set of [comments](#) on the Draft Implementation Plan earlier in the public comment period focusing on more general themes that we would like to see incorporated into the final Implementation Plan. However, as the deadline was extended, your staff at a meeting with the Center for Environmental Quality on February 28, 2012, encouraged us to submit a second set of comments detailing where specific language changes could be made that would promote both recreation and conservation throughout the Implementation Plan.

1. Recreational Fishing as a Priority Use

To some extent, NOP has already missed an opportunity to appropriately highlight the importance of outdoor recreation by failing to make this one of the nine priority objectives of the

policy. By contrast, one of the three chapters of the America's Great Outdoors (AGO) report is "Connecting Americans to the Great Outdoors." The AGO initiative equally balances the importance of both recreation and conservation. The NOP's primary objectives are much more preservation and process oriented. One potential remedy is to include in the final Implementation Plan (as well as future guiding documents for CMSP) language that highlights the social, economic and conservation values of recreational activities and requires that efforts be made to expand these activities as well as minimize potential negative impacts. The same considerations should be made, as appropriate, for the other priority objectives.

We continue to stress that as CMSP and NOP development moves forward, recreational fishing should be held as a national priority, and should not be unnecessarily excluded in areas of the ocean through CMSP initiatives. Members of the public who choose to spend leisure time on the water fishing and boating with family and friends are fundamentally different than commercial activities and their respective impact on the ocean environment. In addition, recreational fishing and boating are integral to the President's America's Great Outdoors initiative and play an important role in providing outdoor recreation, exercise, and life skills. Regional Fisheries Management Councils in conjunction with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) have the regulatory authority for managing recreational fishing activities in federal waters. It is important for CMSP and NOP development to recognize these existing authorities and to draw the distinction between recreational uses and other extractive behaviors. We hope the Administration will recognize recreational users of coastal waters as having the presumption of access unless otherwise restricted through the existing fisheries management bodies, which must base fishing restrictions on sound scientific data and be the least restrictive means necessary.

**We recommend the following language be included as a third national priority objective on Page 89:**

- **National Objective 3: Manage Recreational Fishing as a Priority Sustainable Use in our Nation's Waters**

**Executive Order 12962 as amended by Executive Order 13474 cites numerous statutes that cover all Federal ocean waters and mandates Federal agencies, in cooperation with the States, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities where practical and permissible by law by "ensuring that recreational fishing shall be managed as a sustainable activity in national wildlife refuges, national parks, national monuments, national marine sanctuaries, marine protected areas, or any other relevant conservation or management areas or activities under any Federal authority, consistent with applicable law;". This Executive Order promotes and advances recreational fishing in federally regulated waters.**

**In accordance with the aforementioned Executive Order, recreational fishing should be managed as a sustainable activity and should not be unnecessarily excluded in areas of the ocean through CMSP initiatives. Members of the public who choose to**

spend leisure time on the water fishing and boating with family and friends are fundamentally different than commercial activities and their respective impact on the ocean environment. In addition, recreational fishing and boating are integral to the President's America's Great Outdoors initiative and play an important role in providing outdoor recreation, exercise, and life skills. Regional Fisheries Management Councils in conjunction with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service have the regulatory authority for managing recreational fishing activities in federal waters, and shall maintain sole authority for the opening and closing of areas within the federal waters for the taking of any and all types of fish. Similarly, state marine fisheries management agencies shall maintain sole authority for regulating fishing activities in state waters under their jurisdiction. Recreational users of coastal waters should be recognized as having the presumption of access unless otherwise restricted through existing fisheries management bodies, which must base fishing restrictions on sound scientific data and be the least restrictive means necessary.

Additionally, any provision of coastal and marine spatial plans that has an impact on recreational fishing and boating must minimize any negative impacts on these activities. Regional Planning Bodies must accord substantial weight to recommendations from the Regional Fisheries Management Councils, or if the activity will affect fishing activities in state waters, the director of the affected state's marine fisheries management agency, for plan revisions to minimize any negative impacts.

## 2. American System of Conservation Funding

Seventy-five years ago, the conservation community, consisting largely of hunters, anglers, recreational shooters, and related industries, supported the use of funds from an excise tax on firearms and ammunition – along with the dedicated revenue from hunting and fishing licenses – to be used exclusively by state fish and wildlife agencies to professionally manage fish and wildlife populations and provide access for sportsmen and the larger public to enjoy the benefits of this management. This funding mechanism was eventually expanded to include the fishing and boating communities as well as the archery community. Accordingly, these groups produced the **American System of Conservation Funding**: a unique “**user pays-public benefits**” approach. This **user-pays** funding strategy has produced numerous **public benefits** including: abundant fish and wildlife populations; access to public lands and clean waters; improved fish and wildlife habitat; carbon sequestration; wetland protection and its associated water filtration and flood retention functions; improved soil and water conservation; shooting ranges, and boating access facilities that are available for the enjoyment of the entirety of the American public – sportsmen and non-sportsmen alike.

The unique structure of the American System of Conservation Funding is commonly misunderstood or unknown even within the confines of the sporting community. The excise taxes collected from the sale of sporting equipment as well as the revenues generated from license sales account for significant portions of state agency budgets for resource conservation. In order to foster a greater understanding for the importance of recreational fishing and boating to coastal

and marine conservation efforts, we feel it is necessary to include language explaining this system in the Implementation Plan in the section titled *Regional Ecosystem Protection and Restoration*, where the economics of Federal conservation funding are mentioned as well.

**We recommend the following language be included on Page 44 after the second paragraph:**

- **Recreational anglers and boaters are also leaders in funding fisheries conservation. Recreational use of our public waters is not only compatible with, but in fact is essential to sound conservation and natural resource stewardship, as highlighted by contributions made to such successful conservation programs as the Sport Fish Restoration and Boating Trust Fund. The minimal environmental impact created from recreational fishing and boating are far offset by the billions of dollars generated from the user pays-public benefits structure of the American System of Conservation Funding. Since 1950, recreational anglers and boaters have, through this unique user tax on motorboat fuel, fishing tackle, and other sport fishing equipment, generated more than \$5.7 billion in funding through the Sport Fish Restoration Program for fishery conservation and enhancement, habitat restoration, clean water programs and boating safety programs. In addition, fishing license sales generate nearly \$50 million in annual revenues for state conservation and education programs, including improved fish and wildlife habitat; carbon sequestration; wetland protection and its associated water filtration and flood retention functions; improved soil and water conservation, and boating access facilities that are available for the enjoyment of the entirety of the American public.**

### 3. Recreational Fishing and Commercial Uses

Our community remains troubled by the grouping of recreational fishing along with other ocean uses throughout this document, and suggests word changes to separate these uses. There is a distinct and inherent difference between recreational and industrial ocean uses, and their respective impact on the ocean environment. Members of the public who choose to spend leisure time on the water fishing with family and friends are fundamentally different than commercial activities in which a public resource is extracted for the purpose of selling that resource. Because recreational fishing and boating contribute directly to funding the conservation of our Nation's aquatic resources and provide other significant social and economic benefits, these activities warrant special and elevated consideration as NOP development and Coastal and Marine Spatial Planning initiatives move forward, and should be noted as such in the Implementation Plan.

Recreational activities are inherently different from commercial activities and thus are deserving of separate treatment. This is specifically true of commercial and recreational fishing. While most would not argue the inherent differences between the two uses, they are often lumped together under the general term of "fishing." This categorization of both of these ocean uses under the term "fishing" is both incorrect and threatening to the wise management of our marine resources. Recreational fishing and commercial fishing have drastically different impacts on the environment and utilize a variety of different techniques to mitigate unnecessary environmental degradation – techniques that cannot and should not be applied to the other activity. Thus, the term "fishing" should be clarified wherever mentioned in the implementation plan in order to

avoid confusion over terminology and management practices. Anywhere in the document where the term “fishing” or “fishermen” appears should be clarified with the appropriate modifier – either commercial or recreational.

**We recommend replacing the terms “fishing/fisheries” with “recreational fishing/fisheries,” “commercial fishing/fisheries” or “recreational and commercial fishing/fisheries” in order to distinguish the two uses. Some examples of places where the terms “fishing/fisheries” are used that require further clarification include but are not limited to:**

- Page 1: “[*Commercial*] Fishing, energy, transportation, recreation, security, and other uses will be considered collectively and managed comprehensively and collaboratively.”
- Page 10: “The coastal tourism industry should not only endeavor to maintain sandy beaches, but also the value of healthy ecosystems broadly, including water quality and clarity, biodiversity, and healthy habitats that make recreational opportunities such as surfing, SCUBA diving, snorkeling, whale watching, and [*recreational*] fishing enjoyable.”
- Page 63: “The resulting effects on the ocean, our coasts, and the Great Lakes manifest as beach and [*recreational*] fisheries closures, fish kills, harmful algal blooms, areas of toxic sediments, “dead zones,” increased incidents of human illness, and massive amounts of plastic debris that kill seabirds and other marine life.”
- Page 71: “They enter our waterways through land- and ocean-based sources, and injure and kill marine wildlife; degrade ocean habitats; interfere with navigation safety; cause economic losses to shipping, [*recreational and commercial*]fishing, tourism, and coastal communities; and pose a threat to human health.”

**Additional examples can be found on Pages 4, 12, 13, 21, 23,46,49,56, 60, 65, 66, 71, 72, 73, 74, 75, and 89.**

#### 4. Improved Fisheries Data

NOAA Fisheries is charged with managing an estimated 528 stocks of fish and stock complexes, yet only has 121 up-to-date stock assessments for the 528. While every region of the country grapples with limited data to some extent, there is a significant disparity in how much data are collected across regions. For example, for the past few years, NOAA Fisheries has been conducting about 80 stock assessments per year in Alaska. At the same time, it has been assessing 15 stocks a year in the Gulf of Mexico, South Atlantic and Caribbean combined, and most of those assessments are for commercial shrimp stocks. For the sport fish that anglers pursue, NOAA Fisheries does about six assessments per year. The lack of stock assessment resources devoted to the southeastern U.S. has created major problems in the region, particularly recently as legal mandates that were predicated on adequate data collection must be met.

Realizing that funds will likely never be made available to conduct annual stock assessments on all fish stocks under federal management, NOAA Fisheries should develop an approach for using limited stock assessment resources for the greatest benefit of the nation. Additionally, allocations

throughout the country are decades old, and do not always accurately reflect present day needs and contribution of the commercial and recreational sectors. While NOAA Fisheries and the Regional Fishery Management Councils are required to revisit allocations on a regular basis, such reevaluations are rare.

**We recommend including the additional Milestones for Action 1 under the Inform Decisions and Improve Understanding Objective:**

- **Review current allocation of stock assessment funding and develop and implement a framework for directing funds to fisheries and regions where they are most needed and will provide the greatest benefit to the nation. (NOAA; 2012)**
- **For all fishery management programs, the underlying harvest allocations to specific fishery sectors (e.g., commercial and recreational) will be revisited by a time certain, and will subsequently be revisited on a regular basis. NOAA Fisheries will develop national criteria that the Regional Fishery Management Councils will use for examining allocations. The basis for the allocation will include consideration of conservation, economic, and social criteria used in specifying optimum yield and in furtherance of the goals of Fishery Management Plans. (NOAA; 2012)**

**Conclusion**

As a coalition of recreational fishing conservation organizations, we are deeply concerned with the current political climate surrounding our nation's waters. Recreational fishing and boating are longstanding American traditions with numerous benefits to offer our nation. We hope that you will consider our comments and incorporate changes to reflect our concerns in the final Implementation Plan.

It is our genuine hope that this letter provides reasonable and workable solutions that will be incorporated into the final Implementation Plan to ensure that the recreational fishing and boating community can actively and productively engage in CMSP with the assurance that it will be a truly beneficial process for our community and the resources we care about. We stand ready to provide input and ideas and thank you for this opportunity to reinforce our ideas.

Sincerely,

Mike Nussman, President and CEO  
American Sportfishing Association

Rob Kramer, President  
International Game Fish Association

Jeff Angers, President  
Center for Coastal Conservation

Thom Dammrich, President  
National Marine Manufacturers Association

Pat Murray, President  
Coastal Conservation Association

Ellen Peel, President  
The Billfish Foundation

Jeff Crane, President  
Congressional Sportsmen's Foundation

Name: **Erin Anderson**

Organization:

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_comment\\_letter\\_-\\_or\\_wa\\_chefs\\_restaurant\\_owners\\_and\\_seafood\\_vendors\\_0.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_comment_letter_-_or_wa_chefs_restaurant_owners_and_seafood_vendors_0.pdf)

Comment: Please accept the attached comment letter on behalf of the listed chefs, restaurant owners and purveyors of sustainable seafood from Oregon and Washington. This letter has been updated with additional signers since the version that was submitted on February 27. Thank you for providing the opportunity for stakeholders and the public to weigh in on the draft Implementation Plan for the National Ocean Policy.

Sincerely,

Erin Anderson

March 28, 2012

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairs Sutley, Holdren, and National Ocean Council Members:

We would like to share our support for National Ocean Policy draft Implementation Plan. As chefs, restaurant owners, and seafood vendors from the Pacific Northwest, we delight in serving sustainable seafood to our clients. A strong Implementation Plan will help protect marine ecosystems and encourage sustainable ocean uses, including harvesting sustainable seafood.

The draft Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. The draft Plan has successfully incorporated the needs and concerns of governmental, non-profit, and commercial groups and provides clarifying details to improve accountability and monitor progress toward improved ocean management. Frequent notations on how implementing actions are related to one another provide confidence that activities will be coordinated and make good use of limited resources.

Nonetheless, the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.

With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goals of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. As chefs, restaurant owners, and seafood vendors from the Pacific Northwest, we look forward to the release of the final plan and hope to see policy translated into action on the water soon.

Sincerely,

Kristofor Lofgren, Owner  
Bamboo Sushi, Portland, OR

Holly Smith, Chef/Owner  
Cafe Juanita, Kirkland, WA

Dana & Greg Boyce, Owners  
Corbett Fish House & Hawthorne Fish House, Portland, OR

Christine Keff, Chef/Owner  
Flying Fish & On the Fly, Seattle, WA

Lyf Gildersleeve, Owner  
Flying Fish Co. Oregon, Portland, OR

Steven and Michelle Korgan Bursey, Keepers  
Heceta Head Lighthouse Bed & Breakfast Yachats, OR

John Platt, Owner  
St. Clouds, Seattle, WA

Cassandra Wright, Owner  
Vis Seafoods, Bellingham, WA

Name: **Erin Anderson**

Organization:

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_comment\\_letter\\_-\\_or\\_wa\\_outdoor\\_and\\_tourism\\_businesses\\_0.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_comment_letter_-_or_wa_outdoor_and_tourism_businesses_0.pdf)

Comment: Please accept the attached comment letter on behalf of the listed outdoor, recreation and tourism businesses in Oregon and Washington. This letter has been updated with additional signers since the version that was submitted on February 27. Thank you for providing the opportunity for stakeholders and the public to weigh in on the draft Implementation Plan for the National Ocean Policy.

Sincerely,

Erin Anderson

March 28, 2012

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairs Sutley, Holdren, and National Ocean Council Members:

We would like to share our support for National Ocean Policy draft Implementation Plan. As outdoor recreation and tourism businesses and enthusiasts from the Pacific Northwest, we believe that a healthy, sustainably-managed ocean is an asset to our region, and critical to our way of life. A strong Implementation Plan will help protect marine ecosystems and encourage sustainable ocean uses, including recreation on our ocean beaches, as well as in and on our ocean waters.

The draft Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. The draft Plan has successfully incorporated the needs and concerns of governmental, non-profit, and commercial groups and provides clarifying details to improve accountability and monitor progress toward improved ocean management. Frequent notations on how implementing actions are related to one another provide confidence that activities will be coordinated and make good use of limited resources.

Nonetheless, the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.

With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goals of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. As outdoor enthusiasts, and tourism and outdoor-based businesses from the Pacific Northwest, we look forward to the release of the final plan and hope to see policy translated into action on the water soon.

Sincerely,

Adventures Down Under  
Bellingham, WA

Alder Creek Kayak & Canoe  
Portland, OR

Aquatic Sports  
Portland, OR

Bob Rees' Fishing Guide Service  
Tillamook, OR

Gorge Performance  
Portland, OR

Kayak Tillamook  
Tillamook, OR

KEEN Footwear  
Portland, OR

Next Adventure Sports  
Portland, OR

Olympic Raft and Kayak  
Port Angeles, WA

Outdoor Odysseys  
Seattle, WA

Portland Kayak Company  
Portland, OR

Sage  
Bainbridge Island, WA

San Juan Kayak Expeditions  
Friday Harbor, WA

South Coast Tours  
Gold Beach, OR

The Wild Image Project  
Portland, OR

Whidbey Island Diving  
Oak Harbor, WA

Name: **Donald Kent**

Organization: Hubbs-SeaWorld Research Institute

Path: [http://edit.whitehouse.gov/sites/default/files/webform/hswri\\_comments\\_on\\_draft\\_national\\_ocean\\_policy.pdf](http://edit.whitehouse.gov/sites/default/files/webform/hswri_comments_on_draft_national_ocean_policy.pdf)

Comment: We offer the attached comments on the Draft Plan. Thank you.



March 28, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503  
<http://www.WhiteHouse.gov/oceans>

RE: Draft National Ocean Policy Implementation Plan

Council Members:

We appreciate the opportunity to provide comments on the Draft National Ocean Policy Implementation Plan (Plan). The Hubbs-SeaWorld Research Institute has been conducting scientific research on the world's oceans and its inhabitants for nearly 50 years and our scientists strive to provide management agencies with the best information possible to allow informed decisions regarding the stewardship of the world's natural resources. Although we appreciate the desire to develop guiding principles for management of natural resources, we believe that there are existing laws and regulations that, by congressionally mandated authority, supersede any administratively ordered policy.

Even though the Plan states (page 6) "*The National Ocean Policy and this draft Implementation Plan do not change existing Federal authorities and responsibilities,*" we would be concerned that this initiative could serve to justify changing Federal authorities and responsibilities that are already defined by law, and rather than streamlining the project review process, the Plan would further obfuscate an already complicated process. Accordingly, we offer comments to the Plan in the context that numerous existing laws that already govern current and proposed activities in Federal waters and along our Nation's coasts. Of special concern is how this initiative might further impede the already glacially slow development of offshore aquaculture.

We agree with the Plan's statement that the existing regulatory ambiguity hampers investment in marine aquaculture. All of the benefits (job creation, lower carbon footprint, domestic controls over growing practices, etc.) to be realized from a vibrant, domestic offshore aquaculture industry are lost because of the poorly defined permitting process. We support any effort among Federal agencies to delineate a permitting process as long as the resulting procedure leads to permits being realized within a prescribed time period.

The current regulatory process for permitting finfish cages in the EEZ would require permit applications to the US Army Corps of Engineers, EPA and US Coast Guard as well as appropriate aquaculture permits from the state where the applicant bases its operations. One of these Federal agencies (probably USACE or EPA) would be required to prepare the NEPA certification which would initiate a public review process as well as comments from all other

Federal agencies (NOAA and USFWS). We estimate that this process would require anywhere from 18 to 24 months to accomplish and cost in excess of \$1 million. This permitting review process is a disincentive to investors because they can commit far less money and time in acquiring permits in other countries (e.g., US \$50,000 and less than six months in Mexico) and simply import the product into the US market.

Since we already import more than 85% of our seafood, the supply chain into the US market is already well established and makes investing elsewhere easier than in the US industry. If we are to compete and grow seafood for our markets within our waters, then we need to simplify the permitting process to expedite the biggest rate limiting factor, which is the NEPA process. We do not believe that the Plan will supersede the authority of NEPA and will, therefore, simply delay any further action on aquaculture development, which is already recognized as essential to our Nation's food security.

Over thirty years ago the U.S. Congress passed the National Aquaculture Act of 1980<sup>1</sup> which clearly stated that:

*It is, therefore, in the national interest, and it is the national policy, to encourage the development of aquaculture in the United States.*<sup>2</sup>

The Act also required all federal agencies to work together to achieve the purpose of the Act and to support its stated policy:

*Each Federal department and agency that has functions or responsibilities with respect to aquaculture or has jurisdiction over any activity that affects, or that may affect, the achievement of the purpose and policy of this Act, shall, in consultation with the coordinating group and to the maximum extent practicable, perform such function, responsibility, or activity in a manner that is consistent with the purpose and policy of this Act.*<sup>3</sup>

Clearly, the Congress and the Administration envisioned the development of aquaculture technologies to contribute to our Nation's sustainable supply of seafood. As one of the responsible agencies specified in the Act, NOAA has followed this mandate and adopted numerous policies and strategic plans consistent with the Act.

In its 10 Year Aquaculture Plan (2006), NOAA Fisheries highlighted the goals of using aquaculture as a fisheries management tool:

- *Develop appropriate technologies to support commercial marine aquaculture and enhancement of wild stocks,*
- *Use of stock enhancement for habitat and endangered species restoration and replenishment of commercial and recreational fisheries.*

Most recently in 2011 NOAA published its Aquaculture Policy<sup>4</sup> which states:

<sup>1</sup> NATIONAL AQUACULTURE ACT OF 1980; Act of September 26, 1980, Public Law 96-362, 94 Stat. 1198, 16 U.S.C. 2801, et seq.

<sup>2</sup> SEC. 2. (c) - POLICY

<sup>3</sup> SEC. 6. (d) - FEDERAL CONSISTENCY

<sup>4</sup> National Oceanic and Atmospheric Administration 2011 AQUACULTURE POLICY

... .. *This policy reaffirms that aquaculture is an important component of NOAA's efforts to maintain healthy and productive marine and coastal ecosystems, protect special marine areas, rebuild overfished wild stocks, restore populations of endangered species, restore and conserve marine and coastal habitat, balance competing uses of the marine environment, create employment and business opportunities in coastal communities, and enable the production of safe and sustainable seafood.*

The Joint Subcommittee on Aquaculture (JSA) was created by the Act to serve as a federal interagency coordinating group to increase the overall effectiveness and productivity of federal aquaculture research, transfer, and assistance programs. Rather than create yet another Plan charged with coordinating federal activities based on a new administrative policy, it makes far more sense to simply empower and support the infrastructure already charged by law to undertake this coordinating effort. Based on the Aquaculture Act of 1980 and all of the subsequent policies and plans drafted by the Departments of Commerce and Agriculture and their various agencies, we should already have an efficient, cost effective procedure for permitting aquaculture along our Nation's coasts. Unfortunately, we do not.

Relative to the Plan's implementation of Coastal and Marine Spatial Planning (CMSP), the required effort will not yield the stated results of providing an overall reduction in delays and costs by allowing the mandates of environmental laws such as NEPA to be fulfilled more efficiently. The Plan calls for taking several years to develop CMSP around the Nation, and nowhere does the Plan state how the NEPA process would be made more efficient. If the Plan provided a substantive alternative to an applicant conducting a full Environmental Impact Statement (EIS), such as seeking a Finding Of No Significant Impact (FONSI), then there would be a reason for advancing CMSP. Quite the opposite is apparent, in that after spending years developing CMSP, the applicant will still have to undertake a full, independent NEPA review. Years will be lost with no net benefit to industry or resource management.

Further, how do we predict what any ocean technology will look like decades from now? We acknowledge that we need to find new sources of food and energy from the ocean, but the sea farming cages and wind farms of today may evolve into different technologies in the future. In twenty years farming marine algae for food, medicine and energy may be far more prominent than finfish farming. In the future electrical generation from tidal, current and wave energy may be more practical than today's wind farm technology. We cannot predict how these technologies, or the markets that drive their development will change over the years or how we should plan for that development.

In 2011 we worked with a consortium of interested parties, the Coalition for Action on Open Ocean Aquaculture, to propose a plan to advance marine farming in the US. The document, *A Call for Urgent and Deliberate Action to Create American Marine Aquaculture, A Science and Industry Based Approach for Managed Growth of Sustainable U.S. Marine Aquaculture*, was submitted to DoC and NOAA and is attached along with the cover letter from our Institute. To begin a considered and managed approach to the development of marine

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aquaculture in federal waters, a concept like the one suggested in the *Call* is needed. We strongly suggest that years of additional “planning” are not required, and will simply drive any potential development to other nations along with the environmental and economic benefits inherent to them.

Thank you for seeking our comments and please feel free to contact me directly should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Kent', with a long horizontal stroke extending to the right.

Donald B. Kent  
President

Attachment



April 11, 2011

U.S. Department of Commerce  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue, NW  
Washington, D.C. 20230

**RE: HSWRI Comments on DOC & NOAA's Draft Aquaculture Policies**

Hubbs-SeaWorld Research Institute welcomes the opportunity to offer comments on the Department of Commerce (DOC) and National Oceanic and Atmospheric Administration (NOAA) Draft Aquaculture Policies. Our Institute appreciates DOC's and NOAA's recognition of the importance of marine aquaculture to our nation's seafood supply and their reaffirmation to advancing marine aquaculture.

**A call for action**

In response to the call for comments on the policies, our Institute met with fellow researchers as well as aquatic farmers, aquaculture industry suppliers (cage manufacturers, feed companies, feed ingredient suppliers) and seafood suppliers, both wholesale and retail, to develop a proactive vision for advancing the managed growth of marine aquaculture. This group, the **Coalition for Action on Open Ocean Aquaculture**, has collectively developed and endorsed the accompanying document, *A Call for Urgent and Deliberate Action to Create American Marine Aquaculture: A Science and Industry Based Approach for the Managed Growth of Sustainable U.S. Marine Aquaculture*. A listing of the members of this Coalition is found on the last two pages of that document.

The Coalition proposes the use of Interim Regional Aquaculture Production Goals (IRAPG) as a management framework by which NOAA may, through its existing regulatory authorities, begin permitting the installation of marine farms in our nation's federal waters as soon as possible. The Coalition members have committed to furthering this effort by working with DOC and NOAA staff to draft a detailed white paper that will examine the existing capabilities and needs of the nation's marine farming, seafood marketing and research communities and to coalesce them with the management imperatives of the federal agencies charged with management of federal waters. The Coalition is eager to move this initiative forward.

**Will there be enough seafood for Americans?**

Our Institute has been working for decades to not only replenish wild stocks of fish, but also to develop and refine culture protocols that will help feed a hungry world. This line of research has become all the more urgent as we review predictions that our nation's current seafood supply will be disrupted by the economic changes underway in other parts of the world thereby shifting the supply to the growing economies in Asia.

Over the next two decades the global economic center will continue to shift east from North America and Europe to Asia. It is estimated that Asia's proportion of the world's middle class will grow from 28% in 2009 to over 66% in 2030. As Asia's economic wherewithal increases, so will their ability to out compete the US and other western markets for both wild-caught and farmed seafood. With wild harvests at maximum yields and the demand for seafood increasing because of population growth and recognition that seafood is an essential part of a healthy diet, the need to develop an expanded domestic seafood farming industry will become critical if we are to serve the needs of the American people. In view of that, the time to undertake this expansion is now and we have a significant base of experience to draw upon.

### **American leadership and imagination**

The US was largely responsible for developing the technologies that are now used in other countries to produce some of the largest supplies of seafood available. Commercial salmon farming was made possible by hatchery technologies and protocols that were developed in America to support the replenishment of wild stocks. Those hatchery techniques are now used in Europe, Japan and South America to provide the majority of the salmon consumed in the world today. Similarly, shrimp culture techniques were originally developed in the US but are now used in warm waters around the world to provide shrimp to our markets.

Following this history of innovation, our nation's research community has developed new species for culture using open ocean farming technologies and species specific diets required to create new sources of cultured protein for our markets. If we do not act quickly, we will again end up exporting these culture techniques to other countries and then buying the resulting product thereby increasing the nation's trade deficit and losing the potential for job growth, and its economic benefit, for our own citizens.

In February 2009 during his address to Congress, President Obama stated:

*"The answers to our problems don't lie beyond our reach. They exist in our laboratories and our universities, in our fields and our factories, in the imaginations of our entrepreneurs and the pride of the hardest-working people on Earth .... I do not accept a future where the jobs and industries of tomorrow take root beyond our borders.... It is time for America to lead again."*

In light of this statement and in consideration of the deficit in our nation's seafood supply and the urgency to create new jobs and to support existing jobs in the seafood industry, it is apparent that this Administration has a mandate to be proactive in the expansion of the aquaculture industry and to use its regulatory authority to promote, not just evaluate the potential for, the development of farming in the Exclusive Economic Zone (EEZ).

### **Turning policy into action**

The Draft Policies reiterate the need for expanded production and state DOC and NOAA authority to regulate. What is missing is a statement of what goals have been set, the actions required to realize those goals and the time line anticipated for executing those actions and realizing the goals. Without that level of strategic planning, it is impossible to assess over time the success being realized or to evaluate the need for additional resources to overcome problems encountered along the way. This may be where adopting traditional management practices for fisheries may be of value.

When managing fisheries, the size of the wild stock is assessed and characteristics of that stock are evaluated and modeled to afford a management scheme to maximize a long-term yield from that wild resource. The process is adaptive in that it reviews annual catch statistics and, when necessary, the harvest rates are modified up or down in response to the condition of the wild stock. DOC and NOAA need to develop such an adaptive management scheme for aquaculture expansion and its current Council and Regional management structures will lend themselves well to facilitating this format.

**An interim program to speed progress**

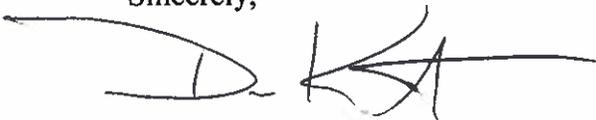
NOAA should establish production goals and a timeline to evaluate and adjust those goals, as prescribed in the IRAPG document. This would allow the Administration and Congress to have a measure by which investments in aquaculture development (research, loans, etc.) could be weighed against job creation, economic value and environmental impacts, if any. The current NOAA Fisheries budget is approximately \$1 billion of which \$15 million is used for non-salmonid aquaculture. Considering that current domestic fisheries, although well managed, will not likely yield any more supply to our markets and that aquaculture has the potential to provide a significant return on invested management and research funding, NOAA Fisheries should begin now to develop goals and to execute the strategic actions required for their realization so that the potential benefits of future federal funding can be readily evaluated.

We have the technologies and the knowhow needed to undertake the expansion of aquaculture into the EEZ. We have ample regulations to govern the permitting process and monitoring techniques and predictive models that can be used to minimize, mitigate or eliminate adverse impacts to the environment. What we need quickly are commercially sized farms located in the open ocean that can use these technologies, provide the jobs, and produce the seafood products our nation needs. These farms would also provide the format for further refinement of the adaptive management strategy that will dictate how fast the industry may grow and under what conditions future farms may operate. The proposed goals need to be delineated across management regions and with milestones set at 5, 10 and 20 years.

**Working together**

DOC and NOAA should create a long-term vision for this marine farming that includes quantifiable measures of success for both production and temporal goals. Our Institute along with the other members of the Coalition for Action on Open Ocean Aquaculture are ready to assist in this effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Kent', with a long horizontal line extending to the right.

Donald B Kent  
President

# **A Call for Urgent and Deliberate Action to Create American Marine Aquaculture: A Science and Industry Based Approach for the Managed Growth of Sustainable U.S. Marine Aquaculture**

## **Submitted by the Coalition for Action on Open Ocean Aquaculture**

### **1.0 Introduction**

In 2011 NOAA reaffirmed it had regulatory responsibility under the Magnuson-Stevens Fishery Conservation and Management Act for siting aquaculture in U.S. federal waters by issuing an important draft policy for marine aquaculture. This positive action is consistent with NOAA's long history of encouraging commercial development of marine aquaculture through programs and activities that:

- Support basic and applied research
- Create innovative technologies and close knowledge gaps
- Evaluate environmental and socio-cultural impacts
- Conduct economic feasibility and impact evaluations
- Provide public education and outreach

Fostering the development of new technologies to grow and sustain seafood production will create new jobs, and help retain and augment our traditional seafood industry. Equally important, marine aquaculture will help secure our domestic seafood supply in a highly volatile global marketplace. Domestic per capita seafood consumption can reach the increased levels recommended by the medical community and the USDA only through increased aquaculture production either in the U.S. or abroad. Considering our existing reliance on foreign producers, the socio-economic benefits of increased production should accrue to our nation – not to other countries selling to our markets.

The purpose of this document is to provide positive stakeholder comments on NOAA's marine aquaculture policy, to stress that it is urgent that it be implemented, and to offer a practical and direct approach to expeditiously demonstrate the technical and economic feasibility of farming in federal waters to begin to meet America's growing need for expanded domestic seafood production.

### **2.0 The Draft NOAA Policy**

On February 9, 2011 NOAA released a draft aquaculture policy for public comment. The draft describes our nation's growing dependence on seafood imports to meet growing demand and highlights the opportunity to produce more seafood domestically by utilizing open ocean aquaculture (OOA) technologies. This forward-looking policy clearly states that "aquaculture is an important component of NOAA's efforts to ... enable the production of safe and sustainable seafood." The draft policy also covers many other aspects of marine aquaculture, such as cooperative research, extension and outreach, expanded marine stock enhancement, etc., but it does not put forward a clear path or commitment to expeditiously develop commercial aquaculture by OOA for seafood. An opportunity exists to further NOAA's draft policy by developing an action plan that focuses on food production and reiterating the urgency for greater U.S. seafood self-sufficiency.

This presentation urges NOAA to expand the draft policy so that the development of commercial marine aquaculture for domestic seafood production is clearly identifiable as the primary policy objective. Without such a clear statement and commitment, the remaining policy objectives have little focus or context. Additionally, by providing specific guidance to focus on greater seafood production, a plan of action could be developed that has measurable objectives and milestones. Moreover, the focus for immediate Agency action should be aquaculture in federal waters as highlighted in Appendix 1 of the policy, entitled “NOAA Principles for Aquaculture in Federal Waters.”

### **3.0 NOAA’s Regulatory Authority for OOA Development**

NOAA has determined that “aquaculture” is considered “fishing,” and the agency has established regulatory authority to permit OOA under the Magnuson-Stevens Fishery Conservation and Management Act, at least for species that are federally managed. Regardless of the species under culture, NOAA has a regulatory mandate to address marine resource conservation issues in all federal waters and in waters under state management, whenever proposed activities might impact federally managed resources (e.g., marine mammals). NOAA has indicated OOA development should be governed by a national policy to ensure a coordinated federal regulatory process for permitting facilities and to provide regulatory oversight and property rights for the industry and its investors, hence the drafting of the recently released policy, that is in part based on a series of nationwide listening sessions.

Interest in expanding U.S. aquaculture development has been building for a long time and recent growth in global seafood demand coupled with the global state of wild fisheries have triggered a critical need for urgent action. Over 30 years ago with the enactment of the National Aquaculture Act of 1980, Congress declared that “aquaculture has the potential for reducing the U.S. trade deficit in fisheries products, for augmenting existing commercial and recreational fisheries and for producing other renewable resources, thereby assisting the U.S. in meeting its future food needs and contributing to the solution of world resources problems. It is therefore, in the national interest and it is the national policy to encourage the development of aquaculture in the U.S.” Thus it has been national policy to support aquaculture development for 30 years.

Recognizing rising concerns over the management of America’s ocean resources, in 2004 the congressionally chartered U.S. Commission on Ocean Policy issued a report to Congress that included a chapter on marine aquaculture, which acknowledged more effort should be made to expand the industry. Later that year, in response to the recommendations of the Commission, the President released the U.S. Ocean Action Plan which encouraged aquaculture development in federal waters. Taking the lead, NOAA, as the federal agency dedicated to stewardship of living marine resources, picked up the challenge and sought lead authority under the National Offshore Aquaculture Act of 2005 to create a regulatory framework for aquaculture in federal waters. The Act failed to move in Congress and an updated version, the National Offshore Aquaculture Act of 2007 was introduced, which also saw no legislative action.

In 2009, Rep. Lois Capps introduced the National Sustainable Offshore Aquaculture Act, which also did not move forward. At the same time, NOAA and the fishery management councils were exploring options for pursuing aquaculture projects through existing statutes. In

2004, the Gulf of Mexico Fishery Management Council began a multi-year process to create an aquaculture enabling amendment to their existing fishery management plans to allow finfish net pen culture in federal waters. As part of this process and over the course of six years, the Gulf Council changed their emphasis from an amendment to existing fishery management plans to a full and complete marine aquaculture fishery management plan for the Gulf of Mexico. As required for all plans, they also completed a Programmatic Environmental Impact Statement (PEIS) as required by the National Environmental Protection Act (NEPA) and a Regulatory Impact Review and a Regulatory Flexibility Analysis as required by the Regulatory Flexibility Act of 1980 and Executive Order 12866.

The Gulf Council's marine aquaculture fishery management plan was passed and approved in 2009, but despite the exhaustive environmental and regulatory analysis already conducted as well as the existence of previous aquaculture policies and implementation plans, NOAA announced that it would first undertake a new effort to craft a nationwide policy prior to approving implementing regulations.

In summary, Congress has recognized that OOA can and should be managed to provide increased domestic production of seafood, while at the same time facilitating living marine resource and habitat conservation. Since 1980, NOAA has drafted multiple policies, implementations plans, technical memoranda, a ground-breaking fishery management plan, and draft legislation as well as supported countless research projects covering nearly every aspect of offshore and inshore aquaculture. For these reasons, it is vital that the final version of NOAA's new national aquaculture policy clearly and unequivocally state that the development of marine aquaculture in federal and state waters is of critical importance to our nation's economic and food security and to our stewardship of the environment. It is equally vital that NOAA must then take proactive steps to make OOA a reality.

#### **4.0 Proposed Interim Regional Aquaculture Goals and Governing Principles**

##### **4.1 Commercial-Scale Demonstration Projects**

The **highest priority** for NOAA should be to implement the draft policy with an action plan that will provide a well defined path to sustainable commercial aquaculture development. Currently, the draft policy is not infused with a sense of urgency to move aquaculture into the open ocean in a timely manner or a sense of strong encouragement for the private sector to invest in OOA, such that if they desire to establish a commercial facility in federal waters, the process is well defined and success reasonably predictable.

After many years of previous research and commercial farming in the U.S. and overseas, it is apparent that there is sufficient scientific knowledge and understanding and adequate technological capacity to establish an initial OOA permitting and leasing process for federal waters. The only factor lacking is NOAA's direct hands-on experience with applying its regulatory authority to permitting commercial-scale fish farms. This experience can only be acquired by undertaking the review and approval process and then monitoring those same commercial operations over time to evaluate environmental, economic and social factors using an adaptive management approach.

##### **4.2 Proposed Interim Regional Aquaculture Production Goals**

We propose that NOAA adopt **Interim Regional Aquaculture Production Goals (IRAPGs)** to advance the near-term development of OOA in the Exclusive Economic Zone as a matter of

urgency and in a manner consistent with existing law, regulations, policy, and Congressional intent. This approach would allow private commercial OOA farms to begin operation in the very near future so that critical uncertainties, if any, can be identified and addressed.

Under this proposal, each of the six NMFS Regions would consider permit applications for a number of commercial aquaculture operations capable of producing a specific volume of cultured product: *regional production goals*. These IRAPGs would be established by the nine Fishery Management Councils. Direct analytical evidence from regularly, prescribed site monitoring would have to demonstrate that the existing farms have met federal environmental operating standards. Lack of compliance by any individual farm would result in the respective Councils taking direct action to require compliance or termination of the farming operation. Multiple farms operating within a specific region would allow evaluation of potential cumulative effects thereby providing a means for direct assessment of predictive environmental and economic models. Proposals to increase the IRAPGs in each region would be reviewed by the appropriate Council and would be contingent on the permitted operations' adherence to the operating standards established when the relative operating permits were issued (e.g., EPA's NPDES permits).

The Gulf of Mexico Fishery Management Council has already established a production limit for aquaculture production. In regions where a Council mandated production goal does not already exist, we propose an initial regional production goal of 12,000 metric tons (MT), a figure derived as follows.

In its 10-Year Plan for the NOAA Aquaculture Program (2006), the Agency used an industry analysis<sup>1</sup> to reflect the potential for increased domestic production. The analysis estimated that domestic production could increase by approximately one million metric tons to an overall annual production of 1.5 million MT. The analysis predicted that 935,000 MT could be marine grown shellfish and finfish. Targeting approximately 8% of the marine production (72,000 MT) as an immediate demonstration goal for OOA— which is less than 2% of the reported landings of all U.S. commercial fisheries – would allow each of the six regions to permit up to 12,000 MT annually. This modest adaptive management approach would promote the deliberate development and demonstration of OOA, while allowing both the regulatory and industry infrastructure to learn and evolve toward becoming more efficient before any further development would be allowed.

Implementation of this interim measure would still require multiple approvals including adherence to the National Environmental Policy Act (NEPA). NOAA would assume the lead agency authority for acceptance of the project Environmental Assessment or Impact Statement. Federal permits from EPA (NPDES permit) and the U.S. Army Corps of Engineers (Section 10 permit) would be required. Other consultations will be required, such as the Coastal Zone Management Act consistency and input from states adjacent to the project, all of which

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<sup>1</sup> C.E. Nash; 2004; *Achieving policy objectives to increase the value of the seafood industry in the United States: the technical feasibility and associated constraints*; Food Policy 29; pp 621-641

represent the potential for serious delay and/regulatory gridlock. Therefore, for the IRAPG approach to move forward, it is essential that NOAA provide leadership and facilitation.

#### **4.3 Statement of IRAPG Principles**

Further we propose that the IRAPG program be managed under the following principles:

- Sustainable development shall be defined<sup>2</sup> as *the management and conservation of the natural resource base and the orientation of technological and institutional change in such a manner as to ensure the attainment and continued satisfaction of human needs for present and future generations. Such development conserves land, water, plant genetic resources, is environmentally non-degrading, technologically appropriate, economically viable and socially acceptable.*
- Protect and conserve the ocean environment to support the health of the planet, as well as all the organisms that rely upon that environment.
- Recognize the value of and meet the need for an abundant and healthy supply of farmed seafood for domestic markets by supporting a sustainable industry through the synergy of profitability and protection of the ocean environment
- Use of systematic analysis to develop a scientific consensus that insignificant impact to the environment can be expected before expansion beyond an initial scale may be undertaken
- Support coordination among federal and state regulatory agencies to develop a permitting process that also follows the principles above.

#### **5.0 Benefits to the Nation**

Under this proposal, scientifically validated, environmentally sustainable and economically viable aquaculture can be established in federal waters now, providing NOAA with the hands-on experience it needs and the nation with a basis on which to plan for OOA in future (i.e., Marine Spatial and Coastal Planning). Importantly, nothing in this proposal is intended to marginalize the importance of wild fisheries resources, imported seafood or other emerging aquaculture technologies (e.g., recirculating aquaculture systems). Domestic fisheries and seafood imports currently play the dominant roles in our nation's seafood supply and will continue to do so.

Open Ocean Aquaculture development in federal waters offers a rare opportunity to lead globally in the creation of a new, ocean-based industry that will provide economic opportunity for U.S. businesses and jobs in coastal communities while assuring American seafood consumers that they will have a sustainable supply of healthy seafood in the future.

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<sup>2</sup> Food and Agriculture Organization of the United Nations Publication: FAO Council, 94th Session, 1988

## Coalition for Action on Open Ocean Aquaculture

(Direct correspondence to Don Kent, [dkent@hswri.org](mailto:dkent@hswri.org))

Mark Albertson	Illinois Soybean Association
Peter Becker	Olympic Aquafarms- BP/S Industries, Inc.
Sebastian Belle	Maine Aquaculture Association
Daniel Benetti	Division of Marine Affairs and Policy, University of Miami
John Bielka	Pacific Aquaculture, Inc
Kevin Bright	Icicle Seafoods, Inc/American Gold Seafoods
Robert Butcher	Ipswich Shellfish Group
Ron Caudle	Caudles Catch Seafood
John Corbin	Aquaculture Planning & Advocacy, LLC
John Cummings	America Pride Seafoods, LLC
Frank Dulcich	Pacific Seafood Group
Steve Foltz	Chesapeake Fish Co/California Fisheries and Seafood Institute
John Forster	Forester Consulting, Inc
Clifford Goudey	C.A. Goudey & Associates
Joe Hendrix	SeaFish Mariculture
Bill Herzig	Darden Restaurants, Inc
Wade Kaskiw	AKVA Group North America
Don Kent	Hubbs-SeaWorld Research Institute
Sam King	King's Seafood Company
Logan Kock	Santa Monica Seafood
Richard Langan	Atlantic Marine Aquaculture Center, University of New Hampshire
Lori Luebbe	Nebraska Soybean Association
Michael McCoy	California Aquaculture Association
Gib Migliano	Save On Seafood
George Nardi	GreatBay Aquaculture of New Hampshire, LLC
Paul Olin	California Sea Grant Extension Program
Timothy O'Shea	CleanFish\CleanSource, LLC
Jim Osterhaven	Superior Foods Co

Steve Page	Ocean Farm Technologies Inc
Keith Parkerson	United Shellfish Co, Inc
Jim Parsons	Troutlodge Marine Farms
Bev Paul	American Soybean Association
Greg Peters	Nebraska Soybean farmer
Craig Risk	Seattle Fish Company of New Mexico
Bubba Shaw	Shaw 's Southern Belle Frozen Foods
Neil Sims	Kona Blue
Bill Spencer	Hawaii Oceanic Technology, Inc
Matt Stein	King's Seafood Distribution
Chris Stock	Zeigler Bros., Inc
Marty Tanner	Florida Aquaculture Association
Jeff Tuerk	Open Water Systems, Ltd
Natalie Wagner	Lobster Trap
Craig Watson	Tropical Aquaculture Laboratory, University of Florida

Name: **Erin Anderson**

Organization:

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nop\\_comment\\_letter\\_-\\_oregon\\_electeds\\_0.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nop_comment_letter_-_oregon_electeds_0.pdf)

Comment: Please accept the attached comment letter on behalf of the listed elected officials from Oregon. This letter has been updated with additional signers since the version that was submitted on February 27. Thank you for providing the opportunity for stakeholders and the public to weigh in on the draft Implementation Plan for the National Ocean Policy.

Sincerely,

Erin Anderson

March 28, 2012

Ms. Nancy Sutley, Dr. John Holdren, and National Ocean Council Members  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairs Sutley, Holdren, and National Ocean Council Members:

We would like to share our support for National Ocean Policy draft Implementation Plan. As elected officials from Oregon, we are charged with promoting and protecting our communities' assets, including Oregon's coast and ocean.

The draft Plan establishes a strong blueprint for taking action and fostering agency coordination to sustain our ocean, coastal and Great Lakes resources. The draft Plan has successfully incorporated the needs and concerns of governmental, non-profit, and commercial groups and provides clarifying details to improve accountability and monitor progress toward improved ocean management. Frequent notations on how implementing actions are related to one another provide confidence that activities will be coordinated and make good use of limited resources.

Nonetheless, the plan could be improved to achieve even more progress. It should more fully utilize all available authorities for habitat protection and management. Many of the milestones could be extended beyond cataloguing and planning to include action, with tangible, on-the-water activities. Regional need, support, and capacity should guide where coordinated actions should first take place. Federal agencies must continue to ask for input from other levels of the government and the public and incorporate this new information into implementation of the plan.

With these additions, President Obama's Implementation Plan will provide a better guide for achieving the goals of protecting, maintaining, and restoring the nation's oceans, coasts, and Great Lakes and ensuring resilient coastal economies. As elected officials from Oregon, we look forward to the release of the final plan and hope to see policy translated into action on the water soon.

Sincerely,

Mayor Ron Brean  
Yachats, OR

City Councilor Melissa Cadwallader  
Cannon Beach, OR

City Councilor Jim Clinton  
Bend, OR

City Councilor Sandy Dunn  
Yachats, OR

City Commissioner Nick Fish  
Portland, OR

County Commissioner Rob Handy  
Lane County, OR

City Councilor Donna Jordan  
Lake Oswego, OR

City Commissioner Randy Leonard  
Portland, OR

County Commissioner Greg Malinowski  
Washington County, OR

Mayor Mark McConnell  
Newport, OR

Mayor Doug Neeley  
Oregon City, OR

Mayor Kitty Piercy  
Eugene, OR

City Commissioner Dan Saltzman  
Portland, Oregon

County Commissioner Dick Schouten  
Washington County, OR

County Commissioner Pete Sorenson  
South Eugene District, Lane County, OR

Name: **Mark Maslyn**

Organization: American Farm Bureau Federation

Path: <http://edit.whitehouse.gov/sites/default/files/webform/conservation-oceans12.0328.pdf>

Comment: Please find comments from the American Farm Bureau Federation regarding the Draft National Ocean Policy Implementation Plan attached.



**AMERICAN FARM BUREAU FEDERATION®**

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March 28, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, D.C. 20503

**RE: Comments on Draft National Ocean Policy Implementation Plan**

To Whom it May Concern:

The American Farm Bureau Federation (Farm Bureau) appreciates the opportunity to offer its comments on the Draft National Ocean Policy Implementation Plan (Draft Plan). This plan is the product of Executive Order Number 13547, issued by President Obama on July 19, 2010, establishing the National Ocean Council (NOC). The Executive Order itself is similar to legislation that has been introduced in previous Congresses that has failed to generate sufficient support in Congress to pass.

The Draft Plan seeks to implement nine priorities. These priorities include ecosystem management, climate change adaptation, invasive species management and water quality protection, among other things. While Farm Bureau recognizes that the Draft Plan is an attempt to carry out the Executive Order, it is exceedingly broad, encompasses a broad range of authorities, overlaps with existing programs, and is in many ways redundant with other ongoing federal projects or programs.

Specifically, Farm Bureau believes the Draft Plan contains a number of problems that need to be addressed.

First, as written, the Draft Plan could potentially reach any land-based activities that have any potential to have an impact on oceans, coastal areas or the Great Lakes, regardless of where in the United States such actions might take place. The Draft Plan advocates an ecosystem management approach, but does not describe the scope or limits, nor the types or locations of the ecosystems to be managed. As such, the proposal is very far-reaching, going well beyond oceans, coasts and the Great Lakes. The Draft Plan states that special planning may consider inland areas and inland bays and estuaries in planning areas. (p. 86) Draft maps of regional planning areas indicate a reach far beyond oceans, coasts and the Great Lakes. The Draft Plan would establish a top-down regional bureaucracy that would have authority to manage inland, land-based activities that are far removed from the oceans and coasts. Neither the Executive Order nor the Implementation Plan is supposed to be – nor should it be – a blueprint to regulate clean water, clean air, climate change or invasive species across the country. The protection of oceans, coasts and the Great Lakes should not be used to justify such a broad, over-reaching policy that has the potential to affect almost the entire country.

Second, the Draft Plan purports to address issues that are outside the scope of a NOC. Under the guise of the Draft Plan, the NOC and regional planning bodies would be authorized to regulate climate change, water quality and invasive species. All of these issues are being addressed by other programs and should not be dealt with under the NOC. There are statutes to manage clean water and invasive species. Where there are no governing statutes, the Draft Plan cannot create authority where none currently exists. The Draft Plan cannot be used to justify action on a host of issues for which the NOC does not have authority to act.

Third, the Draft Plan would duplicate existing programs. There are already many programs to address climate change, water quality and invasive species, among other things, within the federal and state governments. The Draft Plan adds an additional bureaucratic layer to these efforts, thereby detracting from the effectiveness of all of them. It will do nothing but add regulatory confusion and uncertainty to a host of similar, redundant and sometimes inconsistent programs that address these issues.

The Draft Plan calls for research and development of actions that have already been done or started by other agencies for similar programs. It is duplicative and wasteful for the Draft Plan to “reinvent the wheel” by calling for outcomes that have already occurred in other contexts. The Draft Plan makes no attempt to discover what is occurring with other programs in other agencies, nor does it call for coordination with other agencies to fold existing programs into a single program involving all agencies. In the current budgetary situation, it is wasteful to request funding to develop programs or conduct research that are already in place. Any implementation plan must first assess what other agencies are already doing before committing additional federal resources.

A good example of the redundancies of the Draft Plan with established programs is the chapter entitled “Water Quality and Sustainable Practices on Land.” The narrative of this chapter describes the actions and programs that have been undertaken through the Clean Water Act for the past 40 years. Every one of the actions and programs described are already well under way. The Draft Plan adds nothing to what is already occurring.

The same is true of the discussion on management of invasive species. There are invasive species programs in several different federal agencies, which overlap to some extent. There may be some rhetorical benefit for the plan in calling for the eradication of invasive species where possible, but the narrative adds nothing to efforts already in place. In fact, the invasive species issue illustrates the challenges that are faced by an oceans policy. An Executive Order established the National Invasive Species Council about 10 years ago to coordinate invasive species control programs across the different administering agencies. Staff was hired, a structure established, meetings held and policies issued. The council, however, never accomplished its intended purpose, partly because the different agencies had different missions and cultures, and were reluctant to combine programs. The same fate awaits the NOC, especially if it attempts to become involved in the many issues described in the Draft Plan.

The Draft Plan even duplicates programs on a fairly recent issue like climate change. There are climate change policies and programs in almost every agency, despite the fact that there is no statutory authorization from Congress for any of them. The NOC has no authority to regulate greenhouse gases or to require mitigation. There are many climate change adaptation programs, including a National Climate Change Adaptation Strategy for which the comment period just closed.

Fourth, the Draft Plan would authorize the regional planning bodies to regulate uses on oceans, the Great Lakes and areas affecting the coasts. As part of the Draft Plan, the Coastal and Marine Spatial Planning Initiative would give these bodies the authority to effectively “zone” oceans and the Great Lakes by authorizing management of “competing uses” for oceans, even actions occurring far inland that might have an impact on ocean uses. As mentioned above, many of these activities authorized to be taken by regional boards are already undertaken by federal, state and local agencies under statutory authorities. The regional planning boards represent another layer of bureaucracy to make decisions that are already being made in other contexts. There is no legal authority for the regional planning boards, not to mention that there is no authority for such boards to take actions that are already authorized by other statutes. These boards are redundant and unnecessary.

The Draft Plan states that it will not result in new regulations. The reality, however, will almost certainly be different. The body of the Draft Plan clearly contemplates new regulations and even statutory amendments. For example, page 38 states:

When authorities and responsibilities remain dispersed, poorly defined, or nonexistent, the decision-making process is unclear. The resulting confusion can create roadblocks to public participation, discourage private investment, cause harmful delays, and generate unnecessary costs. This action will help Federal agencies identify and make recommendations to resolve gaps, inconsistencies, and duplications in statutory authorities, policies, and regulations. This will be particularly beneficial in instances when decision-making responsibilities are poorly defined or non-existent due to lack of coherency among differing agency mandates, policies, regulations, practices, or funding. As part of this analysis, opportunities to incorporate EBM principles into statutory authorities, policies, and regulations will be identified.

Similarly, page 39 sets the following milestones:

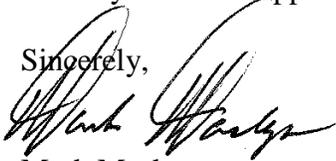
- Identify Federal legal or regulatory gaps, overlaps, redundancies, and inconsistencies to effective collaboration and governance that require further analysis. (NOC Legal Working Group; 2012)
- Review the interpretation and, as necessary, propose to strengthen content and/or application of Federal legislation, including the Coastal Zone Management Act, Coastal Barriers Resources Act, the Stafford Act, and others to incorporate and better support climate change adaptation efforts. (NOAA, DOI; 2013)
- Deliver a report on priority recommendations to accelerate Federal decision-making with actions that would address the regulatory and legislative issues identified in the milestone above. (NOC Legal Working Group; 2014)

Rather than working within the existing regulatory framework, the Draft Oceans Policy and Implementation Plan appears to be just the beginning of new regulations and possibly new statutes as well. Statutory authority and regulations should be in place *before* policies are instituted, not *after* they have been implemented.

The Draft Plan is redundant, unnecessary, without statutory authority and addresses issues clearly outside the scope of its stated purpose. It goes far beyond addressing oceans, coasts and the Great Lakes, seeking to regulate activities occurring far inland. Farm Bureau opposes the Draft National Ocean Policy Implementation Plan as currently written.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Maslyn", written over the word "Sincerely,".

Mark Maslyn  
Executive Director  
Public Policy

Name: **Ashley Carlson**

Organization: American Chemistry Council

Path: [http://edit.whitehouse.gov/sites/default/files/webform/acc\\_comments\\_to\\_noc\\_120328.pdf](http://edit.whitehouse.gov/sites/default/files/webform/acc_comments_to_noc_120328.pdf)

Comment:



March 28, 2012

Mr. Deerin Babb-Brott  
National Ocean Council  
722 Jackson Place NW  
Washington, DC 20503

**Re: Draft National Ocean Policy Implementation Plan**

Dear Chairman Babb-Brott:

The American Chemistry Council (ACC) appreciates the opportunity to comment on the National Ocean Council's Draft National Ocean Policy Implementation Plan. America's plastics makers agree that used plastics and other recyclable materials such as glass and metals do not belong in our oceans, along our coasts, or in the Great Lakes – they belong in recycling bins. To that end, we continue to believe that the NOC should focus its attention on all materials that could become marine debris.

ACC and the global plastics industry support efforts to prevent marine debris and are taking action. In March 2011, the industry announced a *Global Declaration for Solutions on Marine Litter*<sup>1</sup> signed by over fifty-six associations from 34 nations that highlights six steps the industry is taking to address this global challenge. These steps include working in partnership to help prevent plastics from entering the environment, and working with the scientific community and researchers to better understand and evaluate the scope, origins, impact of, and solutions for marine litter. We believe these efforts directly complement the NOC's Draft National Ocean Policy Plan, and ACC welcomes future opportunities for public-private collaboration.

In this context, we believe the following changes will help clarify the overall intent of reducing and eliminating all forms of marine debris.

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**The Plan should focus broadly on “marine debris” rather than “plastic debris” and this should be consistently reflected in the text.**

Any effective marine debris program should address all kinds and forms of marine debris. Plastic debris is a subset of a much larger universe of materials that can make their way into the ocean – including but not limited to glass, metal, paper/cardboard, wood, and cloth. It is thus important that this program scope be accurately and consistently reflected throughout the document by nomenclature that is similarly broad. We suggest “marine debris” be used throughout the materials.

This approach is consistent with the 5th International Marine Debris Conference (5IMDC)'s Honolulu Commitment and Honolulu Strategy – a joint effort of the United Nation's Environment Programme and the U.S. National Oceanic and Atmospheric Administration. ACC supports the Honolulu strategy, and encourages the NOC to consider the use of this internationally accepted terminology here. In addition, the use of the phrase “marine debris” is consistent with the Ecosystem-Based Management's principle that “a narrow single-species or single-use approach to resource management is inherently inadequate, and often results in resource depletion, economic hardships, and environmental risks. A holistic approach that examines and accounts for the complex relationships among species and their habitats is

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<sup>1</sup> [www.marinedebrisolutions.com/global](http://www.marinedebrisolutions.com/global)



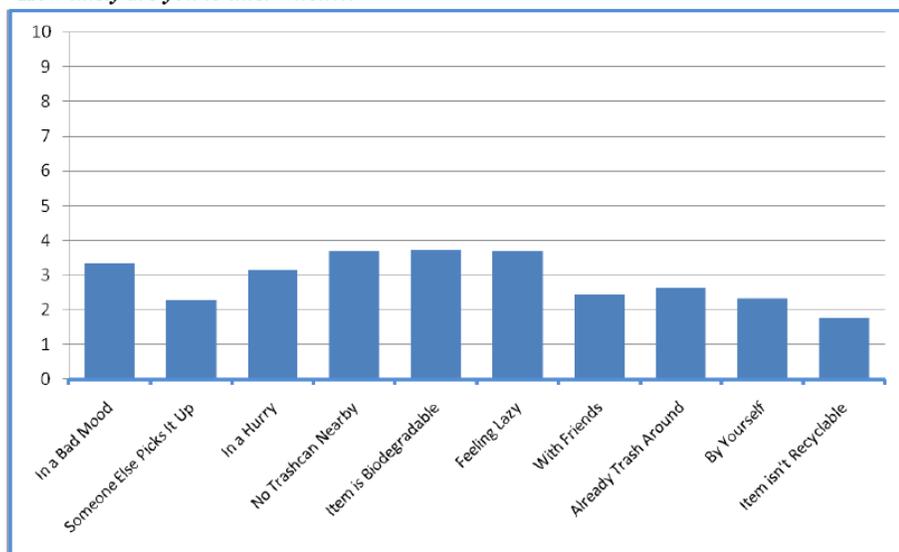
required (page 9).” Similar inadequacies could transpire should focus be placed only on one material – plastics – if a more holistic approach is not used.

### **The Plan should be revised to reflect that biodegradable alternatives are not a solution to marine debris.**

Page 71 of the draft report reads, “Marine debris and trash, especially non-biodegradable plastics, are pervasive problems in and along our watersheds, Great Lakes, coasts, and the ocean.” We recognize that it is more difficult to capture and categorize certain kinds of marine debris: for example, material that sinks or is suspended below the surface, as well as material that has partly degraded. Nevertheless, these kinds of materials are present in marine debris and should be addressed. A credible program should not suggest that marine debris can be defined and segregated into “degradable” and “non-degradable” segments; it should address all sources of marine debris, regardless of how “visible” they are and where they are in the process of degrading or decomposing.

One of the reasons this is particularly important is that a sound policy must anticipate the consequences of material substitution and trade off. It is important not to encourage the littering of degradable materials as acceptable. Behavioral studies, which focus on the behavior that result in litter, note that when products are believed to be “degradable” those inclined to litter may actually be more likely to do so, compounding the litter problem. A 2009 study by Keep LA Beautiful (Littering in the I-Generation)<sup>2</sup> found that a belief that a product is biodegradable is linked to a higher likelihood of littering behavior.

*“How likely are you to litter when...”*



Likewise, it cannot be assumed that biodegradation of materials does not have environmental impacts. More litter making its way into the marine environment is not necessarily better, even if the material is “degradable.” Large volumes of organic materials making their way into watersheds can in fact have devastating effects on the ecosystem, as has been amply documented by the Chesapeake Bay experience of surplus organic nutrients entering the system.<sup>3</sup>

It must also be noted that policies focused on end of life impacts of materials that have become solid waste or marine debris must take into account the service life of the material. Many materials are used in their service life because they provide superior benefits, and, in many cases, they can deliver substantial environmental benefits. Materials that degrade are often not used in food packaging, for example, because the packaging must protect the food from contamination, and the packaging cannot start to “degrade” while it is protecting a food product. FDA, in fact, regulates

<sup>2</sup> Littering and the I- Generation, Keep LA Beautiful, 2009

<sup>3</sup> See, e.g., [http://www.chesapeakebay.net/documents/5377/doc-manure\\_strategy.pdf](http://www.chesapeakebay.net/documents/5377/doc-manure_strategy.pdf)



the amount of material that is allowed to migrate into contained food from the packaging as the packaging “degrades.” And of course, when materials degrade or biodegrade, a chemical process occurs that can have impacts on greenhouse gas emissions.

Material substitution in the sources of marine debris is not as simple as it might appear, and this approach would have significant adverse impacts on the performance of various consumer and industrial products; adverse impacts on productivity and the economy; and potentially even the safety and protection of foods. The temptation to focus on “biodegradable” alternatives as a potential solution to marine debris is an illusory one, and one that could have severe environmental and health consequences that have not been considered or evaluated here. We urge that the draft Report be revised accordingly, and references to biodegradable materials be removed.

**The Plan should be revised to reflect that the use of degradable additives is not at this time a solution to marine debris.**

Degradable additives are one of the newer innovations in the world of plastics. Conceptually, these additives are intended to help plastics that find their way into the environment or a solid waste facility break down into components more quickly than they otherwise would. We applaud the innovation and intent behind these materials. At the same time there are currently a number of issues about the potential impacts of degradable additives in plastics that deserve serious consideration and evaluation of the data. Some of these issues include the potential increase of micro plastics in the marine environment and the potential for degradable additives to weaken “first use” products or shorten the useful life of plastics. They could negatively impact the performance of plastic in its second use, after recycling.

Additionally, the California Integrated Waste Management Board found most products marketed as biodegradable did NOT degrade at all in the marine environment during the relevant study period, although PHA bags experienced SOME disintegration.<sup>4</sup> Most biodegradable products are meant to be sent to industrial composting facilities that deliver conditions controlled for air, heat, water, and oxygen availability to facilitate biodegradation. These industrial facilities are not widely available in the United States and collection does not exist in most jurisdictions.

**Discussions regarding avian impacts from marine debris should be corrected to remove supposition and reflect the known facts.**

ACC agrees with the NOC’s commitment on page 3 of the draft report to, “ensure that high-quality science is carried out, made available, and used in decision-making so that our knowledge of ecosystem science is advanced, thereby enabling more informed decisions in the future.” ACC therefore requests NOC remove “plastic” from “massive amounts of plastic debris that kill seabirds and other marine life” on page 63. This statement misleadingly limits harm to “plastics.” Many scientists have studied the impacts of marine debris on seabirds and marine life. The vast majority of deaths of marine life have been attributed to nets and other fishing gear not “plastic” debris such as plastic packaging. This can be seen in the following chart<sup>5</sup> from Ocean Conservancy observations, which found that fishing line and nets accounts for approximately 57% of the entangled wildlife found over 25 years.

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<sup>4</sup> <http://www.calrecycle.ca.gov/publications/Plastics/43208001.pdf>

<sup>5</sup> “Tracking Trash: 25 Years of Action for the Ocean,” Ocean Conservancy, 2011 report, pg 25, [http://act.oceanconservancy.org/pdf/Marine\\_Debris\\_2011\\_Report\\_OC.pdf](http://act.oceanconservancy.org/pdf/Marine_Debris_2011_Report_OC.pdf)



## 25 Years of Entangled Wildlife Found

	AMPHIBIANS	BIRDS	CORALS/ SPONGES	FISH	INVERTEBRATES	MAMMALS	REPTILES	TOTAL
BEVERAGE BOTTLES	3	8	0	27	47	13	2	100
BEVERAGE CANS	1	2	0	15	17	1	0	36
CRAB/LOBSTER/FISH TRAPS	1	11	1	48	106	3	3	173
FISHING HOOKS	2	76	0	54	10	3	6	151
FISHING LINE	9	722	14	553	237	46	55	1,636
FISHING NETS	3	153	1	249	207	29	30	672
BAGS (PLASTIC)	13	102	0	142	91	33	23	404
RIBBON/ STRING	0	91	0	37	29	7	2	166
ROPE	4	160	0	114	53	71	24	426
6-PACK HOLDERS	2	63	0	52	21	3	5	146
PLASTIC STRAPS	2	30		34	12	5	5	88
WIRE	1	31	1	16	13	7	6	75
<b>TOTAL</b>	<b>41</b>	<b>1,449</b>	<b>17</b>	<b>1,341</b>	<b>843</b>	<b>221</b>	<b>161</b>	<b>4,073</b>

SOURCE: U.S. ENVIRONMENTAL PROTECTION AGENCY, INTERNATIONAL MARINE DEBRIS CLEANUP

In addition, it generally cannot be concluded, based on the presence of debris in the gut, that a bird's death was caused by the presence of the debris. This conclusion typically can be reached only where a specific action was caused by the ingested plastics (swallowed debris might tear the esophagus or something similar). A bird may eat too much plastic and can become malnourished and starve to death; however the statement above does not show the possibility that a bird may have died from a cause unrelated to plastics. The newly released Honolulu Strategy speaks to entanglement and digestion of marine debris, but the Strategy does not make the claim that plastics directly kill marine life. ACC encourages NOC to edit its language accordingly to keep the report factual and science-based.

### The report should emphasize the importance of effective waste management systems as part of the solution to marine debris.

Page 72 of the draft report states that "Marine debris prevention efforts must focus on source reduction and prevention, and on community education and empowerment to action." ACC agrees with these necessary efforts, but the concept of proper solid waste management is missing here. Without effective waste management strategies to support recycling and recovery, prevention efforts will not be enough to address the overall impact of marine debris and trash. Additionally, effective waste management must be holistic, including programming to address all forms of litter and marine debris – not just plastics. The role and importance of waste management strategies should be included in this document.

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Thank you for the opportunity to submit these comments. ACC looks forward to working with the NOC and other stakeholders in the quest to reduce and eliminate all forms of marine debris. Should you have any questions or comments, please do not hesitate to contact me at [Steven\\_Russell@americanchemistry.com](mailto:Steven_Russell@americanchemistry.com), or at (202) 249-6600.

Sincerely,



Steve Russell  
Vice President  
Plastics Division,  
American Chemistry Council



Name: **Lisa Beever**

Organization: Charlotte Harbor National Estuary Program

Path:

Comment: 1. The plan is attractive and easy to read. It appears comprehensive and suitable for a national audience.

2. A list of the actions organized under major heading would be helpful in order to navigate the document. Some portions are more relevant to the reader than others and it would help to pinpoint where we need to be in the document. The PDF could also include internal hyperlinks so that the reader can go directly there.

3. Action 2: Reduce urban sources of excessive nutrients, sediments, toxins, and pathogens includes milestone language for wastewater treatment plants and numeric nutrient criteria. The Charlotte Harbor National Estuary Program recommended numeric nutrient criteria that are included in proposed state legislation. These criteria are based on ambient data and are not suitable to apply directly to wastewater treatment plant NPDES permits. Though the milestone is about identification and information sharing, it is important to note that some adopted numeric nutrient criteria are to measure ambient conditions.

Name: **Lynn Muench**

Organization: American Waterways Operators

Path: [http://edit.whitehouse.gov/sites/default/files/webform/draft\\_letter-\\_oceans\\_policy\\_implementation\\_plan\\_final\\_submitted.doc](http://edit.whitehouse.gov/sites/default/files/webform/draft_letter-_oceans_policy_implementation_plan_final_submitted.doc)

Comment:



## The American Waterways Operators

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Lynn M. Muench  
Senior Vice President - Regional Advocacy

March 28, 2012

National Ocean Council  
722 Jackson Place NW  
Washington, DC 20503

RE: National Ocean Policy Draft  
Implementation Plan

Dear Members of the National Ocean Council:

The American Waterways Operators is the national trade association for the tugboat, towboat, and barge industry. AWO's member companies operate on the Atlantic, Pacific, and Gulf coasts, the inland rivers, and the Great Lakes, safely and efficiently moving more than 800 million tons of cargo per year critical to the U.S. economy.

AWO appreciates the opportunity to comment on the draft National Ocean Policy Implementation Plan. Overall, we support the concept of a nationwide ocean policy. The oceans are an invaluable source of food and livelihood for many Americans, and how the water is managed impacts human health, the environment, and homeland security. An endeavor that seeks to manage the world's largest and most important resource, therefore, must be undertaken carefully and with significant stakeholder input.

We offer the following suggestions on the Draft Implementation Plan:

- **Invasive Species Management:** AWO shares the National Ocean Council's goal of protecting the marine environment in which our vessels operate. We are committed to working with federal, state, and local legislators and regulators to develop and implement environmentally sound and economically practicable solutions to prevent the introduction and spread of aquatic invasive species. We encourage the National Invasive Species Council to build opportunities for maritime industry engagement into its Action 5 Milestones to ensure that its activities are transparent and accessible to all stakeholders. The final products must allow for the continued safe and efficient movement of essential interstate commerce on our coasts and Great Lakes.
- **Economics:** The tugboat, towboat, and barge industry directly provides more than 30,000 jobs and contributes over \$5 billion a year to the U.S. economy. AWO

supports the scientific method and strongly believes any decisions made regarding regulation of the ocean should also include a sound economic impact analysis.

- **Stakeholder Participation:** Stakeholder participation must be robust throughout the process. Public involvement in the regional workshops and the opportunity for input and participation should serve as the model for the entire process. Second, AWO's members have the potential to be greatly impacted and request regular opportunities for participation.
- **Regional Planning Bodies:** Regional bodies formed to plan or execute an aspect of the National Ocean Policy must include stakeholders from all sectors including transportation. This should include easy access to the proceedings through a variety of methods including webinars, podcasts, and in person meetings.

Each regional planning body must ensure the policies it creates are clear and consistent with other regions. Interstate commerce relies on the ability to move easily from state to state. A lack of uniform laws and policies creates ambiguity, making it impossible for mariners to comply as they travel from one state to another.

- **Funding:** Federal resources specifically appropriated by Congress already in place must fund the process. No new taxes or fees should be considered.

Thank you again for the opportunity to comment on the draft Implementation Plan. Please do not hesitate to contact AWO if we can assist further with this process.

Sincerely,

A handwritten signature in cursive script that reads "Lynn M. Muench". The signature is written in black ink and is positioned below the word "Sincerely,".

Lynn M. Muench

Name: **Lisa Levin**

Organization: Center for Marine Biodiversity and Conservation, Scripps Institution of Oceanography

Path: [http://edit.whitehouse.gov/sites/default/files/webform/deepoceancomments\\_nop\\_ip.pdf](http://edit.whitehouse.gov/sites/default/files/webform/deepoceancomments_nop_ip.pdf)

Comment: Please see attached letter with multiple signatures

***Don't forget the deep ocean in the National Ocean Policy Implementation Plan: a letter to the National Ocean Task Force from concerned scientists, engineers and policy experts.***

March 27, 2012

We thank the National Ocean Task Force for an opportunity to submit comments on the National Ocean Policy Implementation Plan.

The deep sea holds many untapped resources – including living resources, pharmaceuticals, energy and many minerals needed for modern technology (precious metals, rare earth elements, phosphorites). Expanded use of these resources should be explored responsibly, with development and conservation practice progressing hand in hand. As with coastal management, an ecosystem-based approach will be required, combined with systematic marine spatial planning. Therefore, we urge the National Ocean task force to better integrate deep-sea issues into the National Ocean Policy Implementation Plan (NOPIP).

The comments below outline in detail several ways that the deep-sea can better be considered in the context of the National Ocean Policy Implementation Plan (NOP-IP). To summarize, they fall into the following five categories:

1. **Explicitly recognize the deep-sea in the wording of the NOP-IP.** This is particularly important when considering climate change and other research frontiers.
2. **Commit to mapping the deep-sea:** Including habitat mapping and biological sampling, so as to be allow scientists to develop a biogeographic classification relevant to future spatial planning.
3. **Commit to reversing the decline in US deep-sea research capabilities.** While the US drastically cuts funding to our premier research institutions such as the National Undersea Research Centers, other countries such as China and Japan are expanding their commercial and scientific deep-sea research programs. Simply put, the US is losing its competitive advantage.
4. **Include deep-sea experts in regional planning** (except for the Great Lakes), recognizing the interconnected nature of the ocean in planning processes.
5. **Include the deep-sea in education and communication** efforts related to the NOP-IP.

**Expanded comments**

The following remarks focus on the implementation and application of the National Ocean Policy in **US deep waters (below 200 m)**. The comments are generated by a diverse group of deep-sea scientists, engineers and policy experts from academic and non-governmental institutions across the USA who believe there should be greater recognition in the implementation plan of the significance and stewardship needs of the US deep ocean. Because many deep-water issues are global in reach and many living resources do not recognize national boundaries, we have included additional support for these statements in the form of international signatures.

The deep ocean within the US EEZ represents a vast expanse of ocean that remains relatively understudied, but is an important economic and scientific frontier and provides significant climate regulation services. With expanding oil and gas extraction activities,

deep-water fishing, debris deposition, and climate change affecting deep-water habitats in the US EEZ, there is growing pressure from direct and indirect stressors. There are also pollutant impacts; mercury and halogenated hydrocarbons occur at high levels in long-lived deep-sea organisms at high trophic levels. Considerable dumping has taken place in US deep waters (radioactive waste, sewage). There are overfished deep-water fisheries (e.g., pelagic armorhead and Pacific ocean perch) and trawling impacts. We write in the belief that the National Ocean Policy implementation plan must specifically address deep-ocean management and sustainability. Our remarks are structured around the national priority objectives.

## **Ecosystem Based Management**

We support the ecosystem-wide approach for the comprehensive management of ocean, coast and Great Lakes. We would further this approach by calling for increased recognition of the linkages and interconnectivity of shallow- and deep-water marine systems as an *Ecosystem-Based Management* priority objective topic. Just as single-species or single-use approaches to management have not been effective in preventing degradation of marine habitats, so too has the lack of recognition of the linkages between shallow and deep waters, hindered our understanding of the structure and functioning of marine ecosystems on larger scales. One example of such linkages is the differential use of shallow and deep waters by different life stages of marine organisms, with concomitant effects on production, biodiversity and ecological resilience in both systems. There are also ecological and energetic linkages between shallow and deep-water ecosystems affected by vertical and horizontal movements of the biota on multiple spatial and temporal scales. There are physical linkages between systems due to circulation, upwelling, and particle transport, which in concert with ecosystem structure, affect the ability of the deep ocean to sequester increased coastal organic production at continental margins. We would suggest that the goal of having *EBM* as a founding principle for the NOC IP requires that the connectivity between US coastal systems and their surrounding deep oceans be recognized as a key, though historically underestimated, process. This change in approach will be an important step in implementing *EBM* for our Nation's large marine ecosystems.

The lack of information about the linkages between shallow- and deep-water systems is one of many data gaps that need to be filled as the implementation of *EBM* advances. We would further the statements of **Action 2** of the *EBM* priority objective by articulating the need for incorporation of deep-water understanding into a science framework. Integrated Ecosystem Assessments and Marine Spatial Planning must be applied in deep water. This will likely require maintaining diverse sources of funding for deep-water research, as these sources are declining – this not only reduces our capacity for informed decision-making, it also threatens our capacity to train future researchers, potentially increasing knowledge gaps. One immediate avenue of approach is to make greater access to and use of the data and images generated by the various US deep submergence facilities. This action would serve the multiple purposes of data generation for assessments and decision-making, as well as providing training and educational opportunities for researchers, managers, and stakeholders (**Action 3**).

Newly established Ocean Observatories Initiative (OOI) infrastructure and existing deep marine monuments can facilitate *EBM* in deep water. We encourage the use of the nation's *deep water* observatories [MC118 Gas Hydrate Observatory (Gulf of Mexico), MARS (Monterey Bay), OOI Endurance Array (OR margin), Pioneer Array (NW Atlantic),

Regional Nodes (Juan de Fuca, Hydrate Ridge)] and deep marine sanctuaries and monuments (Papahānaumokuākea, Mariana Trench, Pacific Remote islands, and Rose Atoll Marine National Monuments,)] for biological studies that inform understanding of environment-organism interactions, response to changing climate, benthic-pelagic linkages and other phenomena that facilitate ecosystem-based decision making. These facilities and protected areas can host pilot projects that test EBM best practices in deep water. Resilience, response times, response trajectories and linkages may differ from those in shallow water – requiring different management practices. To the extent possible, academicians, regulators and industry stakeholders should be encouraged to work together to support and address these issues.

### **Inform Decisions and Improve Understanding**

Deep-sea habitats require special consideration in the context of management and policy decisions. The goal of advancing fundamental scientific knowledge through exploration and research (**Action 1**) is arguably more critical and more challenging in the deep sea than other marine habitats because of our lack of knowledge of deep waters and the difficulty accessing them. To maintain effective and fiscally responsible access to the deep sea it is essential that governmental agencies coordinate the use and support of ocean-going vessels, deep submergence vehicles and seafloor monitoring systems. These facilities should be managed to complement each other and cover essential functions, thereby optimizing research opportunities. An example of a problem caused by the lack of coordinated agency oversight of access to the deep sea is the recent threat to eliminate NURP facilities, including human-occupied deep submergence vehicles. If this happens, it would severely curtail the ability of US scientists to access critical deep-sea regions, many of which are high priority research areas for multiple other agencies (NSF, DOD, EPA, NASA, Sea Grant). As anthropogenic impacts are expanding in the deep sea they are increasingly affecting areas for which there are no data. Funding support for research specifically aimed at exploration and conservation in the deep sea is key to acquiring baselines and assessing impacts.

US researchers recognize that a key strategy for sustained access to the deep sea is through the cultivation of international collaborations. Multinational research teams are able to pool resources to explore remote sites, and take advantage of the added value that results from combining diverse perspectives and approaches.

The deep sea is often overlooked in discussion of economic resources, but it represents a largely untapped reservoir of commercially important mineral and biological products. Recent trends in prices of precious metals and rare earth elements have made mining of hydrothermal sulfide mounds and manganese nodules and crusts economically feasible. Mining is about to be initiated in the western Pacific, and the US has hydrothermal deposits in its EEZ off OR. Unusual adaptations of deep-sea organisms make them ideal targets in the search for novel pharmaceuticals, enzymes, natural products, and microbial biochemical pathways. Sustainable use of deep-sea resources will require the same types of management and policy decisions as used for coastal systems. In cases where the resources are in international waters, there is the added complication of coordination of policy and decision-making on the global level.

Research in deep water is essential for the safety and security of the US public because of the potential devastating effects to human life, as well as commerce and communication, of deep ocean earthquakes and their resulting tsunamis, seafloor

eruptions, and turbidity flows. Monitoring and database development targeted specifically at deep-sea habitats are necessary to understand these processes, design response and evacuation plans, and develop a predictive capability.

The 'wow' factor of exploration in the deep sea, and the visually striking nature of the creatures (enormous red-plumed gutless tubeworms at hydrothermal vents or fields of lacy red corals on deep seamounts), make the deep ocean an ideal subject for outreach and education. This week's trip by James Cameron to the Challenger Deep at the ocean's greatest depth, illustrates the power of human presence in capturing public imagination about the deep sea. The deep sea can serve to engage students and the public into becoming literate about the ocean. Relevant information about the deep sea should be incorporated into science standards for K-12 education, and used to develop displays and content for informal learning platforms in aquariums, museums, national monuments and parks (**Action 6**).

### **Observations: Mapping and Infrastructure:**

The Federal Oceanographic Fleet is clearly identified in the Implementation Plan as a critical component of the Federal Infrastructure. The assessment of capabilities and status of the Fleet (**Action 1**) is an essential step in planning for future needs in deep ocean exploration, monitoring, and research. As the milestones are achieved, we will discover any major gaps in our capabilities.

One of these gaps lies in the availability of global class ships equipped with deep-submergence vehicles for deep-sea research. The number of these assets in the U.S. Fleet has declined over the last few decades. Many of these assets were previously managed by the National Undersea Research Centers, which have all but disappeared due to budget cuts. The loss of the Johnson Sea-Link submersibles from Harbor Branch Oceanographic Institution and the impending loss of the Pisces submersibles from the Hawaii Undersea Research Labs have worsened the situation for the deep-sea community. The prolonged absence of the DSV Alvin for the addition of a new personnel sphere, although an excellent upgrade for this vehicle, has left the U.S. with a complete lack of human-occupied submersibles. There is a conspicuous lack of mention of human-occupied submersibles in the National Ocean Policy. Although we agree that much of the exploration and monitoring of the deep sea is equally suited to unmanned vehicles, there remains a significant place for human-occupied submersibles in the experimental work of deep-sea research, in the spatial understanding of deep-sea ecosystems, and to inspire the next generation of scientists. We feel that this is a significant omission that should be corrected.

Despite this omission, we agree that an increased reliance on the latest technologies in unmanned vehicles could provide us with a better exploratory tools and an increased understanding of the deep-sea environment and resources (**Action 2**). These vehicles include remotely operated vehicles (ROVs) and autonomous underwater vehicles (AUVs), including the gliders mentioned. The new dedicated ship for Ocean Exploration, the NOAA Ship Okeanos Explorer will fill a niche in terms of pure exploration of the deep ocean. The excellent deep-water mapping capabilities of this ship and the open-access model of its mode of operations set an excellent precedent for the development of additional deep-water assets in the Federal Fleet. However, vehicles with sampling capabilities are urgently needed to provide understanding beyond observations. In addition to targeted mapping of specific areas, systematic mapping of the outer

continental shelf and slope during the transit of any capable oceanographic vessel should become standard practice. The milestones in **Actions 5 and 6** address this need for mapping, but fail to extend these priorities to the deep waters of the U.S. EEZ.

Ocean observatories (**Actions 3 and 7**) including moored and/or cabled observatories on the seafloor and the oceanographic drifters mentioned in the plan will also contribute to our understanding of temporal change in the deep sea and will improve our capacity for monitoring of anthropogenic impacts. Examples of effective deep-water cabled observatories include the MARS system in Monterey Bay, VENUS running from Puget Sound to the Juan de Fuca Ridge, as well as the OOI Regional Node, Endurance and Pioneer arrays. The lessons learned from the implementation of these observing systems should be incorporated into the development of additional systems in areas of significant human activities in the deep sea along every U.S. margin. The milestones set up in the description of **Action 3** in relation to the IOOS completely support this deep-sea mission. In addition, joining the international deep observing network would increase our knowledge base for establishing these systems and our capacity for interpretation of long-term observatory data.

In the wake of the Deepwater Horizon Incident, the largest accidental release of oil into the marine environment, the decline in our capacity for deep-sea research was never clearer. Many time-sensitive research expeditions were put on hold, and in many cases the chance to collect data during the incident was lost because of the lack of resources to respond to this deep-water incident. The lack of observatories and baseline data in the deep Gulf of Mexico hampered our ability to adequately recognize and characterize impacts when they were observed. Our increasing exploitative presence in the deep sea needs to be coupled with an increase in the monitoring and research of these habitats.

One of the ways that our monitoring capacity could be increased is through the use of existing industrial infrastructure. In the Gulf of Mexico, where the human presence in the deep-sea is among the highest, there are oil platforms equipped with satellite links, oceanographic sampling equipment, ROVs, and a fiber-optic network that is not being utilized by the scientific community. The Bureau of Ocean Energy Management (a significant deep-water Federal Agency that is only mentioned in reference to the Arctic) has had a pilot program of scientist engagement with deep-water platform operators and could facilitate an increased level of industrial-academic partnership that is long-overdue. Greater data sharing and interaction would significantly improve our capacity for deep-water monitoring with little governmental investment. At the international level – there are ongoing efforts (led by the Intergovernmental Oceanographic Commission) to design a global deep-water observation program. An ideal goal is to “take the pulse” of the deep ocean in various places simultaneously over time, and relate the data to the inherent connectivity with coastal areas subjected to various levels of anthropogenic sources of stress. The US should play an active role in these international discussions and attempt to link observations made in the US EEZ to whole-ocean observing systems.

Commensurate with **Actions 5 and 6**, we recommend complete mapping of US deep waters in multiple modes to allow detailed, high-resolution habitat classification. Such a classification system, required for geospatial planning and EBM, would incorporate hydrographic variables, substrate type and 3-d structure, productivity, circulation and living resources.

## Coordinate and Support

The importance of our *ability to respond to ocean and coastal issues in a coordinated fashion across jurisdictional boundaries and at all levels of governance* was demonstrated clearly by the Deepwater Horizon Oil spill. The interoperability of US government, non-governmental agencies and intergovernmental agencies are especially weak for deep waters. To remedy this we support formation of an interagency working group to coordinate deep-water ecosystem-based research, management and emergency response that crosses sectors – energy, fisheries, minerals, and integrates the natural and social sciences. Ideally this would bring together agencies with deep-water activities (NOAA, BOEM, USGS, US Fish and Wildlife Service, Marine Sanctuaries Program, Office of Naval Research, Coast Guard, NSF etc.), industry stakeholders, scientists and other non-Federal entities (**Action 2**). Subcommittees could address specific regional needs in deep waters of the Arctic, W. Pacific, E. Pacific, Gulf and Atlantic Oceans (**Action 1**). A good model is provided by the ocean acidification community in Europe, which has developed a Reference User Group (RUG) that combines scientists and industrial stakeholders as members, with the purpose of two-way communication (what science needs to know from stakeholders and vice versa) and developing outreach products that help explain relevant issues for stakeholders, the public, and policy makers.

The organisms that inhabit deep-sea and open-ocean environments do not respect maritime boundaries, nor are they limited to adjacent boundaries. Fish, sharks, cetaceans, turtles and seabirds migrate from one side of an ocean basin to another. They can even create another ecosystem when they sink (e.g., whale carcasses). Larval stages may develop at different water depths or in nations than adults. For this reason it is critical to create mechanisms for US regulators, industry and scientists to partner with international working groups to foster global stewardship of deep-water resources and ecosystems (**Action 6**). One approach is development of an International Deep-sea Station, modeled after NASA's involvement in the International Space Station, with human and/or remote presence.

## Regional Ecosystem Protection and Restoration

Ocean ecosystem diversity of the continental and island margins of the United States includes deep-water habitats such as hydrothermal vents, methane hydrate and brine seeps, cold-water coral reefs, and deep-water canyons, all of which support unusual macro- and microorganisms of interest to scientific, educational, pharmaceutical, and biotechnology enterprises. For most continental margin habitats of the US, scientific understanding of ecosystem services and dynamics is poorly developed, making basic research and exploration a critical element of protection strategies.

The distribution and diversity of deep-water margin habitats are themselves poorly known; we have not yet discovered and catalogued all of the habitat types that exist in the deep margins of our continents and islands, nor do we have inventories of deep-water living, mineral, and energy resources or of environments and habitats in need of protection. These knowledge gaps can be closed through mapping, inventory of deep-water habitats and habitat changes (e.g., loss from trawling, oil and gas infrastructure [pipelines, anchors, etc.; habitat additions (decommissioned rigs)] and integrated

multidisciplinary research (biology, geology, chemistry, oceanography, ecology, and assessment of human impacts).

The health of deep-sea ecosystems and their ability to provide products and services are sensitive to human activities, including bottom fisheries and energy and mineral extraction. Marine spatial planning and protection can be extended to deep-water habitats, as exemplified by activities world wide to recommend and promote protection of these habitats through mapping, research, monitoring and assessment, implementation of management regulations and international coordination of activities and design of networks of Marine Protected Areas. Additional research needs include exploration of issues associated with recovery in the deep-sea after catastrophic events.

With development of off-shore wind, turbine, and fossil energy industries, associated deep-ocean infrastructure should aim to reduce impacts, with low-design elements and incorporation of observational instrumentation suites that can advance our understanding of remote and relatively inaccessible habitats and improve protection.

Deep-sea ecosystems of our continental and island margins should be included in discussions of protection and restoration priorities. A suite of decision support tools could be developed that explicitly include deep-water habitats of continental and island margin and promote strategic deep-water conservation, restoration planning, and decision-making. In particular, the Chesapeake Bay watershed should be extended to include the deep waters of the continental margin (**Action 1**). The potential for carbon sequestration and carbon storage functions of continental and island deep-water margins should be evaluated along with the capability of coastal habitats to sequester carbon (**Action 3**). National coral conservation efforts should be expanded to include deep-water coral systems (**Action 4**) to ensure they remain a source of biodiversity and continue to deliver ecosystem services and functions. It is important too, to identify ecologically and culturally significant natural areas in need of protection in deep waters of continental and island margins (**Action 6**) and to begin to develop a roadmap toward a restoration strategy for deep-sea habitats (**Action 7**).

### **Resiliency and Adaptation to Climate Change and Ocean Acidification.**

We strongly support actions that will *yield improved understanding, preparation for, and response to the impacts of climate change and ocean acidification on ecosystems and communities*. Hydrographic alterations associated with climate change are pervasive throughout the global ocean, including the deep sea. Ocean acidification is a known concern, with potentially strong impact on calcifying organisms such as deep-water corals. Warming and associated increased stratification of ocean waters is leading to reduced ocean ventilation, and oxygen declines in the ocean interior. The existing, albeit limited deep-water measurements document warming at abyssal depths and expansion of the ocean's oxygen minimum zones (OMZs), regions of low O<sub>2</sub> and high CO<sub>2</sub>.

Temperature, pH and oxygen changes in deep water affect distributions of living resources. Many deep-sea animals live under stable, invariant environmental conditions and slight changes can exceed their tolerance thresholds. On the US west coast, intensified upwelling is causing a shoaling of low-oxygen, high-carbonate (low pH) waters and stimulating further oxygen demand through nutrient enrichment. Coastal and slope species are subject to habitat compression, with mobile hypoxia-intolerant species migrating into shallower sectors of the water column and benthic species migrate

upslope. Both impose effective habitat loss, change species interactions and increase vulnerability to fishing. These climate stressors can also lead to loss of resilience in deep water, especially important for population recovering from overfishing or trawl damage.

We strongly support **Action 1** and encourage incorporation of deep-water locations into a network of sentinel monitoring sites to track changes in ocean conditions. Baseline data in deep water are essential to tracking ocean change. Certain changes may occur first in the ocean interior or at the deep seabed before emerging into shallow waters. Automated climate-change monitoring in deep waters is technologically feasible for some variables (T, S, O<sub>2</sub>, currents), but additional research and development is needed for others (pH, CO<sub>2</sub>). Maximum use should be made of the nation's deep-water observatories (described earlier) and observing systems (e.g. repeat hydrography, Argo floats) to create long-time series of climate change variables. The US deep-water monuments in the west and central Pacific are also prime locations for climate-observing infrastructure. Each sector of the US deep EEZ should be monitored as different types of climate change forcing occur in each region.

Understanding of climate change impacts can be improved by studying the paleo and historical records of climate change variables and biological response. We encourage use of deep-sea sediment records to enhance national understanding of climate change. Modeling and scenario building also play key roles in developing knowledge for decision-making (**Action 3**). Global ocean modeling of climate change has progressed significantly but regional models are needed to develop management plans on relevant time and space scales. Development of regional *deep-ocean* climate change models and vulnerability assessments are critical for effective ecosystem-based management of deep-water fisheries and non-living resources (**Action 4**).

Superposition of climate and human disturbance are likely to interact synergistically, creating impacts on biodiversity and ecosystem function that are greater than the independent effects. An accidentally oiled deep-sea floor may suffer greater degradation at warmer temperatures; coral recovery from trawling may be slowed at lowered carbonate saturation states, and fish or squid populations recovering from overfishing may lose suitable habitat to ocean deoxygenation. Deep-sea mining, which is still in planning phases, will create highly disturbed settings whose recovery could be slowed by all climate stressors. In all cases environmental management strategies must incorporate understanding of climate change. The consequences of these climate-human interactions are not only scientific, but economic and sociological.

We support **Action 2** in calling for an interdisciplinary research agenda, and argue that this has critical importance in the deep-sea realm, where many types of resource exploitation are just beginning. The coordination of ecosystem, economic, social, and behavioral monitoring is the best way to approach sustainability of the new resource frontiers opening in the deep sea. We support **Action 6** in calling for adaptation strategies in deep as well as coastal waters. Smart siting of oil and gas drilling or fishing activities, use of deep-water protected areas to enhance reseeding following disturbance or depletion, and avoidance of maladaptive options all can reduce adverse climate impacts.

We strongly support sustained, online information exchange across agencies to provide information needed for adaptive decision-making (**Action 5**). The immediate demand for

deep-water baseline data in the Gulf of Mexico during the New Horizon spill exemplifies the need. Only a few agencies in the US currently handle deep-water data – additional coordination is needed among NOAA, DOD (ONR, Coast Guard), DOE (BOEM), DOI (USFWS, USGS), NIST, and NSF to integrate deep-water data bases.

### **Water Quality and Sustainable Practices on Land**

Land use, water quality and disposal practices on land affect not only the coastal ocean, but also open and deep-sea ecosystems. Canyons in particular may create conduits into deep water for man-made debris and chemicals. Contaminants, including TBT, PCBs, BDEs, and DDT have been measured in deep-water squid and fishes from 1000-2000m. These are prey for large fish, sharks and cetaceans, which can accumulate these compounds. Mercury routinely accumulates in economically valuable fishes at high trophic levels. Plastic garbage accumulates in ‘patches’ on the high seas, but also occurs throughout the ocean as tiny particles. Elsewhere in the world terrestrial mine tailings loaded with toxic compounds are deposited onto deep-water slopes and into canyons. Water quality is no longer only a concern in our rivers, estuaries and beaches. We encourage consideration of these deep-water linkages in **Actions 5, 6 and 7**.

Sufficient oxygen is key to ocean health. We applaud **Action 3** for acknowledging that hypoxia can be linked both to terrestrial nutrient inputs (eutrophication) and to offshore waters. Where upwelling brings naturally low oxygen waters onto the shelf (e.g., US West Coast), the coastal waters may be more vulnerable to interaction with land-derived nutrient enrichment and the formation of harmful algal blooms. Ensuing decay may lead to oxygen depletion below organism tolerances and mass kills can occur. The same respiratory degradation of organic matter that depletes oxygen raises CO<sub>2</sub> and creates hypercapnic (low pH) stress as well. We encourage coordinated monitoring of regional differences in oxygen and CO<sub>2</sub> exposure and assessment of their implication for the evolution of organism and ecosystem tolerances to hypoxia. Climate change effects on stratification, ventilation, circulation and oxygenation must be incorporated into regional assessments of hypoxia vulnerability.

We applaud stronger interagency coordination of oil spill prevention and response. We encourage involvement of *deep-sea* scientists in agency planning activities related to spill prevention, response, and subsequent monitoring. Additional research is needed to understand the fate of oil in US deep waters and seabed, including its incorporation into the food web and effects on key ecosystem functions. To facilitate this research, more complete baseline data are required in regions of leasing and active energy extraction.

### **Changing Conditions in the Arctic**

Polar regions and deep-sea ecosystems share many attributes as a result of environmental similarities and evolutionary linkages. In addition, there are deep-water environments in the US Arctic, associated with canyons and slopes; much of this remains uncharted (**Action 5**). These environments are ecologically linked through benthic-pelagic coupling and migrations to the Arctic shelf. Warming, changing sea ice cover and ensuing species redistributions will alter these linkages. Added noise and contaminants from shipping and drilling activities will also affect the system ecology. We encourage the incorporation of deep-water observations (acoustic, hydrographic, biology) into Arctic response planning (**Action 1**), distributed biological observatory research agendas (**Action 3**), and mapping priorities (**Action 5**). Researchers in other

nations, especially Russia, have considerable expertise on the populations that cross national boundaries in the Arctic to feed or reproduce. International partnerships can be formed to share knowledge about these species and to provide effective cross-border management in the face of increasing development activity.

### **Coastal and Marine Spatial Planning**

The proposed Coastal Marine Spatial Planning (CMSP) policy recognizes the critical importance of ecosystem-based management and the need to consider Large Marine Ecosystems (LME), yet restricts planning, implementation and future management to coastal habitats and resources. Of the nine proposed LME regional planning areas, all but one (Great Lakes) include extensive deep-water habitats and ecosystems within the EEZ as well as within the larger LME. As noted several times previously, deep-water habitats are intimately connected to coastal systems and can strongly impact coastal processes, dynamics, function and services. For example, deep-water regions influence important fisheries because nutrient rich waters that enhance coastal productivity derive from off-shelf sources. Zooplankton and fish migrate diurnally and ontogenetically to deeper waters to avoid predators, obtain nutrients, reduce metabolic costs or to complete various stages of their life-cycles. Continental margins play key roles in local and regional biogeochemical cycles, and support remarkable habitat and species diversity. The rich resources of the continental slopes are targeted for intensive exploitation from oil and gas exploration, mining for rare Earth elements and other minerals, deep-water fisheries, the search for biologically active compounds, and for waste disposal. Deep-water habitats are highly sensitive to anthropogenic disturbances and are likely to be strongly impacted by global climate change, especially shifts in surface production, acidification, attenuation of vertical circulation and deoxygenation. Clearly, severe threats exist to the health of these deep-water ecosystems, which will undoubtedly impact coastal ecosystem goods and services. The geographic scope of the CMSP should be extended to include deep-water habitats and regions because of their vital role in coastal ecosystem processes and services, as well as their intrinsic economic, societal and environmental value.

The development, implementation and management of the CMSP regional and interregional policies should involve deep-sea scientists and should not be focused solely on continental shelf resources. It should include regional deep-water expert groups and promote the use of scientific advisory committees in support of spatial planning. Habitats on the continental slopes should be mapped and their environmental, societal and economic value established. The management plan should include policies and regulations for the sustainable use of deep-water resources. Very importantly, it should highlight establishment of MPAs to protect critical and/or sensitive deep-water habitats, species or ecosystem services. It should acknowledge the need for MPAs and similar spatial tools *in deep water* to promote sustainable use but also to preserve biodiversity and ecosystem function. Extending the CMSP to deep water will require investment in research to understand the linkages between coastal and deep-water ecosystems, evaluate potential responses of critical ecological processes to environmental change, and assess the resiliency of deep-water goods and services to planned exploitation, but it is critical for a comprehensive ecosystem-based management strategy.

Respectfully signed by:

Lisa A. Levin, Center for Marine Biodiversity and Conservation and Integrative Oceanography Division, Scripps Institution of Oceanography, La Jolla, CA

Jeff Ardron, Marine Conservation Institute, Washington DC

Erik Cordes, Biology Dept., Temple University, Philadelphia, Pennsylvania

Dimitri Deheyn, Marine Biology Research Division, Scripps Institution of Oceanography, La Jolla, CA

Ron Etter, University of Massachusetts, Boston, MA

Lauren Mullineaux, Woods Hole Oceanographic Institution, Woods Hole, MA

Tracey Sutton, Fisheries Science, Virginia Institute of Marine Sciences, Virginia

Cindy Van Dover, Nicholas School of the Environment, Duke University, North Carolina

Amy Baco-Taylor, EOAS/Oceanography, Florida State University, Tallahassee, FL

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Amanda W.J. Demopoulos, Research Ecologist, U.S. Geological Survey

Charles Fisher, Professor of Biology, The Pennsylvania State University University Park, PA

Chris German, Chief Scientist for Deep Submergence, Woods Hole Oceanographic Institution, Woods Hole, MA

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Lily Simonson, California State Polytechnic University Pomona

Craig R. Smith, Professor, University of Hawaii, Honolulu, HI

Karen Stocks, Interim Director, Geologic Data Center, Scripps Institution of Oceanography, and San Diego Supercomputer Center

Andrew Thurber, Oregon State University, OR

Michael Vecchione, Ph.D., Virginia Institute of Marine Science, College of William and Mary.

Les Watling, Professor, Department of Biology, University of Hawaii, Honolulu HI

Julia Whitty, author, Arizona

### **International Signatures**

Patricio Bernal, Coordinator IUCN High Seas Initiative, Global Marine and Polar Programme, Switzerland

Angelo F. Bernardino, Universidade Federal do Espirito Santo, Brazil

Yannick Beaudoin, PhD, Marine/Economic Geology, GRID-Arendal

Bronwen Currie, National Marine Information Research Center, Namibia

Elva Escobar, ICMYL, Universidad Nacional Autonoma de Mexico, Mexico

Andrew J. Gooday, Ocean Biogeochemistry and Ecosystems Division, National Oceanography Centre, Southampton, UK

Jason Hall-Spencer, Reader in Marine Biology, Plymouth University, UK

Dan Laffoley, Senior Advisor, Marine Science and Conservation, IUCN Global Marine and Polar Programme

Pedro Martinez Arbizu, Senckenberg Research Institute, Germany

Javier Sellanes, Universidad Catolica del Norte, Chile

Paul Snelgrove, Ocean Sciences Centre and Biology Department, Memorial University of Newfoundland, Canada

Kerry Sink, South African National Biodiversity Institute

Andrew K. Sweetman, Norwegian Institute for Water Research (NIVA), Norway

Name: **Kerry Griffin**

Organization: Pacific Fishery Management Council

Path: [http://edit.whitehouse.gov/sites/default/files/webform/pfmc\\_noc\\_comment\\_letter\\_with\\_attachment.pdf](http://edit.whitehouse.gov/sites/default/files/webform/pfmc_noc_comment_letter_with_attachment.pdf)

Comment: Please see the attached Pacific Fishery Management Council letter from Mr. Kerry Griffin regarding comments on the draft Implementation Plan.

If you have any questions, please contact Mr. Kerry Griffin or Dr. Donald McIsaac at 503-820-2280.



## Pacific Fishery Management Council

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7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384  
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | [www.pccouncil.org](http://www.pccouncil.org)  
Dan Wolford, Chairman | Donald O. McIsaac, Executive Director

March 28, 2012

Ms. Nancy Sutley and Dr. John P. Holdren, Co-chairs  
National Ocean Council  
White House Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Re: Draft National Ocean Policy Implementation Plan

Dear Ms. Sutley and Dr. Holdren:

On October 1, 2010, we submitted a letter on behalf of the Pacific Fishery Management Council (Council). That letter, attached here, expressed support for designation of the West Coast Governors' Agreement on Ocean Health (WCGA) to be the designated regional planning body (RPB) for implementation of coastal and marine spatial planning (CMSP) on the U.S. West Coast; and that the RPB include a formal seat dedicated for the Council.

With regard to regional planning bodies, I would like to reiterate the Council's recommendation that the National Ocean Council (NOC) formally recognize a construct of the WCGA (subsequently renamed the West Coast Governors Alliance on Ocean Health) as the RPB for implementation of CMSP on the West Coast. The WCGA has demonstrated its effectiveness and leadership, and would serve as an ideal organization taking the lead in establishing a functioning regional planning body.

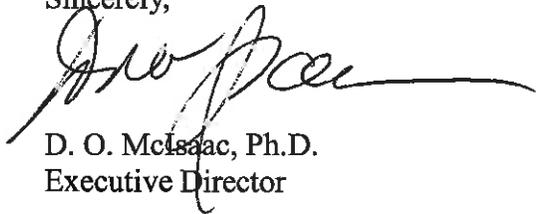
We are pleased to see that the Draft National Ocean Policy Implementation Plan includes a provision for regional fishery management councils to become formal members of the RPBs. The Council has expressed its support for this fundamental feature in the past, and we wish to reiterate that support as you finalize the Implementation Plan.

A growing coastal population and increasing diversity of ocean and coastal uses underscore the need for close coordination between the Council, the WCGA, and the Governmental Coordinating Committee. This level of coordination is a critical element in planning for the future, as our coastal communities depend on a well-managed, sustainable, and vibrant fishing industry.

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Thank you for your continued efforts at engaging regional stakeholders, agencies, Tribes, and other entities, in the pursuit of effective ocean and coastal management. Please do not hesitate to contact me with any questions or concerns you may have with the above recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "D. O. McIsaac", with a long horizontal flourish extending to the right.

D. O. McIsaac, Ph.D.  
Executive Director

KFG:kam

Cc: Council Members  
Mr. Sam Rauch  
Ms. Lisa Bruyckere  
Dr. John Coon  
Mr. Kerry Griffin  
Ms. Jessica Keys



## Pacific Fishery Management Council

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7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384  
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | [www.pcouncil.org](http://www.pcouncil.org)  
Mark Cedergreen, Chairman Donald O. Mclsaac, Executive Director

October 1, 2010

Ms. Nancy Sutley and Dr. John P. Holdren, Co-chairs  
National Ocean Council  
White House Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Re: Advancing Marine Spatial Planning on the West Coast

Dear Ms. Sutley and Dr. Holdren:

At its most recent meeting, September 11-16 in Boise, Idaho, the Pacific Fishery Management Council (Pacific Council) considered Executive Order 13547 regarding marine spatial planning in United States territorial waters. The Pacific Council heard presentations from the National Marine Fisheries Service and the West Coast Governors Agreement on Ocean Health (WCGA) Executive Committee, and took public testimony prior to a discussion of appropriate action by the Pacific Council. The primary purpose of this letter is to communicate two key recommendations toward advancing marine spatial planning on the West Coast: (1) the regional planning body for the West Coast should be a construct of the West Coast Governors Agreement, as opposed to other potential candidate groups, and (2) the Pacific Council should have a formal seat on the regional planning body ultimately established.

Mr. Sam Rauch, Deputy Assistant Administrator for the National Marine Fisheries Service, provided an excellent overview of the Interagency Ocean Policy Task Force, a national perspective of marine spatial planning developments, and comments about the Federal intent to work with regional management entities to accomplish regional implementation of marine spatial planning. He made particular note of the Final Recommendations of the Interagency Ocean Policy Task Force and Executive Order 13547. He also spoke of possible implementation measures and their implications.

Dr. Usha Varanasi, Director, National Marine Fisheries Service Northwest Fisheries Science Center and Ms. Jessica Keys, Natural Resources Policy Advisor, Oregon Governor's Office, both members of the West Coast Governors Agreement Executive Committee, described the current status and activities of the WCGA, and emphasized the many areas of common interest with the Pacific Council. These include ecosystem based approaches to fishery management and habitat protection, seafloor mapping, ocean observing systems, and sustainable coastal communities. Ms. Keys described a developing intent of the WCGA to seek designation as the West Coast regional planning body implementing Executive Order 13547, and requested that the Council assign a point of contact with regard to participation in the marine spatial planning process, especially as it evolves into regional implementation led by regional planning bodies. The

Pacific Council assigned me to serve as the policy-level liaison as the National Ocean Council (NOC) and the WCGA move toward regional implementation of marine spatial planning.

Under discussion, the Pacific Council noted the strong working relationship between the Council and the WCGA, as evidenced by the WCGA's stated desire to "enhance its partnership with the Council" and the recommendation in its Action Plan that the Pacific Council be the body implementing regional ecosystem-based fishery management. It was also noted that successful implementation of the spirit of Executive Order 13547 would require close coordination between the regional planning body and the Pacific Council. We are not currently aware of any competing candidates seeking formal designation as the West Coast regional planning body, but there are possible interest coalitions that may apply. However, the Pacific Council is very comfortable with our first recommendation: that the NOC formally recognize a construct of the West Coast Governors Agreement on Ocean Health as the regional planning body for implementation of marine spatial planning on the West Coast. The WCGA has demonstrated its effectiveness and leadership, and would serve as an ideal organization taking the lead in establishing a functioning regional planning body.

Secondly, the Pacific Council requests that the regional planning body, assumed here to be a construct of the WCGA, include a dedicated seat at any decision table for a representative of the Pacific Council. We note that Part Four of the Interagency Ocean Policy Task Force Report recognizes the "unique statutory responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act" and states that the regional planning bodies would establish a formal mechanism for consultation with Regional Fishery Management Councils. Establishing a formal seat on the regional planning body for the Pacific Council will serve to further the purpose of the Executive Order, the missions of both the WCGA and the Pacific Council, and will cement strong partnership and links between managers, scientists, and coastal communities. The Pacific Council's regional governance responsibilities under the Magnuson-Stevens Act and successful open, public, transparent process represent a natural fit in a forum charged with an optimal, coordinated, institutional approach to marine spatial planning.

In a time of increasing pressure on our ocean resources, collaborative and coordinated approaches are necessary to achieve the kind of effective marine spatial planning that will ensure sustainable ecosystem services and resilient coastal communities. We feel the WCGA can provide for an effective regional planning body, and should be recognized as the foundational entity in this regard. The Pacific Council's successful infrastructure and public interface process makes it an effective partner for implementing marine spatial planning in the future, and therefore should be formally seated at the regional planning body table. Please do not hesitate to contact me with any questions or concerns you may have with the above recommendations.

Sincerely,



D. O. McIsaac, Ph.D.  
Executive Director

KFG:rdd

C: Mr. Brian Baird  
Ms. Joan Barminski  
Dr. John Coon  
Ms. Jessica Keys  
Mr. Bob Nichols  
Mr. Sam Rauch  
Mr. Eric Schwaab  
Ms. Alexis Strauss  
Dr. Usha Varanasi  
Pacific Council Members  
Pacific Council Staff Officers  
Regional Fishery Management Council Executive Directors

Name: **Winston Vaughan**

Organization: Conservation Law Foundation (CLF) and the New England Ocean Action Network (NEOAN)

Path: [http://edit.whitehouse.gov/sites/default/files/webform/final\\_neoan\\_comment\\_letter\\_for\\_noc\\_draft\\_nop\\_implementation\\_plans.pdf](http://edit.whitehouse.gov/sites/default/files/webform/final_neoan_comment_letter_for_noc_draft_nop_implementation_plans.pdf)

Comment: See attached letter. Thank you for the opportunity to comment.



March 28, 2012

Ms. Nancy Sutley, Dr. John Holdren, and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Dears Chair Sutley and Chair Holdren:

On behalf of the New England Ocean Action Network (NEOAN) we offer the following comments on the draft implementation plan for the National Ocean Policy. NEOAN is a multi-stakeholder network comprised of individuals and organizations from New England's educational and research institutions, fishing industry, environmental community, clean energy field and other ocean users, industries and stakeholders. NEOAN supports the development of a comprehensive ocean plan for New England as a means to sustainably grow our region's ocean economy while protecting the health of the ocean ecosystems upon which our quality of life, businesses and communities depend.

We thank the National Ocean Council for their work to develop the draft implementation plan for the National Ocean Policy. New England's coast and ocean are among our region's greatest economic, environmental and cultural assets. Stewarding the natural environment and improving the management of our coast and ocean through a regional ocean planning process (technically known as Coastal and Marine Spatial Planning) will help to grow our region's coastal and maritime economy, restore and protect ocean and coastal ecosystems, and recognize and acknowledge New England's unique maritime heritage. Therefore, we urge the Council to move with all deliberate haste to form a regional planning body (RPB) to undertake regional ocean planning in New England and that the regional planning body in New England be established and operating before the end of 2012.

As you move forward to implement the draft plan for comprehensive ocean planning through the development of a Handbook for Regional Coastal and Marine Spatial Planning (action 1) we further urge you to maintain a focus on developing a planning process that is open, transparent and rooted in both sound science and meaningful participation of the individuals and organizations whose livelihoods and quality of life are deeply connected to the ongoing health of the ocean. Specifically, we urge the development of formal mechanisms for robust stakeholder and public participation in the regional planning process. These mechanisms should include the establishment of an advisory body or bodies to the RPB to facilitate the involvement of stakeholder groups as well as public meetings, forums and comment periods that will allow the general public to understand and participate in the planning process. Taking specific actions to ensure an open planning process will ensure that diverse ocean users

and public stakeholders have a full opportunity for offering technical expertise, scientific data, and local knowledge into the decision-making process of the regional planning body and will result in both a better plan for our oceans and broader public support for that plan.

Specifically, NEOAN urges you to develop a planning process that:

- is developed through an open and transparent process that includes participation of New England's ocean and coastal users and coastal communities;
- uses the best available scientific, economic, and cultural data; legal information; and local knowledge;
- acknowledges and recognizes the economic and cultural importance of the commercial and recreational fishing industries, as well as other historical ocean users;
- supports the sustainable development of both our ocean resources and our local and regional economies;
- seeks to minimize the impacts of human-induced climate change and ocean acidification; maintains adequate federal funding for ocean planning efforts;
- fosters cooperation between federal, tribal, state and local agencies and governments;
- protects, restores and maintains clean coastal waters and healthy ocean and coastal ecosystems for the benefit of human communities and marine wildlife; and
- educates ocean users, the public, regional decision makers and stakeholders about the need and value of a comprehensive regional ocean plan and planning process.

Thank you for the opportunity to comment on the draft plan. We look forward to working with the National Ocean Council and the New England regional planning body to create a plan that will ensure the continued prosperity of New England's coastal economies and communities as well as the rich and diverse ocean ecosystems upon which they depend.

Sincerely,

Winston Vaughan  
Community Outreach Associate, Conservation Law Foundation  
Coordinator, NEOAN

Ben Martens  
Executive Director, Maine Fishermen's Association

John K. Bullard  
President, Sea Education Association

Nicholas Battista  
Marine Programs Director, Island Institute

Capt. Rick Bellavance  
President, RI Party and Charter Boat Association

Richard Nelson  
Captain F/V Pescadero, Lobsterman from Friendship, Maine

Sally McGee  
Northeast Marine Program Director, The Nature Conservancy

Megan Amsler  
Executive Director, Cape & Islands Self-Reliance Corp.

Sarah Schumann  
Oceans Working Group Coordinator, Sierra Club Rhode Island Chapter

Jack Clarke  
Director of Public Policy & Government Relations, Mass Audubon

Rob Moir, Ph.D.,  
Executive Director, the Ocean River Institute

Eugenia Marks  
Senior Director of Policy, Audubon Society of Rhode Island

Jonathan F. Stone  
Executive Director, Save The Bay

Susan Little Olcott  
Stakeholder Manager, Coastal and Marine Spatial Planning, Ocean Conservancy

Dan Pingaro  
CEO, Sailors for the Sea

Name: **Elizabeth Hensley**

Organization: NANA Regional Corporation

Path:

Comment: On behalf of NANA Regional Corporation, Inc. (NANA), thank you for the opportunity to submit comments on the draft National Ocean Policy Implementation Plan. In the historic settlement of Alaska Native aboriginal claims to their homelands, Congress passed the Alaska Native Claims Settlement Act of 1971 (ANCSA). ANCSA called for creation of twelve Alaska Native-owned land-based regional corporations (ANCSA Corporations) to own in fee simple title 44 million acres of land. This is one-tenth of the landmass of the State of Alaska and includes thousands of miles of coastline. NANA is the regional corporation belonging to more than 12,900 Inupiat shareholders originating in northwest Alaska. NANA owns approximately 2.2 million acres of land in northwest Alaska and manages it primarily for subsistence hunting, fishing and gathering, as well as for responsible resource development.

NANA's mission is the following:

"We improve the quality of life for our people by maximizing economic growth, protecting and enhancing our lands, and promoting healthy communities with decisions, actions, and behaviors inspired by our Inupiat Ilitqusiut values consistent with our core principles."

Our core principles are: "Honesty and integrity will govern our activities. Commitments made will be fulfilled. Everyone will be treated with dignity and respect."

Ten villages and one town comprise our region. As is the case in most of Alaska, none of the communities are connected by road to any other community. They are accessible by air and seasonally by water to varying degrees depending on precipitation and by snow machine in the winter depending on snow and ice conditions. The ocean is a provider of cultural and nutritional sustenance to shareholders in our region. It also serves a vital transportation function and has in fact become increasingly trafficked in recent years by marine shippers, oil companies exploring for oil and gas, and cruise ships carrying tourists due to a longer ice-free period.

The National Ocean Council's draft Implementation Plan includes formation of regional planning bodies to engage stakeholders in planning for the use of oceans and coastal resources in relation to Coastal and Marine Spatial Planning (CMSP). CMSP is intended to be a public process to analyze current and anticipated ocean and coastal uses in Alaska.

NANA appreciates the inclusion of tribal governments in the regional planning bodies, as they serve an important government function throughout Alaska. ANCSA Corporations are not included as members in the regional planning bodies. This is a significant oversight, as ANCSA corporations own a significant amount of coastline and both our corporate and shareholder activities are centered in large part around the ocean and coastline. To ensure all relevant stakeholders have an opportunity to participate fully in the regional planning process, we encourage you to include in the plan language adding coastal ANCSA corporations to the list of members of the regional planning bodies.

I would also like to comment on Section 7 of your July 19, 2010 Executive Order on Stewardship of the Ocean, Our Coasts, and the Great Lakes, which mandates establishment of a Governance Coordinating Committee comprised of 18 officials from state, tribal and local governments. It permits the Committee to establish subcommittees which “may include additional representatives from State, tribal, and local governments, as appropriate to provide for greater collaboration and diversity of views.” Because of the unique, vital role of ANCSA corporations in improving the social and economic health throughout the state of Alaska, as well as their status as the owner of Alaska Native traditional lands, much of which is along the coast, NANA encourages the inclusion of representatives of coastal ANCSA corporations.

Again, quyaana - thank you - for the opportunity to comment.

Name: **Marleanna Hall**

Organization: Resource Development Council for Alaska

Path: [http://edit.whitehouse.gov/sites/default/files/webform/rdc\\_comments\\_on\\_nop\\_draft\\_implementation\\_plan.pdf](http://edit.whitehouse.gov/sites/default/files/webform/rdc_comments_on_nop_draft_implementation_plan.pdf)

Comment: Please find a copy of RDC's comments on the Draft Implementation Plan attached in PDF.

Thank you



# RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

March 28, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

*Submitted via <http://www.whitehouse.gov>*

Re: Comments on the National Ocean Policy Draft Implementation Plan

Dear National Ocean Council Members:

Thank you for the opportunity to comment on the National Ocean Policy Draft Implementation Plan (Draft Plan).

The Resource Development Council for Alaska, Inc., is an Alaskan business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism, and fisheries industries. RDC's membership includes Alaska Native Corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

RDC has submitted comments regarding the plan on several occasions, and again urges the National Ocean Council (NOC) to fully consider the following concerns regarding the Draft Plan:

RDC is concerned with the potential negative impacts National Ocean Policy will have on Alaskan communities and projects. The Draft Plan includes 53 actions and almost 300 benchmarks, of which more than half are supposed to be completed by the end of 2013.

This plan places additional burden and uncertainty on Alaskans, threatening to further restrict our ability to access and responsibly develop our natural resources. Alaska has the highest interest in protecting and ensuring the protection of our coastal and marine resources. These resources are vital to Alaska's economy. Alaska, and the U.S., can benefit from our largely untapped resources such as the estimated 27 billion barrels of oil and the 132 trillion cubic feet of natural gas in the Outer Continental Shelf. But development of these resources must not be further restricted or further hindered by unnecessary bureaucratic delay.

In part, Alaska was granted statehood due to our vast natural resources, the federal government expected Alaska to utilize its natural resources to build and sustain its economy. Note that Alaska's constitution includes, "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public

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interest.” But, we must have access to our resources, and avoid uncertainty and unnecessary regulations that offer no added benefit to the environment.

In regard to public policy, RDC questions how the policy can proceed without Congressional authorization. Implementation of the Plan will likely cost a considerable amount of federal dollars and adds another level of bureaucracy to our already highly regulated and protected oceans and surrounding areas. The Draft Plan’s national objectives should focus on reducing unnecessary measures and improving existing programs and policy.

In response to the recent announcement to include a seat on the Regional Planning Bodies (RPB) for a member of the Regional Fishery Management Councils (RFMC), RDC is disappointed in the limiting factor that the individual must be a government representative. This continued refusal to include stakeholders outside of government reflects the lack of consideration for all other stakeholders. Additionally, RDC remains concerned that the authorities of the RFMCs to manage fisheries will be undermined by the actions of the Regional Planning Bodies. Having a single seat on the RPB does not mitigate this concern.

### **Coastal and Marine Spatial Planning**

RDC continues to be concerned with the NOC’s goal to develop Coastal and Marine Spatial Planning (CMSP). RDC reiterates our previous recommendation to use areas interested in and supportive of CMSP as pilot projects. CMSP should not be enforced by the federal government in areas which are already well managed and where it is unsolicited.

Further, the Handbook for Regional CMSP should be subject to public input, review, and comment. All stakeholders should have the opportunity to be engaged, and all science, including that of industry, should be used to develop any policy. CMSP should be transparent and should demonstrate exactly what the program is expected to achieve, how such actions will be achieved, and who has authority to make related decisions.

### **Changing Conditions in the Arctic**

The Draft Plan calls for improvement of Arctic development response, coordination of science and data, and new studies. The NOC must ensure the new studies and efforts do not unnecessarily delay or curtail activities, effectively making those activities unviable.

Regulations intended to reduce sea ice loss will likely negatively impact Alaska’s economy at a disproportionately higher magnitude.

### **Conclusion**

Before further proceeding, the NOC must fully consider the potential economic impacts that the National Ocean Policy may have on industries across the nation, including fishing, oil and gas, energy, mining, transportation, tourism and more.

In addition to the comments above, RDC respectfully endorses the more detailed comments developed by the National Ocean Policy Coalition (dated February 27, 2012).

Thank you for the opportunity to comment.

Sincerely,



Marleanna Hall  
Projects Coordinator

Name: **Kate Williams**

Organization: Alaska Oil & Gas Association

Path: [http://edit.whitehouse.gov/sites/default/files/webform/03282012\\_aoga\\_cmts\\_draft\\_nop\\_implementation\\_plan.doc](http://edit.whitehouse.gov/sites/default/files/webform/03282012_aoga_cmts_draft_nop_implementation_plan.doc)

Comment:

## Alaska Oil and Gas Association

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Anchorage, Alaska 99503-2035  
Phone: (907) 272-1481 Fax: (907) 279-8114  
Email: [williams@aoga.org](mailto:williams@aoga.org)  
*Kate Williams, Regulatory and Legal Affairs Manager*

March 28, 2012

National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

### **Re: Comments on the Draft National Ocean Policy Implementation Plan**

Dear Members of the National Ocean Council:

The Alaska Oil and Gas Association (AOGA) appreciates the opportunity to provide comments on the Draft National Ocean Policy (NOP) Implementation Plan (Draft Plan), released on January 12, 2012. AOGA is a business trade association whose member companies represent the majority of oil and gas exploration, development, production, transportation, refining, and marketing activities in the state.

The Draft Plan covers the nine NOP national priority objectives, two of which are of particular interest to AOGA, Changing Conditions in the Arctic and Coastal and Marine Spatial Planning (CMSP), and replaces the previous effort to issue Strategic Action Plans for each objective. AOGA remains engaged on this issue because of the policy's potential to significantly impact resource and economic development in Alaska. We continue to be concerned about the lack of detail included in the Draft Plan, and thus the ability to provide substantive, meaningful input on implementation of the NOP.

For example, under the priority objective to "Inform Decisions and Improve Understanding," science activities will be informed by recommendations from *Science for an Ocean Nation: An Update of the Ocean Research Priorities Plan*. As of the public comment deadline, however, the report has yet to be released to the public. Furthermore, important details regarding implementation of CMSP were not included in the Draft Plan, and instead will be addressed in the *Handbook for Regional Coastal and Marine Spatial Planning*. To date, the Handbook has not been released, and there is no assurance that public comment will be collected.

AOGA agrees that more streamlined permitting and regulatory processes are needed, but that this should be accomplished through existing statutory and regulatory regimes. According to statements by the National Ocean Council (Council) and other senior level officials in the Administration, the NOP will not change existing Federal authorities and responsibilities; however, the Draft Plan includes contradictory language. For example, language is included that the NOP and Draft Plan

“do not change existing Federal authorities and responsibilities,” yet one of the milestones for the Legal Working Group for 2013 is to complete review of Ecosystem-based Management-relevant statutes and regulations to identify “potential legislative changes that would fill gaps and support full implementation of EBM.” The Council needs to clarify in the final plan that the NOP will only be implemented through existing statutory and regulatory regimes.

Furthermore, under the priority objective to better coordinate and support management of our oceans, coasts and Great Lakes, the Council should address the importance of and need for streamlining permitting processes across all agencies, rather than just focusing on a pilot project for aquaculture permitting.

Under the priority objective addressing changing conditions in the Arctic, the Draft Plan does not acknowledge, but should, existing government and industry Arctic prevention and response capabilities. For example, the oil spill response plan for Shell’s 2012 oil and gas exploration programs in the Beaufort and Chukchi Seas that was recently approved by the Bureau of Safety and Environmental Enforcement; significant oil spill prevention and response capabilities have been developed and will be available and onsite this summer as part of Shell’s exploration programs. In fact, these programs cannot and will not proceed in the absence of adequate response capabilities.

Of primary concern to AOGA is CMSP, particularly the potential for the program to result in exclusionary zoning of Alaska’s oceans and coastline and additional layers of bureaucracy for project planning and development purposes, and thus, increased project delay, costs and uncertainty. Language in the Draft Plan also raises concern that the geographic scope of the NOP will be expanded beyond the coast to include inland areas.

Importantly, the Draft Plan includes very little information on the Regional Planning Bodies (Planning Bodies), only that membership will be restricted to Federal, state and tribal authorities relevant to CMSP. Stakeholders will have no direct representation on the Planning Bodies, despite the fact that they are charged with creation and implementation of regional CMS plans encompassing all ocean and coastal uses. AOGA believes membership on the Planning Bodies should be expanded to include representatives from these stakeholder groups. However, at a minimum, the Draft Plan should specify the processes and procedures for stakeholder and public engagement with the Planning Bodies on CMSP issues. Apparently, this information will be included in the Handbook, but again, it is not clear whether public input will be collected or the policies included in the Handbook discretionary or mandatory. Additionally, it will take time for the Planning Bodies to organize and establish CMS plans; therefore, the Draft Plan should clarify that lack of a Planning Body in a region or CMS plan does not in any way impact project approvals under existing statutory and regulatory regimes.

Finally, with regard to CMSP, the Council is charged with “certifying” the regional CMS plans. However, no details are provided on the process or criteria that will be used to certify the plans and there has been no indication that this information will be provided in the CMSP Handbook or otherwise made available for public review and input.

In general, AOGA is concerned the NOP, particularly CMSP, will be used as a tool for litigation given the lack of detail described above and prevalent throughout the Draft Plan. This is a real concern and one the NOC should acknowledge before pursuing implementation much further or so broadly across regions.

AOGA is also concerned about how plan implementation will be funded, especially given scarce Federal resources across all agencies. Implementation of the NOP should not be given priority over existing regulatory and permitting programs necessary for approval and oversight of resource and economic development projects in Alaska and elsewhere or funds diverted away from these programs.

Developing Alaska's vast Outer Continental Shelf (OCS) resources is essential to any effort to reduce the nation's dependence on foreign sources of oil and should not be unjustifiably impeded by unclear project regulation and development procedures. Alaska's OCS is estimated to hold approximately 27 billion barrels of oil and 132 trillion cubic feet of natural gas, the development of which would translate into an annual average of 54,000 new jobs over 50 years, \$145 billion in payroll throughout the U.S. and \$193 billion in revenues to state, local and Federal governments. These resources are also vital to stemming the decline of throughput through the Trans-Alaska Pipeline, identified as critical national infrastructure, which is currently operating at one-third capacity and will face continued operational challenges without additional supply. Implementation of the NOP should not hinder efforts to develop the resources contained in Alaska's OCS.

AOGA does not agree that the NOP should be implemented without detailed information on all aspects of implementation, including the science that will be used and collected to inform implementation and how the Regional Planning Bodies will operate and the policies and procedures for development of CMS plans and public engagement. At a minimum, AOGA believes that implementation should not occur until there has been opportunity to provide input on these important issues.

In addition to the comments outlined above, AOGA also endorses the comments of the National Ocean Policy Coalition. If you have any questions on our comments or concerns with implementation of the NOP, please do not hesitate to contact me.  
Sincerely,

Sincerely,



KATE WILLIAMS  
Regulatory and Legal Affairs Manager

Name: **Keith Phillips**

Organization: WA Governor's Executive Policy Office

Path: [http://edit.whitehouse.gov/sites/default/files/webform/wa\\_nop\\_letter.pdf](http://edit.whitehouse.gov/sites/default/files/webform/wa_nop_letter.pdf)

Comment:



STATE OF WASHINGTON  
GOVERNOR'S EXECUTIVE POLICY OFFICE  
100 Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113

March 28, 2012

The Honorable Nancy Sutley  
Co-Chair, National Ocean Council  
Chair, White House Council on Environmental Quality  
Executive Office of the President  
722 Jackson Place NW  
Washington, DC 20503

The Honorable John Holdren  
Co-Chair, National Ocean Council  
Director, White House Office of Science and Technology Policy  
Executive Office of the President  
722 Jackson Place NW  
Washington, DC 20503

Re: Comments on the National Ocean Policy Implementation Plan

Dear Chairs Sutley and Holdren:

Thank you for the opportunity to comment on the National Ocean Council's (NOC) *Draft National Ocean Policy Implementation Plan*. As a member of the West Coast Governors Alliance on Ocean Health (WCGA), Washington State affirms its support for the WCGA's comments on the Implementation Plan and for the federal government's efforts to strengthen regional ocean partnerships (Coordinate and Support – Action 1). Within the context of these regional priorities, we are writing to underscore some specific examples of work underway in our state that relate to the effective implementation of the National Ocean Policy, and to highlight actions in the Implementation Plan that are important to near-term progress in Washington state.

Governor Gregoire and NOAA Administrator Dr. Jane Lubchenco recently announced a joint Shellfish Initiative to address permitting, restoration and research issues facing resource managers and the shellfish industry. As part of this initiative, the Governor also announced establishment of a blue ribbon panel on ocean acidification comprised of scientific experts, government agencies, tribes, shellfish growers and others to provide recommendations to address this growing problem in Washington's marine waters. These efforts can serve as a pilot and help the NOC achieve its proposed milestones under the proposed National Shellfish Initiative (Inform Decisions and Improve Understanding – Action 2) and under ocean acidification (Climate Change and Ocean Acidification – Action 2).



In 2007, Governor Gregoire initiated a major effort to restore Puget Sound to health by 2020. The Puget Sound Partnership leads an innovative planning process that helps guide the priorities and activities in this marine water body, and secured effective coordination across federal, state, local, tribal and private entities. While many Puget Sound priorities connect with actions proposed in the draft Implementation Plan, our approach to ecosystem based management of the Sound provides a good opportunity for demonstrating key principles in the National Ocean Policy (Ecosystem-Based Management – Action 4).

Washington adopted a law on marine spatial planning in 2010 and has been working initial steps related to identifying and filling data gaps, engaging stakeholders through a newly formed coastal advisory body, and establishing effective governance through improved mechanisms for coordinating with coastal treaty tribes. In order to make progress on marine spatial planning on Washington's Pacific Coast, we need priority attention to the following types of information:

- Social and economic information. Basic information on human use patterns and trends, economic valuations, job assessments, social and economic indicators, and access to and translation of traditional and cultural knowledge, are key to the successful and sustainable protection and management of ocean resources (Inform Decisions and Improve Understanding - Action 4). Washington is working with NOAA to map the footprint of current human uses in our marine waters. In addition, we are looking to identify ecological, social and economic indicators. Progress in this area would showcase how federal work on integrated ecosystem assessments can support state and regional planning efforts.
- Physical and resource data to support planning for marine renewable energy. Resource managers considering energy siting proposals need data on physical processes and biological resources, as well as research on impacts of new technologies. It would be helpful if the NOC could increase access to relevant data by conducting active outreach to partners and by providing data in readily useable formats such as GIS maps (Inform Decisions and Improve Understanding – Action 2).
- High resolution seafloor mapping off of Washington's coast. Procuring seafloor data is a high priority for Washington because it provides critical information on habitat, geology, and other seafloor features needed to move forward with spatial planning. It would be helpful to establish a mechanism for engaging states, regions, and tribes in the process for prioritizing seafloor mapping work, as these entities have local knowledge to contribute (Observations, Mapping and Infrastructure – Action 5).

Healthy marine ecosystems are essential to the economic and social benefits we derive from them, as underscored by the draft implementation plan. The National Ocean Council should clearly identify the importance of sustaining coastal tribes and coastal communities and highlight activities designed to achieve that goal throughout the implementation plan. For example, planning efforts should seek to integrate new, marine uses in ways that do not cause significant harm to the sustainable management of traditional, existing uses.

The National Ocean Policy encompasses many of the priorities and activities of Washington State and the West Coast region. These shared priorities provide a great opportunity to ensure vibrant coastal communities and healthy oceans both now and for future generations. We look forward to continuing to partner with the West Coast States and the National Ocean Council on effective implementation.

Sincerely,

A handwritten signature in black ink that reads "Keith Phillips". The signature is written in a cursive style with a large, stylized "K" and "P".

Keith Phillips  
Governor Gregoire's Energy and Environment Advisor

cc:

Richard Whitman, Oregon Governor's office  
Secretary Laird, California Resources Agency

# NATIONAL OCEAN COUNCIL

Name: **Theodora Dowling**

Organization: Public Lands Council/National Cattlemen's Beef Association

Path: [http://edit.whitehouse.gov/sites/default/files/webform/livestock\\_comments-\\_national\\_ocean\\_policy\\_march\\_28\\_2012.pdf](http://edit.whitehouse.gov/sites/default/files/webform/livestock_comments-_national_ocean_policy_march_28_2012.pdf)

Comment:

March 28, 2012

Ms. Nancy Sutley  
Chair  
The Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Submitted electronically to <http://www.WhiteHouse.gov/oceans>

**RE: Draft National Ocean Policy Implementation Plan, Federal Register Notice  
2012-840, 77 FR 2514**

Dear Ms. Sutley,

Public Lands Council (PLC ) and National Cattlemen’s Beef Association (NCBA) jointly submit these comments on the Draft National Ocean Policy Implementation Plan (Draft Plan), part of a larger initiative from the White House (through the Council on Environmental Quality) to “zone” the ocean and coastal areas of the country, as outlined in [Executive Order 13547](#). Both of our organizations represent thousands of livestock producers that could be affected by this Draft Plan.

Initiated in 1898, NCBA is the trade association and marketing organization for America’s cattle producers. With offices in Denver and Washington, DC, NCBA is a consumer-focused, producer-directed organization representing the largest segment of the Nation’s food and fiber industry. Our members are proud of our tradition as stewards and conservators of America’s open spaces, and good neighbors to our communities. We support and conduct wide-ranging measures to protect our environment, which we carry out every day of every year in supplying America and much of the rest of the world with the food they need.

PLC has represented livestock ranchers who use public lands since 1968, preserving the natural resources and unique heritage of the West. Public land ranchers own nearly 120 million acres of the most productive private land and manage vast areas of public land, accounting for critical wildlife habitat and the nation’s natural resources. PLC works to maintain a stable business environment in which over 25,000 federal grazing permittees can conserve the West and feed the nation and world. As representatives of family farmers and ranchers with a vested interest in protecting the environment, NCBA and PLC are pleased to provide the following comments.

NCBA and PLC are concerned that CEQ’s Draft Plan, if finalized, will impose overly restrictive regulations on our members. As stated on page 64 of the draft, “A number of programs at various levels exist to address point and non-point source pollution. They offer opportunities to significantly reduce the input of pollutants to water through concrete mechanisms that integrate and coordinate with land-based pollution reduction programs. The actions in the Draft Plan are designed to address the major impacts of urban and suburban development and agriculture—

including forestry and animal feedlots—on ocean, coastal, and Great Lakes waters.” Action Item 1 under this section of the Draft Plan goes on to states that “rural sources of excessive nutrients, sediments, toxics, and pathogens” will be reduced. Additionally, the Draft Plan calls on specific federal agencies to take actions that have not been authorized by Congress while setting arbitrary deadlines that may or may not be feasible. These specific actions go as far as to call on the Environmental Protection Agency to require actions from states that violate the federalism concept set forth in the Clean Water Act. Not only are many of these actions based on dubious legal ground; one can be certain that whatever actions are taken will result in higher costs to our producers, not to mention taxpayers.

Adding regulations with such far-reaching, vague requirements and objectives inevitably stifles economic growth and leads to a flood of environmental litigation. Furthermore, the nation’s current multiple-use approach to managing ocean and coastal resources would be altered by the Draft Plan, requiring single purpose management, without regard to cost and without adequate flexibility to balance competing values.

We have opposed legislative attempts to implement similar ocean zoning policies—none of which were ever reported out of committee. Now, the administration has issued an order without congressional approval, not to mention specific statutory authority. We are concerned that with lack of oversight, costs to the regulated community and to taxpayers will grow exponentially with this new policy and accompanying bureaucracy.

We appreciate your consideration of our comments.

Sincerely,

Public Lands Council  
National Cattlemen’s Beef Association

Name: **Dr. Chanda Meek**

Organization: University of Alaska Fairbanks

Path: [http://edit.whitehouse.gov/sites/default/files/webform/comments\\_to\\_noc\\_3-28-12.pdf](http://edit.whitehouse.gov/sites/default/files/webform/comments_to_noc_3-28-12.pdf)

Comment: Thank you for the opportunity to comment on the draft plan. Please see the attached letter.

**Department of Political Science**

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Fairbanks, Alaska

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March 28, 2012

Ms. Nancy Sutley and Dr. John Holdren  
National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairs Sutley, Holdren and National Ocean Council Members,

I would like to commend the Council on the Draft Implementation Plan and provide comments on the plan to address National Priority Objective 8: Changing Conditions in the Arctic.

As you know, Alaska allowed its coastal zone management program to sunset in July of 2011. Along the same timeframe, NOAA's budget to support its work in the Arctic was facing significant cuts. Because maintaining resiliency of the social-ecological systems in the Arctic is so important to our successful adaptation to climate and climate-forcing industrial change, I believe that the National Ocean Council's work is critical to helping coastal communities and the broader public in Alaska navigate change. Especially important to this effort is the Council's focus on improving coordination among government agencies and broadening out participation in ocean governance. Both of these critical services are missing in Alaska today, or satisfied by an ad-hoc response by non-governmental organizations, academia and government agencies.

With these aims in mind, I find the plan's approach to coordinated governance and stakeholder relations in the Arctic unclear, especially as it relates to understanding and responding broad-scale change. Objective 8 outlines an impressive data collection and disaster response effort but without an established Regional Ocean Council, a state coastal program or sufficient resources for NOAA's Arctic program, I think the public will not have sufficient means or avenues to participate in building stewardship of the Arctic. Therefore, the Council may have to maintain a special focus on stakeholder and intergovernmental relations in Alaska so that the U.S. moves forward in protecting vulnerable species and habitats and managing multiple coastal uses in federal waters.

I also reiterate earlier comments submitted to the Council that adaptation requires the use of social indicators as well as biological observing systems and physical hazards mapping to understand vulnerabilities and adaptive capacities of communities and governments.

Thank you for the opportunity to comment on the draft Implementation Plan.

Sincerely,

Chanda L. Meek, PhD



Name: **Steven Hart**

Organization: Soy Aquaculture Alliance

Path: [http://edit.whitehouse.gov/sites/default/files/webform/soy\\_aquaculture\\_alliance\\_draft\\_ocean\\_policy\\_comments\\_march\\_28\\_2012.pdf](http://edit.whitehouse.gov/sites/default/files/webform/soy_aquaculture_alliance_draft_ocean_policy_comments_march_28_2012.pdf)

Comment: See attached PDF

March 28, 2012

The Honorable Nancy Sutley  
Chair, Council on Environmental Quality  
Co-Chair, National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

The Honorable John P. Holdren, PhD  
Director, Office of Science and Technology Policy  
Co-Chair, National Ocean Council  
725 17<sup>th</sup> Street NW  
Room 5228  
Washington, DC 20502

Dear Chairwoman Sutley and Director Holdren:

On behalf of the Soy Aquaculture Alliance (SAA), thank you for the opportunity to offer comments on the Obama Administration's Draft National Ocean Policy Implementation Plan as put forth by the National Ocean Council.

As the Administration prepares to issue Final Implementation Plans for the National Ocean Policy, SAA would like to highlight the critical economic benefits that our nation derives from the resources found in our ocean and coastal waters as well as the tremendous potential that exists for even greater economic benefits to be gained from these waters.

Our comments will focus on areas of direct relevance to the mission of SAA and our interest in sound, transparent, and efficient Federal policies, regulations, and programs that support and foster increased domestic production of sustainable finfish aquaculture that uses innovative alternative soy based feeds to minimize impacts aquaculture on the broader ocean ecosystem. Of the nine priority objectives contained in the Draft Implementation Plans, we will be focusing our comments on Priority Objective Two: *Inform Decisions and Improve Understanding*; and Priority Objective Four: *Coordinate and Support*.

SAA would like to highlight that there are synergistic ties between our nation's farmers and marine aquaculture and that the nation as a whole stands to benefit from an oceans policy that encourages innovative as well as time tested methods to achieve the maximum sustainable yield of proteins from our nation's coastal and ocean waters. Modern finfish aquaculture can dramatically increase yields of protein from seafood in a manner that is sustainable and that has minimal environmental impact. Final Implementation Plans that make a real commitment to offshore aquaculture will ensure that America can meet growing global demand for seafood in a sustainable manner.

**Priority Objective Two - Inform Decisions and Improve Understanding: *Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes.***

SAA concurs with the themes highlighted in the opening paragraph of objective two, particularly that "strong science, technology, and engineering capabilities are the foundation for making informed decisions and improving our understanding" of how to manage our resources. Additionally, the introduction notes that the "innovative spark" "drives our economy and improves our quality of life" and we appreciate that inclusion of this concept in the draft.

The U.S. aquaculture industry has the potential to be the world's most sustainable and best managed aquaculture industry, but the lack of a concise regulatory framework from which to operate within has led to American innovators taking their innovations and their investments to other countries, thus denying the nation of the direct benefit of decades of research into aquaculture. The lack of permitting regulations (not strong science, technology, or engineering capabilities) is the barrier to freeing innovation to create a thriving and sustainable domestic aquaculture industry.

SAA welcomes the opportunity to collaborate with federal agencies in the development of aquaculture science, engineering, and technology and recognizes that the Federal government has played and will continue to play an important role in advancing our knowledge about aquaculture. We are pleased that the draft plans recognize this and that they support continued investment in and advancement of fundamental sciences. The U.S. Federal government has been sponsoring and supporting aquaculture science, research and development for well over 35 years including innovative efforts in partnership with SAA members to develop alternative soy based feed sources.

SAA looks forward to this continued relationship with Federal agencies as implementation plans are adopted and commercial aquaculture investments in Federal waters are adopted.

***Action 2: Provide scientific information to support emerging sustainable uses of resources including renewable energy, aquaculture, and biotechnology***

SAA is pleased to see that this action item includes both NOAA and the USDA as participating agencies. We note the positive results from agency collaborations between NOAA, USDA and the Soybean industry through the Alternative Feeds Initiative and the development of the SAA. Under milestones, we note that the National Science and Technology Council's Interagency Working Group on Aquaculture has ongoing interagency initiatives and hope that new milestones build upon existing efforts.

On June 9, 2011, NOAA finalized their Marine Aquaculture Policy and we appreciate the comments on the draft NOAA policy made by the Marine Fisheries Advisory Committee (MAFAC) that NOAA should “redouble its efforts to implement this policy and the 10 year plan once it is adopted to make up for this lost time.”<sup>1</sup> The 2011 NOAA policy builds on the NOAA's 10-year plan for Marine Aquaculture published in 2007, which is based on and draws from the National Aquaculture Act of 1980; the 1998 NOAA Aquaculture Policy; the 1999 Department of Commerce Aquaculture Policy; the 2003 Code of Conduct for Responsible Aquaculture Development in the United States, Exclusive Economic Zone; the U.S. Commission on Ocean Policy's Final Report to Congress (2004); President Bush's 2004 Ocean Action Plan; NOAA's 2005 Annual Guidance Memorandum for FY 2008-2012; and the proposed National Offshore Aquaculture Act of 2007 (HR 2010 and S 1609).

Each of these policies, plans and proposals has been subjected to public scrutiny and has supported numerous research initiatives. Additionally, in 2004 NOAA in conjunction with the Gulf of Mexico Fishery Management Council began a multi-year process to authorize aquaculture in the Gulf of Mexico. This process included a full Programmatic Environmental Impact Statement as required by the National Environmental Protection Act (NEPA) and a Regulatory Impact Review and a Regulatory Flexibility Analysis as required by the Regulatory Flexibility Act of 1980 and Executive Order 12866. This plan was finalized in 2009, but has yet to be implemented.

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<sup>1</sup> MAFAC Comments on NOAA Draft Aquaculture Policy, April 7, 2011, page 1.

Final Implementation Plans for the National Ocean Policy that focus NOAA, USDA, and their interagency partners on the timely implementation of NOAA's 2011 Marine Aquaculture Policy and the 2009 Gulf of Mexico Fishery Management Plan Aquaculture Amendment will ensure that Action 2's goals of supporting jobs and innovation are achieved.

**Action 5 and Action 6: *Develop human capacity and the skilled workforce necessary to conduct ocean research and manage ocean, coastal, and Great Lakes resources & Increase ocean and coastal literacy by expanding the accessibility and use of ocean content in formal and informal educational programming for students, educators, and the public.***

SAA supports efforts to increase knowledge and awareness of the link between the land and our oceans across all levels of the education system. SAA notes that the soybean industry has demonstrated that providing teachers with the tools to tie plant science, resource management and food production to aquaculture practices has been successfully used to deliver existing science curriculums and build curiosity and interest in science. SAA notes the absence of the US Department of Agriculture from these action items and that education initiatives that tie together aquaculture with plant sciences can effectively demonstrate the symbiotic link between the land and the ocean ecosystems.

Thank you for the opportunity to submit comments regarding the Draft Ocean Policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Hart". The signature is fluid and cursive, with the first name "Steven" and the last name "Hart" clearly distinguishable.

Steven Hart, Ph.D.  
Executive Director  
Soy Aquaculture Alliance

# NATIONAL OCEAN COUNCIL

Name: **David Ullrich**

Organization: Great Lakes and St. Lawrence Cities Initiative

Path: [http://edit.whitehouse.gov/sites/default/files/webform/glscli\\_national\\_ocean\\_policy\\_032812.pdf](http://edit.whitehouse.gov/sites/default/files/webform/glscli_national_ocean_policy_032812.pdf)

Comment: Please see attached comments. Thank you.

Comments on the National Ocean Policy –Draft Implementation Plan  
Great Lakes and St. Lawrence Cities Initiative  
March 28, 2012  
David A. Ullrich, Executive Director

Thank you for providing an opportunity to comment of the draft implementation plan. Much hard work has gone into its development, and significant progress has been made.

The overall themes, objectives, actions, milestones, and outcomes identify the key issues that need to be addressed and what needs to be done about them, by whom, and by when. Tracking implementation will be critically important.

The most fundamental problem with the plan is the degree to which local government is left out of the process of planning and implementation. This is especially so in the Regional Planning Bodies. With the recognition in the plan itself of the major impacts that cities have on coastal areas and the adjacent waters, it is difficult to understand why local governments are not included in the Regional Planning Bodies. A tremendous resource in terms of understanding the problems, developing solutions, and the authority to act on them is being excluded from the process. Merely providing an opportunity to comment to another order of government is not sufficient. Also, when the time comes for buy-in to the implementation of the plan, it will be exceedingly difficult to get local governments to do so. This flaw should be corrected immediately.

The importance of science and data are properly recognized. Although there is reference to the existing programs as part of IOOS, GLOS for the Great Lakes should be specifically acknowledged. There is great opportunity to better integrate data and deliver it to users in an understandable form under these programs.

As to recognition of existing plans, the importance of the Great Lakes Regional Collaboration needs further emphasis. In addition, the funding mechanism under the Great Lakes Restoration Initiative plus the critical importance of the existing Lakewide Management Plans and the anticipated revised Great Lakes Water Quality Agreement must be acknowledged and integrated into the planning effort so the actions are coordinated.

This is a critically important effort to the future of the waters of the United States and there still is an opportunity to correct the fundamental flaw of leaving out local governments. Please do so.

Name: **Josie Quintrell**

Organization: NFRA

Path: [http://edit.whitehouse.gov/sites/default/files/webform/nopimplementationplancomments\\_final.pdf](http://edit.whitehouse.gov/sites/default/files/webform/nopimplementationplancomments_final.pdf)

Comment:



# National Federation of Regional Associations for Coastal and Ocean Observing

205 Oakledge Rd  
Harpswell, ME 04079

March 28, 2012

**Josie Quintrell**  
Executive Director

**Board of Directors**

- AOOS*
- Molly McCammon
- Ed Page
- CaRA*
- Jorge Corredor
- Roy Watlington
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- Julie Thomas
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- Debra Hernandez
- Dick Dodge

**Honorary**

- Braxton Davis, *The Coastal States Organization*
- Nancy Colleton, *The Alliance for Earth Observations*
- Vice Admiral Paul Gaffney, II (retired), *Monmouth University*
- Mark Luther, *Alliance for Coastal Technologies*
- Scott Rayder, *Computer Sciences Corporation*
- Emily Woglom, *The Ocean Conservancy*

Ms. Nancy Sutley, Dr. John Holdren, and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Re: Comments on Draft National Ocean Policy Implementation Plan

Dear Chairs Sutley, Holdren, and Members of the National Ocean Council:

I am pleased to submit the following comments on behalf of the Board of Directors of the National Federation of Regional Associations for Coastal and Ocean Observing (NFRA). NFRA is a non-profit organization formed by the 11 IOOS Regional Associations (RA) to provide a common voice for regional coastal observing.

We appreciate the opportunity to provide comments on the Draft National Ocean Policy Implementation Plan as addressing the key issues facing our oceans, coasts and Great Lakes will depend on collaboration among all levels of government, private industry, NGOs and stakeholders. We hope the following comments are helpful to your efforts.

**I. Overall comments:**

The National Ocean Policy (NOP) sets the overall a framework for addressing critical ocean, coastal and Great Lakes issues. Our hope was that the Implementation Plan (Plan) would contain more specific action steps for how existing programs could be leveraged and integrated across agencies and at all levels of government to address the NOP. While progress has been made in this direction, many of the actions and milestones are program-specific and do not link together existing efforts into a comprehensive plan.

All of the priority objectives mention the need for improved monitoring/observations, modeling, data management and the development of decision support tools at the regional level. This critical infrastructure should be identified in the Implementation plan as a fundamental need for implementing the National Ocean Policy.

Similarly, many sections stress the importance of a regional approach to these issues. The Plan should put forth a plan for how the federal government can effectively work with regional entities including existing and planned Regional Ocean Partnerships, the IOOS Regional Associations and the regional offices for federal agencies. These efforts are mentioned individually but not as part of an overall strategy.





# National Federation of Regional Associations for Coastal and Ocean Observing

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Executive Director

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Finally, the plan fails to mention the critical role that non-federal partners (universities, NGOs, states, tribes, IOOS Regional Associations (RAs), etc) can and should play in implementing the NOP. This is a missed opportunity. Almost all federal agencies benefit from these partnerships, through the results of research, expertise, leveraging of assets or the implementation of management programs. For example, the IOOS regions are a powerful tool for obtaining and disseminating ocean information through a stakeholder-driven process. A stakeholder driven process is actually required by the IOOS authorizing legislation, The Integrated Coastal and Ocean Observation System Act of 2009 (ICOOS Act), in Sec. 12304(c)(4)(A). The regions are also a model for promoting efficiency and collaboration between data users, data providers, and separate federally-funded programs. The Implementation Plan should clearly indicate the role such partnerships will play in the successful implementation of the NOP.

## II. Specific Comments on the Observation, Mapping and Infrastructure Section.

Many of the implementation strategies mentioned for Action 4 of the “Observations, Mapping and Infrastructure” objective focus on the implementation of the ICOOS Act. These actions are already being addressed by the U.S. IOOS Program Office. The National Ocean Policy Implementation Plan should identify new actions that IOOS and its partners should take to implement the NOP.

Many of the milestones include inventories or assessments. While these are important program steps that document baselines, they should not be used as milestones. Milestones should refer to the outcomes of specific actions. As a user-driven system, the milestones should relate to the delivery of information to decision-makers.

We recommend the milestones be revised to include the following actions:

- 1) The development of a national subsurface observation plan that would provide operational observations in the water column to support climate monitoring, ecosystem-based monitoring/decisions and the Arctic. This plan should be developed by experts from both federal agencies and IOOS RAs as well as nationally-recognized experts. The plan would examine the need for fixed assets such as buoys and mooring as well as the use of automated underwater vehicles such as gliders.
- 2) The development of a strategic plan for how U.S. IOOS can best address the need for operational biological observations, in the context of what is currently being done or planned for by other federal agencies.
- 3) The development of a working group comprised of operational modelers from federal agencies and IOOS regional modelers to determine how the regional scale models supported by IOOS regions can be integrated into federal efforts and expanded to address the needs identified in this Plan for ecosystem models and climate models.





# National Federation of Regional Associations for Coastal and Ocean Observing

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Harpwell, ME 04079

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Executive Director

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### III. Resiliency and Adaptation to Climate Change

The Plan calls for the creation of “Sentinel Sites” (p. 55) for monitoring climate change. Regional IOOS is one of the few programs that have operational subsurface monitoring capacity linked to the federal data management system. A ten-year dataset from the Gulf of Maine has demonstrated that the change in water temperatures and other properties varies throughout the water column (NERACOOS, 2012). Sea surface temperature is a valuable measurement but is not a substitute for water column measurements that reveal how physical changes are affecting ecosystem changes.

Page 58 calls for the development of regional-scale models and projections. All 11 IOOS RAs are supporting regional scale modeling, including the development of coupled models to link changes in physical, chemical and biological parameters. This milestone should build on these efforts, as well as those already underway in federal agencies.

Thank you for the opportunity to provide comments. We are happy to answer any questions you may have and look forward to working with the NOC on implement the nation’s first National Ocean Policy.

Sincerely,

Josie Quintrell,  
Executive Director, NFRA



Name: **Dave Raney**

Organization: Sierra Club

Path: [http://edit.whitehouse.gov/sites/default/files/webform/sierra\\_club\\_comments\\_on\\_nop\\_implementation\\_plan.pdf](http://edit.whitehouse.gov/sites/default/files/webform/sierra_club_comments_on_nop_implementation_plan.pdf)

Comment:



March 28, 2012

Ms. Nancy Sutley, Dr. John Holdren, and Members  
National Ocean Council  
c/o Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

**Re: Sierra Club Comments on Draft National Ocean Policy Implementation Plan (the Plan)**

Dear Chairs Sutley and Holdren and National Ocean Council Members,

**General Comments**

The Sierra Club strongly supports the National Ocean Policy (the Policy), and welcomes the opportunity to suggest ways for accelerating its implementation.

We recognize that implementation of the Policy faces challenges, both financial and ideological, in Congress and recommend that high priority be given to those elements of the Policy that can be implemented with existing resources. We also support efforts to seek and obtain additional resources for implementation of the Plan, including resources that would be made available to regional, state, and local entities to assist with implementation of the Plan.

Some Congressional opponents of the Policy and Plan attack them as efforts to impose a federal, top-down, approach on state and local governments and the private sector. Congress needs to hear strong support for the Policy from its constituents, and this would be fostered by a bottoms-up approach to Plan implementation. This approach appears to be consistent with **Action 1 “Support regional priorities and enhance regional partnerships,”** of the **Coordinate and Support** priority objective, as well as other actions under the following National Priority Objectives: **Regional Ecosystem Protection and Restoration, Resiliency and Adaptation to Climate Change and Ocean Acidification, Water Quality and Sustainable Practices on Land, and Coastal and Marine Spatial Planning.**

In soliciting comments on the Plan, you asked the following two questions:

- Does the draft *Implementation Plan* reflect actions you see are needed to address the nine priorities for the ocean, coasts, and the Great Lakes?

- What is the most effective way to measure outcomes and to detect whether a particular action in the *Implementation Plan* has achieved its intended outcome? Would a report card format be useful?

In general, the Plan does identify actions necessary for addressing the nine priorities for the ocean, coasts, and the Great Lakes. Our comments will go into more detail as to actions we see as high priorities in specific planning regions.

Regarding measurement of outcomes, we note that many of the outcomes are quite general, e.g. **“Shared goals and a collaborative approach to EBM will improve management and yield healthy and productive ecosystems for the long term,”** and would be difficult to measure. Some outcomes, e.g. **Pilot projects in locations primed for near-term implementation of EBM will facilitate the development and improvement of tools, methods, and capabilities for broader use”** are more specific and it may be feasible to measure the degree to which such outcomes have been achieved. While achievement of outcomes is the ultimate test of the Plan, it is important to have a tracking mechanism for the actions that are proposed as means for achieving outcomes. If the actions are not implemented on a timely basis then the likelihood of achieving the associated outcomes would be diminished.

The Plan identifies specific actions, the agencies tasked to carry them out, and a target date for completion. It also identifies specific milestones under the actions. We suggest that to effectively track progress on actions and milestones it would be helpful to (1) where appropriate, identify a lead agency responsible for overseeing completion of the action, (2) show a start date as well as a completion date, and (3) where possible, break out the actions and milestones by planning region, e.g. conduct an EBM training workshop within the Northeast Region within the calendar year 2012.

The remainder of our comments will focus on specific recommendation within the National Priority Objectives.

## ECOSYSTEM-BASED MANAGEMENT (EBM)

We agree with the statement that **“the Federal Government–wide implementation of EBM is a major shift in how the Nation considers human uses of ecosystems, moving away from a sector-by-sector approach to management toward a more integrated way of doing business.”**<sup>1</sup> We support efforts to expand implementation of EBM beyond the federal government to include use by regional, state, and local decision making entities. We also support the proposed milestone to **“Develop and initiate an outreach and education program to inform stakeholders and the public of the benefits and principles of EBM.”**<sup>2</sup> Regional workshops under this milestone would be helpful in promoting stakeholder involvement in implementation of the Plan, and we recommend that such workshops be initiated in at least some regions within the year 2012.

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<sup>1</sup>Draft National Ocean Policy Implementation Plan, page 2

<sup>2</sup> Ibid, page 16

## Recommendations:

- Replacing species-based fishery management with EBM approaches should be a high priority.
- Impacts of climate disruption on coastal wetlands should be evaluated within an EBM context that recognizes the ecosystem services provided by wetlands, and identifies opportunities for expanding those services in coastal climate change adaptation plans. Examples of wetland services include the value of wetlands as buffers to sea level rise, habitats for migratory birds along the Atlantic Flyway, carbon sequestration and denitrification. Plans for adaptation to climate change in coastal areas should take into account changes in coastal geomorphology; predictions of flooding and tidal surges from major storm events; and changes in the distribution and abundance of marine biota.
- The Waquoit Bay watershed on Cape Cod might offer a good pilot project locale for demonstrating EBM principles. Such a project could build on the EPA Waquoit Bay Watershed Ecological Risk Assessment and SMAST Massachusetts Estuary Program models that explore nutrient loading impacts, including water quality problems and loss of eelgrass beds.

## INFORM DECISIONS AND IMPROVE UNDERSTANDING

**Action 2** of this objective calls for providing “...**scientific information to support emerging sustainable uses of resources including renewable energy, aquaculture, and biotechnology.**”<sup>3</sup> Sierra Club strongly supports development of clean and renewable energy sources, including wind energy and other projects within coastal waters, while seeking to avoid or minimize impacts on natural resources. We support the provisions of the Plan, such as tools available under CMSP, that help us look at potential regional impacts of projects (e.g. potential impacts on endangered North Atlantic Right Whales that may occupy or transit through wind energy projects).

We also support sustainable marine aquaculture projects conducted with adequate environmental controls, monitoring, and enforcement. We note that one of the milestones under Action 2 is “**Establish a National Shellfish Initiative, in partnership with commercial and restoration aquaculture communities, that includes pilot projects to identify ways to simultaneously maximize the ecosystem benefits (i.e., nutrient filtration, habitat provision, restoration) and commercial value of shellfish aquaculture, and develop a plan to increase shellfish production in U.S. waters.**”<sup>4</sup> The Washington State Shellfish Initiative is one of those pilot projects now underway, and is of particular interest to members of the Washington State Chapter of the Sierra Club. The proposed milestone speaks of partnerships with commercial and restoration aquaculture communities, but the Initiative must also include provisions for local community stakeholders to engage in decision making related to these projects, in an open and transparent manner. Maximization of ecosystem benefits **and commercial value** of shellfish aquaculture may not be the most appropriate goal when commercial shellfish aquaculture is viewed in the broader context of alternate uses for the public and private resources involved.

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<sup>3</sup> Ibid, page 20.

<sup>4</sup> Ibid, page 20.

## OBSERVATIONS, MAPPING, AND INFRASTRUCTURE

As stated in Action 4<sup>5</sup> of this objective, sustained observation systems provide the observational backbone underlying decisions made at regional and local scales to address maritime commerce, safety at sea, weather and climate forecasts and effects, national and homeland security, maritime law enforcement, sustainable living marine resources, and ecosystem health. While many decisions regarding adaptation to climate change must be made at state and local levels, the quality of those decisions will depend in large part on the quality of the data used to predict the outcomes of various policy alternatives. Operating and maintaining the required infrastructure to provide these data are beyond the capabilities of most, perhaps all, state and local governments. The services described under this priority objective are an example of the value of having a National Ocean Policy and supporting infrastructure. Rather than dictating decisions as state and local levels, as some opponents of the NOP charge, implementation of the NOP will improve the quality of the data used by state and local entities in making the decisions that they must make.

### Recommendations:

- There is a need for adequate benthic mapping of essential fish habitats designated in the NEFMC's Omnibus Habitat Amendment under development by the New England Fishery Management Council.

## COORDINATE AND SUPPORT

Support for the Plan will be enhanced by actions that demonstrate the relevance of the Plan to marine and coastal conservation efforts already underway in various regions. These efforts include those undertaken by the existing regional ocean and Great Lakes partnerships listed under Action 1<sup>6</sup> of this objective.

Many of the crucial decisions impacting our ocean, coasts, and the Great Lakes take place at local, state, or territorial levels. We support the proposed milestones under Action 2<sup>7</sup> of this objective, which include the milestone “**Identify and prioritize specific opportunities to partner with non-Federal entities and organizations on National Ocean Policy priorities.**” Much of the regional planning that has taken place so far has been primarily by governmental and tribal entities, with varying degrees of public involvement. Action 2 should promote participation by NGOs and the general public as needed to effectively provide bottoms-up input to the governmental entities.

## REGIONAL ECOSYSTEM PROTECTION AND RESTORATION

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<sup>5</sup> Ibid, page 30.

<sup>6</sup> Ibid, pages 36-37.

<sup>7</sup> Ibid, pages 37-38.

We view this priority objective as one of the most important, and relevant, objectives for our grassroots members, who are actively engaged in protecting and restoring those special places with which they are familiar. The Sierra Club also recognizes that ecosystems cross many political boundaries and their protection requires a regional approach, as exemplified by our Mississippi River Issue Team, consisting of members of several state Chapters working to reduce Nitrogen and Phosphorus pollution in the Mississippi Ecoregion and reduce the Dead Zone in the Gulf of Mexico.

### **Recommendations:**

- We support the milestones under Action Item 1<sup>8</sup> that identify priority sites for development of mapping and other tools in support of regional ecosystem protection and restoration.

## **RESILIENCY AND ADAPTATION TO CLIMATE CHANGE AND OCEAN ACIDIFICATION**

As in our previous comments, we believe the Plan should promote efforts to deal with the causes of climate change and ocean acidification, as well as the impacts. The costs to be incurred by state and local entities adapting to climate change and ocean acidification will be enormous, and the future costs of adaptation will be affected by actions we take, or fail to take, here and now. Some members of Congress who dismiss warnings from climate scientists as “junk science,” may at least pay attention to messages coming from the market place, in the form of rising insurance rates for coastal properties and other economic signals.

We do need to adapt to predicted impacts from greenhouse gases already in the atmosphere, and many actions under the Plan will help provide the scientific data needed by state and local entities for their adaptation strategies, as we mentioned above under the Observations, Mapping, and Infrastructure priority objective.

### **Recommendations:**

- In Massachusetts, and likewise elsewhere along other coastal areas, we need better lidar vertical elevation data to support coastal inundation models and climate adaptation plans to address challenges from relative sea level rise. We need better groundtruthing to decrease the uncertainty in the lidar vertical elevation estimates. We note that Action 6<sup>9</sup> under Observations, Mapping, and Infrastructure recognizes that need in seeking to “**Improve and implement coastal change analysis products and a sustained and seamless description of coastal and marine elevation extending from on-shore coastal areas (Coastal National Elevation Dataset) through the U.S. Exclusive Economic Zone and extended continental shelf, including elevation models and derived map products, which meet the needs of decision-makers.**”

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<sup>8</sup> Ibid, page 46.

<sup>9</sup> Ibid, page 32.

## **WATER QUALITY AND SUSTAINABLE PRACTICES ON LAND**

We appreciate that the National Ocean Policy recognizes the connections between land practices and marine and coastal water quality. We support the priorities the Plan gives<sup>10</sup> for addressing water quality issues in high priority watersheds, including support for the Mississippi River Basin Healthy Watersheds Initiative, Chesapeake Bay Initiative, and Great Lakes Restoration Initiative.

## **CHANGING CONDITIONS IN THE ARCTIC**

This Plan objective identifies the need to “**Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.**”

We agree with the duty to exercise environmental stewardship in the very unique and ecologically important Arctic region, and that stewardship should be the overriding goal of this objective. We are concerned that **Action 1, Improve Arctic environmental response management**, under this objective appears to assume that accelerated development of the Arctic is inevitable and must be accommodated. We agree on the need to have an adequate environmental response management plan in place to protect against impacts from resource extraction or marine transport activities, but stress the need to exercise strong stewardship measures to strictly limit and control the types and scale of such activities in the environmentally fragile Arctic region.

We support the concept of an international distributed biological observatory (DBO) in the Pacific Arctic sector, and the goals of providing a better understanding of how climate change affects Arctic biology, and identification of the steps necessary to improve stewardship of the Arctic marine ecosystem.

## **COASTAL AND MARINE SPATIAL PLANNING**

We welcome and appreciate the implementation of the ocean.data.gov data portal and ongoing improvements in CMSP tools enabling organizations such as ours to access data layers on regional scales.

## **CONCLUSION**

Thank you for the opportunity to present our comments on this very important document.

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<sup>10</sup> Ibid, page 65.

Name: **Mark Albertson**

Organization: Illinois Soybean Association

Path: <http://edit.whitehouse.gov/sites/default/files/webform/isaoceanpolicycomments.pdf>

Comment: The Illinois Soybean Association is in favor of a fair, streamlined and common sense approach to ocean policy. Our oceans have the potential for producing an abundance of sustainable farm raised seafood for countless generations. The technology and expertise exists today. Our formal comments are attached.



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March 28, 2012

The Honorable Nancy Sutley  
Chair, Council on Environmental Quality  
Co-Chair, National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

The Honorable John P. Holdren, PhD  
Director, Office of Science and Technology Policy  
Co-Chair, National Ocean Council  
725 17th Street NW  
Room 5228  
Washington, DC 20502

Dear Chairwoman Sutley and Director Holdren:

The Illinois Soybean Association is statewide organization representing soybean farmers and their interests in local, state and national policy. We are pleased to offer our comments on the Obama Administration's Draft National Ocean Policy Implementation Plan as put forth by the National Ocean Council. We would also like to echo the comments made earlier by the American Soybean Association and the Soy Aquaculture Alliance.

The Draft Implementation Plan focuses on nine priority objectives highlighted under the National Ocean Policy. Of the nine priority objectives, we will be focusing our comments on objectives two and four, Inform Decisions and Improve Understanding and Coordinate and Support.

**Priority Objective #2 - Inform Decisions and Improve Understanding:** *"Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes."*

We agree strongly with the themes highlighted in the opening paragraph of this objective, particularly that "Strong science, technology, and engineering capabilities are the foundation for making informed decisions and improving our understanding" of how to manage our resources. As the introduction notes, the "innovative spark" "drives our economy and improves our quality of life," however for the U.S. aquaculture industry, the lack of government permitting regulations (and not strong science, technology, or engineering capabilities) are the barriers to freeing innovation to create a thriving and sustainable domestic aquaculture industry.

We fully support federal investments in aquaculture science, engineering, and technology and recognize that the Federal government has played and continues to play an important role in advancing our knowledge about aquaculture, however we are concerned that the assertion that "improved science is particularly needed in regard to emerging sectors such as ... aquaculture..." (page 18) infers that sufficient knowledge does not exist for aquaculture to move forward at this time and will be used as a barrier to regulatory proposals to permit aquaculture in U.S. Federal waters. The U.S. Federal government has been sponsoring and supporting

aquaculture science and research for well over 35 years including innovative efforts to develop alternative feed sources that we strongly support.

**Action 2: Provide scientific information to support emerging sustainable uses of resources including renewable energy, aquaculture, and biotechnology**

We support this action item in general and are pleased to see that it includes both NOAA and the USDA as participating agencies, but we are puzzled by the second milestone which calls for the establishment of an “interagency aquaculture initiative that supports jobs and innovation” and that the deadline for such an initiative would be 2015.

Supporters of aquaculture have grown weary and leery of NOAA’s penchant for initiatives and action plans and policies and interagency efforts. To put forward a call for a generic interagency initiative and to set a deadline that is three years away causes many in the aquaculture field to wonder how serious these implementation plans could be.

Most recently, on June 9, 2011, NOAA finalized their Marine Aquaculture Policy and we echo the comments on the draft NOAA policy made by MAFAC that NOAA should “redouble its efforts to implement this policy and the 10 year plan once it is adopted to make up for this lost time.” The 2011 NOAA policy builds on the NOAA’s 10-year plan for Marine Aquaculture published in 2007, which is based on and draws from the National Aquaculture Act of 1980; the 1998 NOAA Aquaculture Policy; the 1999 Department of Commerce Aquaculture Policy; the 2003 Code of Conduct for Responsible Aquaculture Development in the United States, Exclusive Economic Zone; the U.S. Commission on Ocean Policy’s Final Report to Congress; the President’s 2004 Ocean Action Plan; NOAA’s 2005 Annual Guidance Memorandum for FY 2008-2012; and the proposed National Offshore Aquaculture Act of 2007 (HR 2010 and S 1609).

Each of these policies, plans and proposals has been subjected to public scrutiny and have supported numerous research initiatives. Additionally, in 2004 NOAA in conjunction with the Gulf of Mexico Fishery Management Council began a multi-year process to authorize aquaculture in the Gulf of Mexico. This process included a full Programmatic Environmental Impact Statement as required by the National Environmental Protection Act (NEPA) and a Regulatory Impact Review and a Regulatory Flexibility Analysis as required by the Regulatory Flexibility Act of 1980 and Executive Order 12866. These processes were completely open, transparent, and subject to multiple public comment periods.

Milestone three, which calls for estimating the contribution and impacts (including jobs) could be done sooner than 2015 for aquaculture, especially on a regional basis as much of the work has already been done in the Gulf of Mexico.

**Action 5 and Action 6: Develop human capacity and the skilled workforce necessary to conduct ocean research and manage ocean, coastal, and Great Lakes resources and increase ocean and coastal literacy by expanding the accessibility and use of ocean content in formal and informal educational programming for students, educators, and the public.**

We support efforts to link education from all levels to increased knowledge and awareness of the link between the land and our oceans. In particular, we recommend that any efforts in these area should include aquaculture and related sciences and skills especially those tied to alternative feed development and aquatic animal health. The US Department of Agriculture should be added to these Action items to tie in education and research programs tied to plant and animal health.

**Priority Objective 4 – Coordinate and Support:** *“Better coordinate and support Federal, State, Tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government and, as appropriate, engage with the international community.”*

We support efforts to improve the coordination of ocean management decisions at the Federal, state, local, regional and tribal level that are done within existing statutory and regulatory authorities. We are concerned that aspects of the National Ocean Policy, while well intentioned, may create additional impediments to the management of ocean resources, activities, and ecosystems. Improved coordination and management of our

oceans requires effective leadership that is willing to take on issues and to move forward so that decisions can be made in a timely and transparent fashion. Additionally, impediments to more effective and efficient management are equally due to resource constraints such as limited funds for the collection of critical data through stock assessments and for agency permitting offices that may not have sufficient staffing to meet demand for permits.

**Action 1: Support regional priorities and enhance regional partnerships**

Fisheries policy takes a regional approach and offers good lessons that will hopefully be applied to the National Ocean Policy. We have concerns however regarding the ultimate role that regional partnerships will have under this policy. Partnerships should be used as a tool to help shape regional collaboration, however proposals to integrate them through CMSP into the permitting process of Federal agencies must be carefully considered. Fishery management councils are effective because they take a regional approach but take action on only limited aspects of the region's fisheries ecosystem at any given time.

**Action 3: Reduce barriers to implementation of the National Ocean Policy**

We are disappointed that this critical component of the National Ocean Policy was not carried out prior to the formulation of not only the policy but particularly the implementation plans. Agencies cannot move forward to improve coordination if there is not a firm understanding of Federal legal and regulatory gaps, overlaps, redundancies and inconsistencies – all of which can serve as barriers to effective collaboration and governance. Completion of Action 3 should be one of the highest priorities.

**Action 5: Improve efficiency of permitting of ocean, coastal, and Great Lakes uses**

We appreciate that the draft Implementation Plans highlight aquaculture permitting as the initial focus of effort under this National Objective. We hope that this is a signal that the Administration is ready to move forward with regulations to implement the Gulf of Mexico's Fishery Management Council's Aquaculture Amendment which was approved over three years ago.

We would like to better understand what is proposed in Milestone 1: Develop and make available communication tools that educate the U.S. aquaculture community and public on Federal laws and regulations that apply to aquaculture operations.

Milestone 2, which directs NOAA to identify opportunities and pursue agreements to integrate aquaculture operations permit review processes, and Milestone 3 (identify and pursue aquaculture permitting regulatory efficiencies) are both well overdue. We hope that the NOC will push NOAA to move forward with achieving these milestones without any further delay.

Sincerely,

A handwritten signature in black ink that reads "Mark Albertson". The signature is written in a cursive style with a large, sweeping loop at the end.

Mark Albertson, Director of Market Development

Name: **Ayana Johnson**

Organization: Waitt Foundation

Path: [http://edit.whitehouse.gov/sites/default/files/webform/wf\\_nop\\_ip\\_comments.doc](http://edit.whitehouse.gov/sites/default/files/webform/wf_nop_ip_comments.doc)

Comment:



March 28, 2012

To the National Ocean Council and member agencies,

Please find below comments from the Waitt Foundation on the draft National Ocean Policy Implementation Plan. Our mission is to ensure a sustainable fishing future, and we consider marine protected areas (MPAs) as a critical tool to achieve that. Our vision is to restore the seas to full productivity for future generations. Guided by my experience as the co-founder, and former chairman and CEO of Gateway, Inc. we approach these issues from a business perspective with a particular interest in maintaining the economic viability of the fishing industry and fishing communities.

Given that perspective, while we are pleased that the Federal government is undertaking a large cross-agency effort to determine priorities and next steps for ocean research, management, and resource use, we are surprised and disappointed with the limited attention given to fishing and marine protected areas. Without increasing the focus on and management progress in these two areas, we do not see how it is possible to “ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhance the sustainability of ocean and coastal economies, preserve our maritime heritage, support sustainable uses and access, provide for adaptive management to enhance our understanding of and capacity to respond to climate change and ocean acidification, and coordinate with our national security and foreign policy interests,” per the Executive Order that established the National Ocean Policy.

The introduction to the Ecosystem-Based Management (EBM) section provides a great example (page 9) of the importance of a holistic approach to management of fishing, and the first of the listed “benefits provided by healthy ecosystems” (page 10) is “sustainable fisheries provide food and support economies,” but, unfortunately, this vision is not adequately developed elsewhere in the document. Just as oil reserves are critical to national security as regards energy independence, so are fish reserves as regards food security and nutritional independence.

While we understand that management of fishing and establishment of MPAs fall largely under NOAA’s purview, and this is meant to be an inter-agency document, we maintain that these topics should receive greater attention within the document regardless, and that additional agencies should be engaged. Fishing is listed repeatedly as a key ocean use throughout this document, and the Actions within the EBM, Coordinate and Support, and Inform Decisions and Improve Understanding sections can be considered broadly applicable to fishing and MPAs, but there are only two Action that explicitly mention to MPAs and there are none specifically pertaining to fishing. Please see our more specific comments that follow.

*Regional Ecosystem Protection and Restoration:*

- It is within the section on Regional Ecosystem Restoration and Protection that it seems most appropriate to set goals for improving fisheries management and establishing MPAs – how can ecosystems be protected and restored otherwise? – yet those topics are all but missing. MPAs are mentioned only twice in the entire document. Once in this Action 6 (see below), and then in the acronym list in the appendix.

- Action 6: The first of two Actions within the Implementation Plan focused on MPAs is Action 6 in the section on Regional Ecosystem Restoration and Protection, which reads: “Identify nationally significant marine and Great Lakes natural and cultural areas in need of protection.” It is far from ambitious or visionary to simply *identify* areas. The Action should be to *establish* them, whether as Sanctuaries, Monuments or otherwise. For example, the UN Convention on Biodiversity goal of 10% protection and the recommendation of 30% protection from the scientific community. Another example is the Micronesia Challenge: five governments in that region are working to “effectively conserve at least 30 percent of the near-shore marine resources and 20 percent of the terrestrial resources across Micronesia by 2020.” If developing countries have set and are making progress toward such a goal, it seems the US should be able to do something comparable. If 30% seems too high a bar, at least a lower percentage or a number of areas should be listed as a milestone – something concrete and forward-looking that expands our current national network of MPAs. Goals such as 30% protection can be considered absurd or unpalatable, but that seems often due to the misconstruing of MPAs as tools simply for exclusion of human uses instead of as tools to protect our resources and heritage and ensure future prosperity, for the fishing and tourism industries in particular.
- Site Evaluation List: We wholeheartedly endorse the milestone within to “reactivate and repopulate the SEL.” This tool is a critical part of the process for vetting areas to become Sanctuaries, and we hope that the Administration and the National Ocean Council will play leadership roles in finding a way to end the de facto moratorium on establishment of new Sanctuaries that was created via budget-dependent amendments to the National Marine Sanctuaries Act passed in 2000. National Marine Sanctuaries are a critical component of our national ocean policy with regard to the economy, national security, vibrant fisheries, tourism and recreation, and our own national pride. As such, the agencies involved should strongly consider innovative solutions to creation of new Sanctuaries, whether through legislative action, agency action, or even public-private partnerships.
- Actions 2 and 4: Similarly, to Action 6, Actions 2 and 4 on wetlands and coral reefs also set no targets for protection. All the milestones are about gathering data, assessing trends, and writing reports. We see this as another missed opportunity to constrain resource degradation and restore ecological (and thereby economic) abundance and productivity. Goals of numbers of acres of wetlands and goal reefs to be protected and restored by 2020 would be a good start here.

#### Resiliency to Climate Change and Ocean Acidification:

- Action 1: The second of two Actions within the Implementation Plan focused on MPAs is Action 1 in this section, which notes that MPAs can be very useful as “sentinel sites.” That role is another argument for expanding the number, geographic coverage, and ecological representation of MPAs. This should be noted.
- Action 2: MPAs can also be a useful reference for determining gauging climate change and ocean acidification impacts in more and less exploited areas, per Action 2. This should be noted.

#### Changing Conditions in the Arctic:

- There is no mention of MPAs anywhere in the section on Arctic. The focus is on development and exploration, that is, supporting resource use and extraction, without balancing that with long-term resource sustainability and conservation. We suggest addition of an Action on management of fishing and the establishment of MPAs be included within this section of this document. Reduction in sea ice is making the area increasingly accessible and lucrative to industries from fishing, to shipping, to mining. Focusing on environmental response management, sea ice, biological observations, communication systems, and mapping omits resource management concerns, contrary to the holistic spirit of holistic CMPS.

Coastal and Marine Spatial Planning:

- There is no mention of MPAs within the section on CMSP. It is our understanding that the National Ocean Council has been very careful to distinguish between ocean zoning and CMSP, and perhaps that is why MPAs are not featured in this section, but it seems a absurd to talk about spatial planning without talking about MPAs, a key spatial management tool.
- MPAs are an important tool for achieving National Objective 2 to “Reduce cumulative impacts on environmentally sensitive resources and habitats in ocean, coastal, and Great Lakes waters,” and should be mentioned as such.

If you have any questions on these comments, we would be pleased to elaborate and to assist in any other ways we can to ensure that the final draft of this National Ocean Policy Implementation Plan is a document with substantial inclusion of the need for sustainable management of fishing, the importance of establishing additional MPAs, and sets an ambitious yet concrete plan to protect, maintain, and restore ocean ecosystems, economies, and national security.

Sincere regards,

Ted Waitt  
Founder & President, Waitt Foundation  
Co-Founder, Gateway, Inc.

Ayana Elizabeth Johnson, Ph.D.  
Director of Science and Solutions  
Waitt Foundation

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Comment:

March 28, 2012

The National Ocean Council  
722 Jackson Place, NW  
Washington, DC 20503

Dear Chairwoman Sutley and Director Holdren:

Thank you for the opportunity to comment on the Draft National Ocean Policy Implementation Plan as put forth by the National Ocean Council. The United States derives significant economic benefits from our oceans and in many ways our history and future as a nation is linked inextricably to the oceans and her bounties. The effective stewardship of these resources is of critical importance to our economic and national security, and how we conduct our stewardship speaks to the character of our country. We have benefitted tremendously from our oceans since before our nation came into existence and in that process we have learned significant lessons as to the important role that stewardship plays in ensuring that future generations can fully realize the economic potential that exists in our ocean and coastal waters.

As I understand it, the purpose of the draft implementation plan is to “lay out the initial steps required to achieve the vision and the charge of the National Ocean Policy” as set forth President Obama’s Executive Order 13547 of June 19, 2010 which largely adopts the Final Recommendations of the Interagency Ocean Policy Task Force (Task Force). By taking these steps, the Administration seeks “to address the most pressing challenges facing the ocean, our coasts, and the Great Lakes” and to do so in a manner that incorporates the governance structure included in the final recommendations with a framework for Coastal and Marine Spatial Planning (CMSP).

The Task Force recommended a “comprehensive national policy for the stewardship of the ocean, our coasts, and the Great Lakes” consisting of 10 objectives to be achieved through “a comprehensive and collaborative framework...” I further understand that this undertaking is based on a premise that overlapping uses and differing views on the multitude of activities that take place in our nation’s oceans and coastal waters present serious challenges to Federal, state, local, and tribal resource managers and policy makers. The Administration’s solution is to apply Ecosystem Based Management (EBM) and adaptive management principles “in a coordinated and collaborative approach” (i.e., CMSP), through which the Administration holds that the Nation can “more effectively address the challenges facing the ocean, our coasts, and the Great Lakes and ensure their continued health for this and future generation.”

The Draft Implementation Plan focuses on nine priority objectives highlighted under the National Ocean Policy and four approaches guide the draft plans: 1) adopt ecosystem based management; 2) obtain, use and share the best science and data; 3) promote efficiency and collaboration; and 4) strengthen regional efforts.

I will focus my comments on the following:

- The Administration’s approach to the Implementation Plans demonstrates that the National Ocean Policy is poorly crafted and has too many priorities. Through the Policy and the Implementation plans, the Administration has sought to develop and then implement a master plan for oceans that appears as if the intent is to address all needs, all uses, and all “conflicts” that arise from the use of our ocean and coastal waters
- The policy and implementation plans turn two effective tools that should be in any resource manager’s toolbox - ecosystem based management and CMSP - into broad governing architectures that will effectively make every decision instead of to informing decisions to be made by policy makers
- As envisioned the CMSP proposals coupled with the Regional Planning Bodies create duplicative processes to NEPA and will undermine authorities and discretion provided to policy makers under existing statutes
- While the implementation plans seem to offer a possible pathway forward for offshore aquaculture, significant concerns remain that such plans could instead face additional bureaucracy and inertia.

1. **Policy and Implementation Plans are Overly Broad, Poorly Crafted and Have Too Many Priorities:** This concern arises straight from the third paragraph of page 1:

*“For the first time in our Nation’s history, the National Ocean Policy provides the framework for all Federal Agencies to work together to pursue these goals with cohesive actions across the Federal Government, and for engaging State, Tribal, and local authorities, regional governance structures, non-governmental organizations, the public and the private sector. Fishing, energy, transportation, recreation, security, and other uses will be considered collectively and managed comprehensively and collaboratively”*

Collectively, comprehensively, and collaboratively – such an approach reads straight out of a Soviet Union Five Year Plan.

## 2. Effective Tools Do Not A Successful Architecture Make:

The policy and implementation plans turn ecosystem based management (EBM) and coastal and marine spatial planning (CMSP) – two tools that have been used effectively by resource and policy planners to address specific oceans policy issues - into broad governing process architectures. The result of this is that the “process” and the architecture will effectively determine the outcome of every decision instead of informing decisions to be made by policy makers.

CMSP is an effective tool to be used to solve problems specific to one area, and as highlighted in the National Ocean Policy, Federal agencies utilized it as one of their tools to reconfigure the Boston Traffic Separation Scheme so as to both minimize ship strikes of whales, but to also allow for the siting of deepwater LNG ports. However, the National Ocean Policy and the Draft Implementation Plans envision a much greater role for CMSP beyond providing a tool to policy makers and stakeholders. Page 45 of the National Ocean Policy states that:

*“From a societal perspective, CMSP would improve opportunities for community and citizen participation in open planning processes that would determine the future of the ocean, our coasts, and the Great Lakes.”*

Applied on the scale envisioned in the NOP and in the DIP, CMSP will go from being an effective tool that helps policy makers envision potential conflicts, to comprehensive regional process architecture that either predetermines decisions left to the discretion of policy makers or even possibly serving as a barrier to reaching decisions at all. Page 88 of the Draft Implementation Plan states:

*“Regional CMSP should strive to improve our ability to characterize the past, present, and, if possible, potential future conditions of an ecosystem spatially – **before** any particular new activity is implemented.”*

Thousands of decisions are made on an annual basis regarding federally managed resources . As demonstrated before, CMSP can be an effective tool for federal and state policy makers to utilize, however, the National Ocean Council must decide whether CMSP is going to be a tool used to inform decisions or whether it is indeed intended to become the process architecture for “collective, comprehensive, and collaborative” decision making on a regional and national basis.

The National Ocean Policy and the Draft Implementation Plans treat Ecosystem Based Management (EBM) similarly. Like, CMSP, EBM has been utilized by resource manager

to help foster the long term sustainability of well defined, but limited ecosystems. Applied on the scale of a fishery management plan or in the management of a National Marine Sanctuary or Monument, the comprehensive and adaptive nature of EBM has allowed resource managers to manage to multiple species and uses. However, like CMSP, stretching the concepts of EBM to a regional scale is more likely to create new barriers to the effective stewardship of marine resources.

First, definitions and descriptions vary from page to page, as if to give the Administration lee-way to define it differently for each and every stakeholder group. On page 11, we are told that “EBM is information-driven, multidisciplinary by nature, comprehensive in scope, and adaptive in practice.” Further, we are informed that “Adopting EBM as the foundation for resource stewardship requires a fundamental shift in the way Federal agencies manage the ocean, our coasts, and the Great Lakes.”

Yet on page 12, we are told that “EBM is not viewed as a replacement of our Nation’s current management strategies....” Additionally, “Implementing EBM is an incremental process....”

So on one page EBM is a “foundation” and a “fundamental shift” but on the next page EBM is “not a replacement” but is “an incremental process....” No wonder so many of us are having a hard time fully understanding what the Administration intends to achieve through the National Ocean Policy and the Draft Implementation Plans.

### **3. CMSP Creates a Duplicative Process to NEPA and Undermines Existing Statutory Discretion:**

Substantial comments have already been submitted on this topic, but I would like to share in the concerns expressed by House Natural Resources Committee Chairman Doc Hastings in his letter of May 28, 2010 where he noted that:

“According to the proposed framework, in instances where a coastal and marine spatial plan involves discretionary powers granted under an existing statute, the Secretary would be forced to follow the coastal and marine spatial plan because discretionary powers authorize rather than command certain actions. Therefore, in instances involving discretionary powers, the coastal and marine spatial plans would always control because it would be “consistent with existing laws and regulations.” – essentially, regional bodies could overrule and supplant discretionary powers that have been granted to the President, Federal agencies and Departments.

#### 4. A Path Forward for Aquaculture (and biotech and renewable energy), or more bureaucratic layers and inertia?

The Draft Implementation Plans include some potential actions under Priority Objectives Two and Four that potentially provide a path forward for offshore aquaculture. However, ultimately, despite paper implementation plans, the path forward for aquaculture will require a willingness on behalf of the Administration to actually make decisions to move forward.

#### Priority Objective Two - Inform Decisions and Improve Understanding:

This objective strikes the right notes in some areas, but also provides supporters of offshore aquaculture with some concerns. We all agree that “strong science, technology, and engineering capabilities are the foundation for making informed decisions and improving our understanding” of how to manage our resources. And like many new, emerging fields, there is an “innovative spark” that drives innovative scientists, researchers, entrepreneurs, and seafood marketers to create better ways to practice aquaculture.

Unfortunately, regulatory uncertainty and a lack of willingness among policy leaders in the Administration to move forward with Aquaculture implementing regulations has hindered the ability of entrepreneurs to create an industry in the United States. The United States could have the world’s best managed and most sustainable aquaculture industry if not for countless decisions delayed in favor of never ending studies, new policy initiatives and comprehensive planning efforts. Decades of American investments in world leading aquaculture research have been sent overseas for lack of opportunities domestically. Ultimately, the lack of government permitting regulations (and not strong science, technology, or engineering capabilities) is the barrier to freeing innovation to create a thriving and sustainable domestic aquaculture industry.

I am concerned with the assertion on page 18 that “improved science is particularly needed in regard to emerging sectors such as ... aquaculture...” The Federal government has been sponsoring and supporting aquaculture science, research and development for well over 35 years, yet this assertion infers that sufficient knowledge does not exist for aquaculture to move forward at this time. I encourage the final Implementation Plan to recognize the long record of research and development that aquaculture has undergone in the United States.

I would also recommend that the Final Implementation Plans adopt an iterative process in which decision makers actually make decisions to move forward will enable the “innovative spark” to take hold and drive a cycle of ever improving science and

understanding that will inform both future commercial aquaculture investments as well as better inform and improve future state and Federal management and policy decisions. Without a commitment to the iterative process, systematic inertia will remain and policy makers will continue to defer decision in favor of waiting for “better” information.

***Action 2: Provide scientific information to support emerging sustainable uses of resources including renewable energy, aquaculture, and biotechnology***

The Final Plans should not deter from ongoing interagency efforts currently being coordinated by the National Science and Technology Council’s Interagency Working Group on Aquaculture. These milestones should not detract from but rather build upon existing efforts. The 2011 NOAA policy builds on the NOAA’s 10-year plan for Marine Aquaculture published in 2007, which is based on and draws from the National Aquaculture Act of 1980; the 1998 NOAA Aquaculture Policy; the 1999 Department of Commerce Aquaculture Policy; the 2003 Code of Conduct for Responsible Aquaculture Development in the United States, Exclusive Economic Zone; the U.S. Commission on Ocean Policy’s Final Report to Congress (2004); President Bush’s 2004 Ocean Action Plan; NOAA’s 2005 Annual Guidance Memorandum for FY 2008-2012; and the proposed National Offshore Aquaculture Act of 2007 (HR 2010 and S 1609).

Each of these policies, plans and proposals has been subjected to public scrutiny and have supported numerous research initiatives. Additionally, in 2004 NOAA in conjunction with the Gulf of Mexico Fishery Management Council began a multi-year process to authorize aquaculture in the Gulf of Mexico. This process included a full Programmatic Environmental Impact Statement as required by the National Environmental Protection Act (NEPA) and a Regulatory Impact Review and a Regulatory Flexibility Analysis as required by the Regulatory Flexibility Act of 1980 and Executive Order 12866. This plan was finalized in 2009, but has yet to be implemented.

Final Implementation Plans for the National Ocean Policy should direct NOAA, USDA, and their interagency partners to implement NOAA’s 2011 Marine Aquaculture Policy and the 2009 Gulf of Mexico Fishery Management Plan Aquaculture Amendment in a timely manner, thus ensuring that Action 2’s goals of supporting jobs and innovation are achieved.

**Priority Objective 4 – Coordinate and Support:**

I would like to highlight the critical impact that the lack of regulatory certainty has had on the development of aquaculture in the United States. Drafted correctly, the Final Implementation Plans can be an effective tool to improve the coordination of ocean management decisions at the Federal, state, local, regional and tribal level within

existing statutory and regulatory authorities. I am concerned that aspects of the National Ocean Policy while well intentioned, may create additional impediments to the management of ocean resources, activities, and ecosystems. At the end of the day, improved management of our ocean resources depends on effective leaders and policy makers who are willing to take on issues, battle against systematic inertia, and to move forward with decisions in a timely and transparent fashion consistent with underlying statutes.

**Action 3: *Reduce barriers to implementation of the National Ocean Policy***

Agencies cannot move forward to improve coordination if there is not a firm understanding of Federal legal and regulatory gaps, overlaps, redundancies and inconsistencies – all of which can serve as barriers to effective collaboration and governance. Completion of Action 3 should be one of the highest priorities and is long overdue.

**Action 5: *Improve efficiency of permitting of ocean, coastal, and Great Lakes uses***

I appreciate that the draft Implementation Plans highlights aquaculture permitting as the initial focus of effort under this National Objective. I hope that this is a signal that the Administration is ready to move forward with regulations to implement the Gulf of Mexico's Fishery Management Council's Aquaculture Amendment which was approved over three years ago.

In conclusion, thank you for the opportunity to comment.

Sincerely,

Chris Scheve  
Founder  
AquaTerra Strategies

Name: **Jordan Diamond**

Organization: Environmental Law Institute

Path: [http://edit.whitehouse.gov/sites/default/files/webform/eli\\_-\\_noc\\_draft\\_implementation\\_plan\\_comment\\_mar\\_2012.pdf](http://edit.whitehouse.gov/sites/default/files/webform/eli_-_noc_draft_implementation_plan_comment_mar_2012.pdf)

Comment: Please see the attached comment letter on the Arctic priority objective. Thank you.

# Comments on the National Ocean Council's Draft National Ocean Policy Implementation Plan

## **National Priority Objective: Changing Conditions in the Arctic**

Submitted by the Environmental Law Institute

March 28, 2012

The Environmental Law Institute (ELI) commends the National Ocean Council (NOC) for outlining actions that will actualize the national ocean policy and, in particular, the priority objective concerning changing conditions in the Arctic. The actions outlined for the Arctic highlight important issues such as the need for enhanced ecosystem observation and monitoring, mapping and charting, communications, and environmental response management. However, there are several other items that also should be included, which currently are either omitted or not addressed in appropriate depth or clarity.

With this comment, ELI encourages the NOC to more explicitly address the following issues in its actions related to changing conditions in the Arctic:

1. Explicitly and directly incorporate long-term environmental stewardship actions, beyond the initial statement of objective, in order to plan for the unique factors of the U.S. Arctic;
2. Recognize existing management frameworks, roles, and rights, and ensure the important role of Arctic communities in the planning process; and
3. Expand efforts to integrate traditional ecological knowledge as part of the movement to enhance regional observation, monitoring, and mapping.

This comment is based upon ELI's research on regional ocean governance in the U.S. Arctic, including ecosystem-based management and coastal and marine spatial planning, and on our experiences working with Alaska Native communities.<sup>1</sup>

### **I. Environmental stewardship objectives should be explicitly included, beyond the initial statement of objective, and consider the special challenges of planning in the Arctic.**

The NOC's current draft plan mentions planning to "mitigate the impacts of pollution events," but does not explicitly consider how to make environmental stewardship an express goal of the planning process. The plan needs to consider the meaning of stewardship in the particular context of the dynamic and sensitive Arctic ecosystem. The Arctic is distinguished from other regions in several ways, including:

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<sup>1</sup> For more information on ELI's work in the U.S. Arctic (including access to documents such as ELI, INTEGRATED ECOSYSTEM-BASED MANAGEMENT OF THE U.S. ARCTIC MARINE ENVIRONMENT: ASSESSING THE FEASIBILITY OF PROGRAM DEVELOPMENT AND IMPLEMENTATION (2008) and ELI, CO-MANAGING THE ARCTIC OCEAN AND COASTS: HOW TO SUPPORT SUBSISTENCE USES IN COASTAL AND MARINE SPATIAL PLANNING (2011)), please see [http://www.eli.org/Program\\_Areas/ocean\\_mspandebm.cfm](http://www.eli.org/Program_Areas/ocean_mspandebm.cfm).

- significant unknowns about the environment and ecosystem;
- dramatic impacts occurring due to climate change;
- emerging and growing industry such as oil and gas extraction, shipping, and fishing;
- tremendous biological diversity that is highly sensitive to development; and the
- long-term relationship of Alaska Native peoples with the Arctic ecosystem.

The draft Implementation Plan does recognize the need for improved understanding of the Arctic ecosystem. But in addition to advancing scientific research programs, the plan should also consider how this information will be used – that is, it should make obtaining this understanding a prerequisite to any significant development action. To achieve this, the plan should call for evaluation of current information standards for their adequacy in achieving effective long-term stewardship. This assessment should illuminate whether and how the standards may need to be revised in order to support principles of ecosystem-based management.

**Action: Evaluate standards for how the information obtained in draft Actions 1, 3, and 4 will be used to support ecosystem-based management.**

The Implementation Plan should not stop at specifying the mere collection of improved ecosystem information, it should also delineate how the improved information will be incorporated into existing and planned governance processes. To support the precautionary and ecosystem-based approach called for by the National Ocean Policy, the implementing agencies should call for evaluation of the information standards in current statutes and regulations. This evaluation should assess whether the standards ensure that decisions are “made on the best available science and incorporate principles of ecosystem-based management”<sup>2</sup> (Ecosystem-Based Management Objective), and whether they satisfy the requirements for use in ecosystem-based management generally.

Further, in order to achieve a governance framework that implements the Ecosystem-based Management and Coordinate and Support Objectives, the Arctic section of the Implementation Plan would also benefit from an initial analysis of the existing Arctic governance framework and its current strengths and limitations in applying ecosystem-based management in the Arctic. This assessment should yield recommendations for developing a robust management framework that will implement the goal of protecting and sustainably managing coastal and ocean resources in the Arctic.

**Action: Evaluate existing management structures for their ability to apply ecosystem-based management and, based on the evaluation, develop recommendations for strengthening the existing framework.**

The Implementation Plan should require undertaking a framework assessment to identify “gaps, inconsistencies and duplications in statutory authorities policies and regulations,” and then engage in

<sup>2</sup> Interagency Ocean Policy Task Force, *Final Recommendations of the Interagency Ocean Policy Task Force* (July 19, 2010), at 32 (Ecosystem-based Management Objective).

“necessary and appropriate actions to address them” and develop procedures to “identify and align” management objectives (Coordinate and Support Objective).<sup>3</sup>

## **II. The Implementation Plan should include specific actions to recognize and clarify the critical role of the Alaska Native communities in regional management and decision-making.**

The Implementation Plan should more clearly and fully recognize and incorporate the stewardship role played by the Arctic people, a relationship developed over thousands of years of living in the Arctic. Arctic subsistence culture is intertwined with ecosystem understanding and long-term stewardship, and the knowledge and involvement of Alaska Natives should be a foundational component of regional information and decision-making.

In the U.S. Arctic, the involvement of Alaska Natives will be crucial to implementation of the national priority objectives related to ecosystem-based management; better coordination and support of federal, state, tribal, local, and regional ocean and coastal management; and coastal and marine spatial planning. Alaska Natives participate in multiple levels of governance, including tribal, local, regional, and resource-related bodies, have statutorily recognized rights to use Arctic resources, and hold important insights into the Arctic ecosystem.<sup>4</sup>

The Implementation Plan should assess and incorporate existing systems through which Alaska Natives are involved in decision-making. Among other things, they contribute to planning and stewardship decision-making through co-management of marine mammals, development of a conflict avoidance agreement with oil and gas companies, and required consultation by federal agencies with Alaska Natives.<sup>5</sup> The Implementation Plan should recognize and build on Alaska Natives’ current roles in regional planning processes and management efforts as new processes are initiated, to ensure appropriate integration of local priorities, needs, and concerns in resource decision-making.

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<sup>3</sup> *Final Recommendations of the Interagency Ocean Policy Task Force*, *supra* note 2, at 34 (Coordinate and Support Objective).

<sup>4</sup> *See, e.g.*, 16 U.S.C. § 1539(e) (Endangered Species Act); 16 U.S.C. § 1361(b) (Marine Mammal Protection Act); Alex Whiting, David Griffith, Stephen Jewett, Lisa Clough, Will Ambrose, & Jeffrey Johnson, *Combining Iñupiaq and Scientific Knowledge, Ecology in Northern Kotzebue Sound, Alaska* (Alaska Sea Grant College Program, 2011).

<sup>5</sup> 16 U.S.C. § 1388; *Cooperative Agreement between the National Oceanic and Atmospheric Administration and the Alaska Eskimo Whaling Commission*, as amended (2003); Exec. Order No. 13,175, 65 Fed. Reg. 67249 (Nov. 9, 2000).

**Action: Recognize the current stewardship activities of Alaska Natives and clarify the important roles of Alaska Native tribes, communities, and organizations in regional decision-making.**

In the U.S. Arctic, Alaska Natives have been principal stewards of the U.S. Arctic environment for generations. To achieve long-term stewardship and ecosystem-based management in the Arctic in the face of significant change, the Alaska Native people must continue to play an integral part in planning and implementation of resource-related decisions. The Implementation Plan should provide meaningful guidance on how the different Alaska Native local and regional entities will be included in ongoing and new regional management efforts, processes, and decision-making, including efforts to realize ecosystem-based management and/or to implement coastal and marine spatial planning.

### **III. U.S. Arctic research programs should be expanded to explicitly incorporate Alaska Natives' traditional and contemporary ecological knowledge.**

The Inform Decisions and Improve Understanding Objective requires planning teams to “[i]ncrease knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges.”<sup>6</sup> The draft Implementation Plan recognizes the need for better and more extensive scientific information about the Arctic ecosystem, and provides a roadmap for conducting additional scientific research specific to the Arctic. Improved knowledge of all aspects of the Arctic ecosystem, mapping, communication, and emergency response are all essential first steps in applying ecosystem-based management. A milestone in draft Action 1 is making traditional knowledge about the impacts of resource development available through ocean.data.gov, together with scientific research.

While this is an important and laudable milestone, the traditional knowledge of Alaska Natives extends much further than information on impacts of development. Alaska Natives, who have lived in the Arctic for millennia and developed a subsistence lifestyle based on a complex understanding of the marine ecosystem, hold important information and perspectives that should be integrated more broadly. Continually evolving, Alaska Natives' extensive and unique knowledge of the Arctic environment is vital to achieving a comprehensive understanding of the ecosystem.

**Action: Revise draft Action 3 to integrate existing and new research on the traditional and contemporary ecological knowledge of Arctic Natives into the implementation of a distributed biological observatory and ecosystem research program.**

Existing research programs recognize the extensive knowledge and ecosystem-based perspective that Alaska Native peoples bring to the understanding of the Arctic environment. Policies under the

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<sup>6</sup> *Final Recommendations of the Interagency Ocean Policy Task Force*, supra note 2, at 33 (Inform Decisions and Improve Understanding Objective).

Endangered Species Act, the Marine Mammal Protection Act, and other laws require agencies to incorporate traditional and contemporary ecological knowledge into science-based decision-making.<sup>7</sup> Both BOEM and NOAA currently conduct research on traditional ecological knowledge of the Alaska Native communities.<sup>8</sup> This research should be incorporated into the broader ecosystem research programs, and specific processes for integrating traditional ecological knowledge and scientific research should be developed.

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<sup>7</sup> Dep't of the Interior, Secretarial Order 3225, Endangered Species Act and Subsistence Uses in Alaska (supplement to Secretarial Order 3206), Jan. 19, 2001; *Memorandum of Agreement for Negotiation of MMPA Section 119 Agreements* (2006); Magnuson-Stevens Act § 305(j)(2)(E), 18 U.S.C. § 1855(j)(2)(E).

<sup>8</sup> *See, e.g., Alaska Groundfish Fisheries: Final Programmatic Supplemental Environmental Impact Statement ES-25* (2004); *Chukchi Sea Planning Area Oil and Gas Lease Sale 193 In the Chukchi Sea, Alaska, Final Supplemental Environmental Impact Statement*, OCS EIS/EA, BOEMRE 2011-041.

Name: **Jim Haussener**

Organization: California Marine Affairs & Navigation Conference

Path: [http://edit.whitehouse.gov/sites/default/files/webform/cmanc\\_comments\\_draft\\_implementation\\_plan.pdf](http://edit.whitehouse.gov/sites/default/files/webform/cmanc_comments_draft_implementation_plan.pdf)

Comment:



ORGANIZED 1956

# CALIFORNIA

## MARINE AFFAIRS AND NAVIGATION CONFERENCE

20885 REDWOOD ROAD, # 345 ~ CASTRO VALLEY, CALIFORNIA 94546

PHONE: (925) 828-6215 ~ FAX: (925) 396-6005 ~ E-MAIL: Jim@cmanc.com ~ www.cmanc.com

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- Ventura, County of
- Ventura Port Dist.
- West Sacramento, Port of

March 28, 2012

JEFF WINGFIELD  
CHAIR

National Ocean Council  
722 Jackson Place, NW,  
Washington, DC 20503

MIKE CHRISTENSEN  
VICE CHAIR

LYN KRIEGER  
TREASURER

Subject: National Ocean Policy Draft Implementation Plan

CHRIS BIRKELO  
IMMEDIATE PAST CHAIR

Dear Gentlemen:

JAMES M. HAUSSENER  
EXECUTIVE DIRECTOR

Thank you for the opportunity to comment on the *Draft Implementation Plan* along with the opportunities to join in national conference calls concerning the *Plan*.

### Introduction

We are concerned that extremely worthwhile federal programs, perhaps with a funding source, may get reduced to achieve the implementation goals. Additionally, we wish to make certain that the funding for this program at both the federal and regional level comes from Congressional Appropriations and that there does not become an opportunity for “pay-to-play.”

While collaboration is a key principle in the document, it does not appear that all stakeholders or local governments will always be at the table or have a full membership role in decisions that affect them.

### Ecosystem-based Management

Success in developing principles, goals and performance measures will only happen with the involvement of all stakeholders, not just federal agencies, in decision-making and management.

While adaptive management is mentioned, there does not appear to be emphasis on this important issue as ecosystem variability and changes are inevitable. The oceans are a dynamic place and a static regulatory process is not beneficial to the ecosystem or humans within it.

### Coordinate and Support

Due to the size of the West Coast Region, funding for travel at the local level will be crucial to develop the relationships that are necessary for implementation of the Plan.

How will the EBM principles be developed that are proposed to become regulations? Again, all stakeholders need to be involved in the development of these principles

What will be the impact of the annual interagency budget guidance memo on existing programs of national significance?

### Regional Ecosystem Protection and Restoration

We are not supportive of the reactivation of the National Marine Sanctuary Site Evaluation List at this time. Further, we are very concerned about how human uses will be balanced in determining what is a nationally significant marine area?

Specifically what additional work does NOAA need to do concerning Essential Fish Habitat and its implementation of the Sustainable Fisheries Act?

### Resiliency and Adaptation to Climate Change and Ocean Acidification

What specifically needs updating in the USACE guidance on sea-level rise?

*To promote the operation, maintenance and improvement of California harbors, ports and navigation projects that demonstrate responsible stewardship and benefit the regional and national economy.*

Water Quality and Sustainable Practices on Land

Will the 100,000 acres of wetlands that will be protected, restored or created have ecosystem value?

Coastal and Marine Spatial Planning

We continue to be concerned about the size of the West Coast Region, the ability of stakeholders and local governments to be equal partners in the process, the impacts of a “certified” plan on a state’s Coastal Zone Management Plan, the potential impact of federal funds only going to those items within a “certified” plan, and can a “certified” plan be developed in the three to five year time line? We earlier commented on the need for the coordination of people within geographic areas that are based on ecological and socioeconomic characteristics and at the appropriate scale to address critical issues, rather than this proposed methodology.

Again, we thank you for the opportunity to comment on the *National Ocean Policy Draft Implementation Plan*. We look forward to continuing to work with all other parties to develop the collaboration necessary in developing successful policies and programs necessary to protect our oceans, coasts and Great Lakes.

Sincerely,



James M. Haussener  
Executive Director

Name: **William Nuckols**  
Organization: W. H. Nuckols Consulting  
Path: <http://edit.whitehouse.gov/sites/default/files/webform/williamnuckolsdraftsapcomments.pdf>  
Comment: (note: reattched and pasted below with improved formatting of version submitted 3/28/12)

William H. Nuckols III  
Principal  
W.H. Nuckols Consulting  
70 I Street, SE, #B22, Washington, DC 20003  
will@whnuckolsconsulting.com

March 27, 2012

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Many other groups have submitted worthy comments already, and accordingly my comments focus on items that are perhaps less often examined in the comments submitted by others thus far.

General comments on the overall document:

Highly effective implementation plans often include information relating to scope, schedule and budget. While in some general sense scope is addressed, a schedule for each of the items, which should show start dates, resources by FY, milestones (including intermediate milestones), completion dates (which the document shows as milestones) and budget (should be a combination of personnel resources and appropriations for non-personnel expenditures), are all significantly lacking. Those deficiencies results in a lack of accountability, a lack of understanding by the agencies or Congress on which agencies in any particular FY have responsibilities for particular actions, and are likely to lead to a punting of items until close to the date of the milestone – a mistake that will surely make the milestones slip. A more through depiction of the intended plan by FY, as opposed to a listing of milestones with only completion dates, would be a great improvement in the plan structure.

Select comments on particular sections:

Inform Decisions and Improve Understanding, and Observations, Mapping, and Infrastructure

This section is the area that particularly the Hill, and many others in the private sector, finds to be one of the most objectionable components in the National Ocean Policy.

Accordingly special attention to clarify the actors involved, the budgets required, and the positive outcomes to the nation should be very clearly explained in summary and then

explained at a high level of detail in a subsequent section. In my opinion while it does make some headway in those areas the document still falls short, and recent hearings on the Hill are some evidence that confusion about the plans of the Administration remain, even though the draft implementation plan has been on the street for months already. Addressing a more specific point about the Coastal and Marine Spatial Planning (CMSP) priority objective and the data.gov portal, the issue that many have stated is the top policy question at the moment is not addressed – namely whether the federal government will put in place policies and practices to make all relevant useful data – including State, local government, academic and private sector data – available through one central federal clearing house and thereby essentially “washing” the data with a federal process making it widely usable, or whether non-federal data will be kept at arm’s length, thereby greatly limiting the usefulness of these data sets in regional and national planning efforts.

#### Promote Efficiency and Collaboration

At a time when agency budgets are threatened, and those threats are making collaboration and partnering increasingly rare as a “bunker mentality” sets in across the Executive agencies, strong leadership from the White House on combining existing resources to result in a more efficient government could never be more important. The draft SAP includes the following text: “What activities can be accomplished with existing Federal and partner resources? How can existing resources be repurposed for greater efficiency and effectiveness?”

While these at all times, and especially during these challenging fiscal times, are excellent questions they fail to explain specifically who will be performing the immense task of providing that analysis. OMB would be well positioned to do the work, but a realistic examination of available personnel results in a realistic depiction that says they cannot perform such major analysis on their own without the addition of additional FTEs. And given that there is but one permanent staff on the NOC 5-person staff, the newly named Director, those housed at CEQ seem unlikely to provide the substantial analysis needed to answer those questions. Put simply, this Administration, as the Administration before it, is massively under-staffing the leadership and analysis tasks to truly transform government in a way proposed by the National Ocean Policy. This is a significant missed opportunity, for if serious allocation of staff (not short term allocation of a handful of staff on details or fractions of FTE’s working as agency representatives) are not allocated now, given the E.O. and the fiscal realities that are driving us to need to locate efficiencies, one wonders what administration would ever tackle this needed transformational work. The draft SAP fails to identify the resources to do this work in a meaningful and timely way. Assuming the GAO analysis by their Natural Resources Staff generates some quality information, some work may be expedited, but as GAO’s work on identifying efficiencies and duplication has its own significant limitations, a major step forward there is unlikely. Under staffing the staffing to answer “activities can be accomplished with existing Federal and partner resources” and “How can existing resources be repurposed for greater efficiency and effectiveness” is a major shortcoming.

A failure to move forward on all regions in favor of an emphasis on working with multi-state regions where state buy-in is occurring:

While on one hand it is only common sense to move forward with a joint federal-tribal-state effort in regions where all of those parties are ready and willing to participate, failing

to move forward in other regions with simply a robust coordination across the federal family of agencies does a disservice to the citizens in those regions. For example why, just because a couple of states in the Southeast are less willing or motivated to participate in the process, should significant improvements in ocean and coastal impacting agencies not occur immediately? Why not form a federal collaboration system in all regions now? Why should the actions, or lack of actions, or any given state or tribe mean that there isn't a robust regional and national system in place where USFWS, USDOT, NOAA, USACE, EPA, DOD and others collaborate on federal priorities identified in the NOP by the President? Shouldn't these agencies have a coordination mechanism now, irrespective of whether the state come to the table? Failing to move forward in all regions means to the citizens in those regions that not only mean the coordination and collaboration at their state and local levels are not high functioning but their federal government had decided to remain similarly uncoordinated until the lower levels of government get their act together. Given that all regions pay federal taxes and reasonably expect efficient federal services, the process of moving forward on only a few regions seems quite unfair to the people in those regions and is likely to have a negative impact on the nation on the whole.

Significant engagement of all of DoD with the civilian NOC agencies

While the partnership between the Department of the Navy, which also serves as Executive Agent for DoD on the NOC, and civilian agencies is good, and in some ways improving, what the draft SAP fails to take advantage of is the collaboration with ALL parts of DoD. This means the significant engagement of the Departments of the Air Force and the Army, including installations, operational capabilities and their research laboratories, but also less known components of DoD such as the Defense Intelligence Agency or DARPA. At the winter meeting of the Joint Ocean Commission Initiative (JOCI) the #1 recommendation on where significant headway and promise exists for moving forward from the status quo was significantly engaging DoD in the National Ocean Policy. A final SAP should include plans to fully engage DoD and exploit the fact that the current SECDEF already possesses a robust understanding of oceans and coastal governance issues.

William H. Nuckols III  
Principal  
W.H. Nuckols Consulting  
70 I Street, SE, #B22, Washington, DC 20003  
will@whnuckolsconsulting.com

March 27, 2012

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Name: **Leanne Polk, Esq.**

Organization:

Path:

Comment: I am deeply concerned that the Administration has not allowed additional time for the public to review and comment on this very important document, despite many requests for an extension of the public comment period. Given the enormous amount of information that is contained in the draft Plan, it is unreasonable for the Administration to refuse to extend the public comment period to 90 days to allow more time for feedback on the Plan.

Name: **C. Mark Eakin**

Organization: NOAA Coral Reef Watch

Path:

Comment: On Page 49, Action 4 states “Agencies will coordinate to address two key threats to coral reef ecosystems: impacts from land-based sources of pollution, and impacts from planned (e.g., permitted/authorized) and unplanned (e.g., vessel groundings, spills) activities.” This omits the substantial work of the US Coral Reef Task Force’s Climate Change Working group to coordinate actions to identify the threats that warming and ocean acidification pose to coral reefs and to work with jurisdictions to develop actions to adapt to the coming threat, many of which are through local-to-regional ecosystem strategies that should be captured in this section. Climate change is the most widespread threat to coral reefs and coral bleaching alone has caused the destruction of almost 20% of the world’s coral reef resources. The actions, agency list, and milestones for this were submitted to the NOP climate change working group but left out. The NOP drafting teams should request that the US Coral Reef Task Force provide the language to include actions to help adapt to this pervasive threat under this section.

On Pages 61-62, the Climate Change section discusses Action 6 on adaptation strategies. The interagency work of the US Coral Reef Task Force is left out of the milestones. The USCRTF has already led the development of “A Reef Manager’s Guide to Coral Bleaching” and is working to help develop a follow-on “Reef Manager’s Guide to Climate Change” with a particular focus on adaptation. As coral reefs are one of the systems that have already suffered greatly due to the impacts of ocean warming, either coral reefs should be listed in the last bullet and the USCRTF be included, or a separate bullet should highlight this with a new bullet

\* Develop adaptation strategies for coral reef ecosystems, including the planned “A Reef Manager’s Guide to Climate Change” (NOAA, EPA, DOI; 2014).

Name: **Leo Asuncion**

Organization: Hawaii Coastal Zone Management Program

Path:

Comment: Emphasis on Federal Agencies: The Draft Implementation Plan is federally focused, which seems to be inconsistent with the priority objectives in the NOP. The plan provides guidance for federal agencies, and aims to reduce redundancies and streamline management; however, this cannot happen without an equal partnership with coastal states, territories, and commonwealths. The implementation and effectiveness of the NOP and in particular the ecosystem perspective will depend on state and local governments. Focusing on federal agencies in this plan appears to contradict the following priority objectives:

- **Inform Decisions and Improve Understanding** – The natural and cultural resources of our coastlines are managed and regulated by state and local governments. Furthermore, much of the on-the-ground stewardship and restoration activities are carried out by local communities, non-governmental organizations, and other partners. This is where our true ecosystem knowledge and understanding lies.
- **Observations, Mapping, and Infrastructure** – In order for data, observations, and mapping to be useful to policy makers and decision makers at the local level, they need to be well integrated with the details of our place, whether it be a small bay or community, a specific island or county, or an entire state.
- **Coordinate and Support** – As the objective clearly states, coordination and support of federal, state, tribal, local, and regional management is needed; however, this draft plan focuses mostly on federal agencies, with the rest appearing as an afterthought.
- **Regional Ecosystem Protection and Restoration** – Ecosystems know no physical boundaries. Much of our prime habitat for ocean resources lies close to the shoreline, if not directly connected to the shoreline, which is under state and local jurisdiction.
- **Resiliency and Adaptation to Climate Change and Ocean Acidification** – Many states, including Hawaii, have started and will continue to work at the local level to address adaptation to climate change. Climate change impacts will be felt to different degrees in different geographic areas, so adaptation measures essentially have to be localized. Furthermore, many of the coral reefs in the U.S. that will be impacted by ocean acidification lie in shallow waters under state jurisdiction.
- **Water Quality and Sustainable Practices on Land** - As the title of this objective suggests, coastal water quality directly depends on sustainable practices on land, which falls under state jurisdiction.
- **Coastal and Marine Spatial Planning** – Conflicting uses are generally prolific along the shorelines and within state waters where there are more people using the resources. An attempt to lead the coastal and marine spatial planning efforts without significant collaboration with local and state governments, as well as local communities and other stewards and stakeholders, will not result in effective planning.

The Draft Implementation Plan notes a constrained, uncertain federal budget and appropriation process. States can play a part in advocating for funding for coastal and ocean resource management, as well as finding innovative funding mechanisms with

private and non-governmental partners. For example, the Coastal States Organization does an effective job advocating for state coastal programs in Congress; state coastal programs are where much of the implementation of the NOP occurs.

## Missing Recognition of Insular Areas

As an island state, the people of Hawaii know firsthand that our environment, our economy, our cultural and social well being, and our quality of life depend directly on the health and productivity of our ocean that surrounds us. We recognize that nearly everything we do on land will have an impact on the sea. We ask that the NOP also recognize these unique island differences and be flexible and adaptable to these differences with regard to implementation. A one-size-fits-all approach will not work for insular areas.

## Stakeholder Involvement

Before the final NOP was released, the National Ocean Council requested input and toured the U.S. to conduct “listening sessions.” We are concerned that much of the comments and sentiments heard at the Honolulu listening session are not included in this Draft Implementation Plan. In particular, the following are extremely important yet missing from the plan:

- **Emphasis on traditional and cultural resource management approaches and activities** - In Hawaii, Native Hawaiian concepts of resource management have been clearly recognized and are being promoted in state plans, such as the ORMP. This should be highlighted and encouraged as a key component of implementation. Without the buy-in and participation of our Hawaiian communities, implementing policies regarding ocean resources will be difficult.
- **Recognition of insular areas** – We have stated our reasons for including the recognition of differences between the continental U.S. and insular areas above. It was also one of the key points made from others at the Honolulu listening session, because in Hawaii, as is in the other insular commonwealths and territories, the ocean factors significantly in our lives. The ocean plays a key role in our environment, economy, and in the social and cultural aspects of our communities. The land-sea connection, or ecosystem perspective, is elevated in insular areas in every aspect.

The NOP will strengthen the work we are doing in Hawaii to promote sustainable uses and stewardship of our ocean and coastal resources. We strongly support moving forward with implementation of the NOP. We thank you for the opportunity to provide comments on the Draft National Ocean Policy Implementation Plan and look forward to being a partner in implementation of the NOP.

Name: **Ed Johnstone**

Organization: Quinault Indian Nation

Path: [http://edit.whitehouse.gov/sites/default/files/webform/quinault\\_nop\\_implancomments\\_3-12.pdf](http://edit.whitehouse.gov/sites/default/files/webform/quinault_nop_implancomments_3-12.pdf)

Comment:



# Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (360) 276 - 8211

Ms. Nancy Sutley  
Chair, White House Council on Environmental Quality  
722 Jackson Place, NW Washington, DC 20503

March 29, 2012

RE: Draft National Ocean Policy Implementation Plan

Dear Ms. Sutley,

The Quinault Indian Nation (QIN) has the following comments regarding the Draft Implementation Plan for the National Ocean Policy (NOP).

The QIN supports the general goals of the National Ocean Policy and the Implementation Plan. We believe a well-crafted plan that creates a framework for cooperative management and stewardship of the ocean and its resources has been and remains a necessity.

Our greatest concern within the Draft Plan is lack of language concerning the federal government's trust responsibility to maintain resources and ecosystems within treaty ocean areas of the Quinault Nation and similar tribes with treaty ocean rights. Though "tribal engagement" is noted throughout the Plan, it is neither adequate nor appropriate for the unique treaty relationship that exists between the federal government and the QIN. Tribes with treaty rights in the oceans and Great Lakes of this nation are few; the Quinault Indian Nation is one of those and holds reserved treaty rights to resources within a significant portion of the EEZ of the United States.

Federal agencies must engage recognized tribes, treaty and non-treaty, per Executive Order 13175 and the subsequent Memorandum from President Obama. Because the QIN and the United States have a unique relationship based on treaty, it is incumbent on federal agencies not just to "engage" with Quinault in these broad ocean policy mandates but to also enable our participation in these processes as a sovereign government that will be affected by them. If the United States desires to enact any of the mandates of the NOP within the Quinault Treaty Area then they must consult with our tribe on a government to government basis and not within a regional group (e.g. Regional Ocean Partnerships) that contains states and other tribes. Quinault may opt to participate in such a group if we feel it is warranted but expect federal agencies to work directly with our government should there be any proposals, research or potential actions that may affect our treaty ocean resources or access to them.

It is a mistake for the National Ocean Policy to use "one-size-fits-all" language for tribal participation in any of the proposed processes. All tribes do not retain the same rights in coastal and Great Lakes areas of this nation. Treaties are the highest law of the United States and supersede the policies, goals and actions proposed by the NOP.

### **Ecosystem Based Management**

The theme of Ecosystem Based Management (EBM) is woven throughout the Draft Plan. Coastal indigenous peoples have lived as part of their local ecosystems since time immemorial. It was

then, and remains, imperative that place-based coastal cultures sustain their ocean resources for generations to come. It is interesting that the first sentence of the EBM section (page 9) begins, “Traditional approaches to management of natural resources focus on single species or uses, and may not adequately consider the entire ecosystem.” Our experience has shown that “traditional” non-indigenous management has caused most of the issues we deal with today. It was Quinault’s traditional management of its fisheries resources that led federal courts to confirm that we are fully self-regulating regarding our treaty fisheries and habitat management. Though we co-manage these resources with our tribal, federal and state partners we produce our own data, science to support our management. Quinault and other local treaty tribes have participated in the Pacific Fisheries Management Council (PFMC) process where we work with our co-managers and our federal trustees to share information and collaboratively manage our fisheries resources and habitats that they will remain for generations to come.

As a “place-based” culture the QIN understands that we are part of our local ecosystem. We note that the Plan describes EBM as “place-based”, i.e. focused on local systems but taking into account the range of influences on that local area. Much of the language found on Pages 10 and 11 in particular, echoes tribal sentiment. It speaks of humans as part of the ecosystem, place-based management, interconnectedness of species and systems and maintaining our natural and cultural heritage. Quinault agrees with these goals and the statement that “...Federal agencies must work with Tribal, State, and local governments to manage the system holistically.” Having agencies on the same page regarding ecosystem goals is fundamental to success of that and any part of the National Ocean Policy.

**Additional Comments (EBM):**

**Action 1 (page 13):** Collaboration with tribes will be essential to achieve regional EBM; particularly in the Pacific Northwest where tribes have ownership of the resources being considered.

**Action 2 (page 14):** Traditional knowledge should be incorporated into a science framework for EBM that melds western and historical evaluations of local ecosystems.

**Action 4 (page 16):** The Coastal Treaty Tribes of Washington (Quinault, Hoh, Quileute and Makah) have had a proposal in-hand since 2008 for an Ocean Ecosystem Initiative that would gather the data needed to inform and adapt our ocean management. This Plan was developed by the four tribes and has been proposed to federal partners as a model for EBM in the U.S. Building on the Coastal Treaty Tribe’s Ocean Ecosystem Initiative as one the initial pilot projects for EBM would create a true cross-jurisdictional EBM Plan and lead the way for other areas of the U.S.

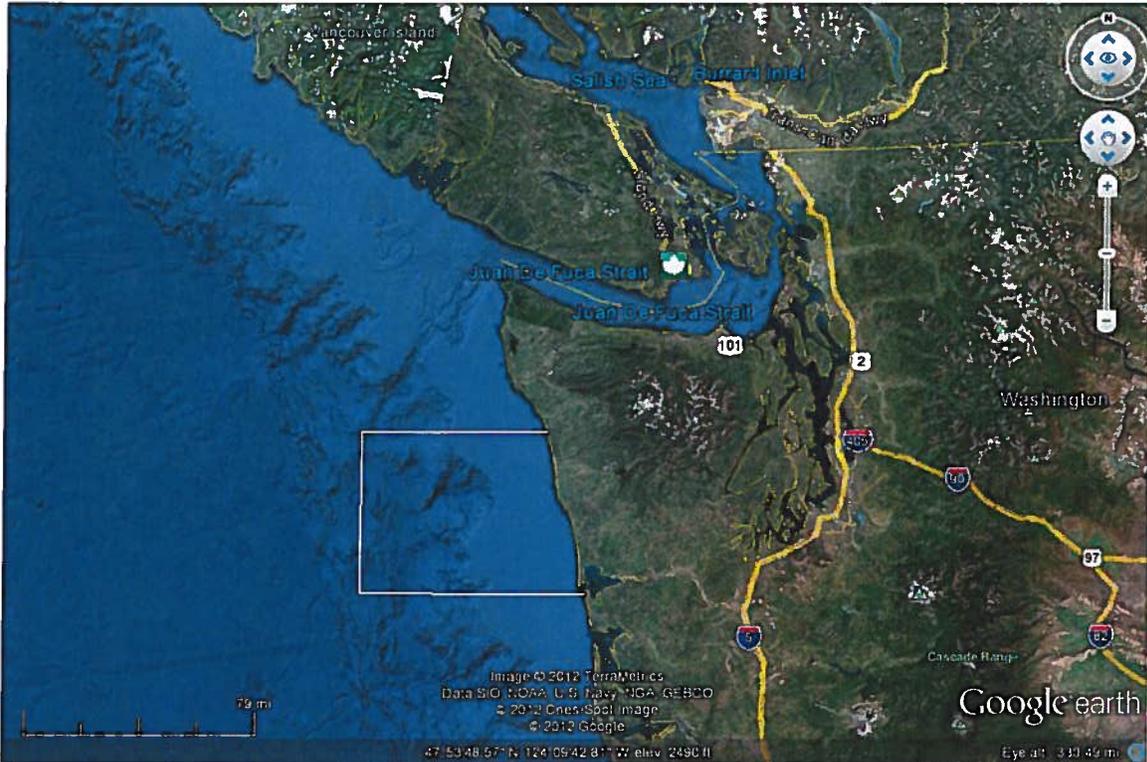


Fig. 1). The white box outlines the Quinault Indian Nation's marine Usual and Accustomed Treaty Fishing Area (marine U&A). Quinault's treaty rights reserve ownership of fisheries resources within and passing through this large ocean area adjacent to Washington State. The Quinault U&A further encompasses a land area on the Olympic Peninsula that includes four major river systems and Grays Harbor.

### **Inform Decisions and Improve Understanding**

The Actions proposed under this Section are sorely needed to accomplish a comprehensive, sustainable and fair National Ocean Policy. We believe that Tribes and tribal communities should be more clearly called out as unique in the Actions and that Traditional Knowledge must be incorporated into decision-making information.

Our people, young and old, need better information about the ocean. Ocean Literacy is a key to unlocking new ideas and improving stewardship over time. Traditional knowledge should be augmented with new marine education and tribal communities often do not have the resources to engage young and old effectively. It will benefit any National Ocean Policy and Plan to engage our indigenous communities and empower them to combine historical knowledge with new information as it becomes available to better inform their relationship with the ocean.

### **Observations, Mapping and Infrastructure**

#### ***Mapping***

Quinault and our fellow Coastal Treaty Tribes have, as part of the Ocean Ecosystem Initiative, stated the critical need for high-resolution ocean mapping of our Washington coastal areas to better characterize habitats and ocean processes. Only a small percentage of this incredibly complex and productive area of the EEZ has been mapped with multi-beam sonar. It is to the advantage of any effort in this area to engage Quinault and the treaty tribes that we may combine priorities and resources to accomplish the goal of bottom-mapping this large area. In order to effectively begin EBM and CMSP in this area of the nation, fine-detail bottom-mapping and habitat characterization will be a necessity.

#### ***Ocean Observing Systems (OOS)***

Quinault is a member of the Governing Council of NANOOS, the Northwest Association of Networked Ocean Observing Systems. We have seen the value of this Regional IOOS organization and value our partnership with it. The vast ocean area that we co-manage is largely void of any instrumentation that can offer data on critical issues such as Ocean Acidification, Hypoxia, Harmful Algal Blooms, Climate Change and ecosystem processes. NANOOS has opened the door for Quinault to partner with collaborators doing work as part of NANOOS off the Washington coast. We now collaborate on sea-glider (AUV) mission design, deployment and recovery with the Center for Coastal Margin Observation and Prediction (CMOP), a NANOOS partner and are beginning to gain new insights into the workings of our ocean area.

### **Coordinate and Support**

The ocean adjacent to Washington State has the single most unique ocean governance structure in the EEZ. Nowhere else in the U.S. do tribes have treaty rights that reserve ownership of ocean resources. The Quinault Indian Nation co-manages over 3,000 square nautical miles of this area and must be engaged in any activities that may affect our treaty rights. Where other areas of the nation have federal, state and some municipal jurisdiction, here, off the Olympic Peninsula, there are four tribal governments, each a sovereign, with treaty rights in the ocean well into the EEZ. It is not just an advantage to the National Ocean Policy to engage us on ocean stewardship, but rather, a necessity to complete the goals of the policy on the west coast of the U.S.

#### ***West Coast ROP***

The west coast partnership identified in this section (page 36) of the Implementation Plan is entirely inappropriate for working with the coastal treaty tribes of Washington on the NOP. The West Coast Governors' Alliance on Ocean Health (WCGA) is a formation of the three states and has no formal tribal representation nor have they asked for it. The Quinault Indian Nation is a treaty tribe with treaty rights in the ocean well beyond any state's three-mile limit. Our jurisdiction extends well into the EEZ and our relationship there is directly with the federal government not through a three-state consortium which we have had no part of. Before any NOP implementation begins in our waters we will require a mutually acceptable forum to work with the U.S. government. The WCGA has nothing to do with Quinault and cannot pretend to represent us in any manner regarding our treaty ocean area or any other actions that may affect that area.

#### ***Partnerships***

The many arms of the federal family have varied interests in our ocean area. NOAA, USFWS, BOEM and the U.S. Navy have, among others, conducted research, mapping, military exercises and monitoring in the QIN U&A. Many academic organizations have also conducted research and monitoring in this area with federal dollars. Coordination of federal, state, tribal and academic activities with Quinault is going to be a necessary part of any activities in our area that may be tied to the NOP. Our tribal fishing fleet has some capacity to assist on-the-water activities. Quinault has 28 vessels located in Westport, WA. It is to the advantage of the NOP to work directly with Quinault to accomplish NOP priorities in our ocean area.

### **Regional Ecosystem Protection and Restoration**

The ecosystems that support the Quinault Pacific Ocean and Grays Harbor U&A areas are critical to sustaining our culture, history, economy and livelihoods. Maintaining the integrity of the varied ecosystems in our U&A including beach, estuarine, nearshore, continental shelf and continental slope areas is critical to Quinault. Each of these areas have unique attributes that we still poorly understand at an ecosystem level. It is incumbent on the federal agencies to assist us in developing capacity to better understand these ecosystems so that collaborative EBM and regional protection and restoration are accomplished in an informed manner.

Action 6 of this section (page 51) recommends identifying significant natural and cultural areas in need of protection. Quinault has a long history of observing and commenting on various forms of

marine protections that have been proposed over the last decades. It has always been our belief that such protections are warranted where sufficient information is available to justify them. However, in many cases we have observed protections put in-place seemingly arbitrarily with no real goals in place nor gauges of success. Identifying “significant” areas is often subjective and needs to be based on real information where possible.

Identifying significant tribal cultural areas is intrinsically subjective and should be left to tribes alone to determine from their history and traditions. Protections of cultural areas are for tribes to decide since designations can often bring unwanted attention to those areas. Tribes such as Quinault may define culturally important marine areas in ways not understood by non-tribal peoples based on, for example, vistas, oral history or subsistence areas.

### **Resiliency and Adaptation to Climate Change and Ocean Acidification**

Quinaults are a fish and shellfish tribe in many ways. The Pacific razor clams found in our sandy beaches have been a part of our subsistence and economy forever. The Dungeness crab found in abundance along our coast now support many Quinault fishing families. Threats to these species and others, including our salmon, are now compounded by the specter of climate change and indirect effects such as ocean acidification (OA).

#### ***Ocean Acidification***

Quinault is deeply troubled by recent research that indicates acidic waters coming from the deep Pacific may be coming to our shores. Research indicates the carbon coming ashore now is 50 years old, indicating there is that much more carbon stockpiled in the system waiting to be moved into our coastal area. The upwelling mechanism that drives natural productivity on our coast is now bringing low pH waters with it that threaten the smallest most vital segments of our ecosystem. We do not yet know the full effects or future effects of lowering pH on larval shellfish in our area or on small animals fed upon by salmon such as pteropods.

We must have a monitoring system in-place that begins to enlighten us to the extent of this threat and then whether we can mitigate for its effects. Our Quinault U&A area would be an excellent candidate as a “sentinel site” for deploying monitoring systems that can be regularly downloaded and maintained. The waters off the Olympic Peninsula are some of the most productive and pristine waters left in the lower 48 states. Quinault is a willing partner in developing OA monitoring capacity in our marine area.

#### ***Climate Change Impacts***

Coastal peoples are on the front lines for climate change. Rising sea-levels, species area changes, increasing storm frequency, etc. are all threatening coastal villages in Washington State and elsewhere. Projections of future impacts are critical for planning, adaptation and survival. The NOP would benefit from working with and learning from the experiences of cultural indigenous peoples. Many are currently, or have in the past, been forced to adapt to changing conditions caused by climate and natural change. Even so, changes that were once gradual and could be adapted to in small steps are now coming faster and in an erratic way that jeopardizes lives and cultures. Coastal communities like Quinault need realistic climate change impact assessments. With those decisions can be better made to adapt in a timely manner that may save lives and ways of life.

### **Water Quality and Sustainable Practices on Land**

#### ***Streams and Rivers***

Quinault Department of Natural Resources has been involved with water quality, fishery management, forest management, wildlife management and habitat restoration for decades. We reiterate the federal governments’ need to cooperate and collaborate with Tribal governments when planning for Actions in and near treaty areas.

Salmon are integral to Quinault culture. A salmon’s life bridges both land and sea and they are vulnerable anywhere between the snow-caps of the mountains and the white-caps of the sea.

Water quality, sound land practices and minimizing man-made inputs are critical to maintaining the water systems and ocean that support the salmon and the Quinault people. We agree with the goals of Actions 1 and 2 on pages 65 and 66 but note that singling out areas such as the Mississippi Basin and Chesapeake Bay does not give us hope that the NOP would address the very real problems with Puget Sound, the Chehalis River and the Columbia River systems.

#### ***Hypoxia***

The beaches of the Quinault reservation have now had significant documented hypoxia-related fish kills in 2006, 2009, 2010 and 2011. This recurring summer event is unknown in the history of the Quinault people. There are no known legends of dead fish coming ashore in great numbers in Quinault oral history. Now we are faced with something new that threatens our fish, shellfish and all of our local marine ecosystems. Monitoring for dissolved oxygen in our coastal area is sporadic, spotty and seasonal. Better placement of monitoring equipment is vital to minimizing impacts from hypoxia events in our coastal waters.

#### ***Harmful Algal Blooms (HABs)***

Harvesting of Pacific Razor Clams on Quinault beaches was halted for over a year in 1998 when blooms of *Pseudo-nitzschia* diatoms produced the potent neurotoxin Domoic Acid which accumulated in toxic levels in the clams. The Quinault people have no history of not harvesting razor clams since time immemorial. Since that year we have had intermittent closures from the same and new HABs. We have struggled to keep our own HAB monitoring and testing capacity viable in challenging fiscal times but those efforts have paid off in better management ability and better protections of human health. Quinault agrees with the Milestone of Action 6 (page 69) that calls for development and deployment of rapid-assay kits that can be used in the field to detect toxin levels in water and organisms.

#### ***Marine Debris***

It is to the advantage of the NOP to work with tribes to keep our beaches, estuaries and nearshore areas free of trash and marine debris. Much of the Washington coast is on-reservation and the tribes must be part of any comprehensive effort to identify, remove and control marine debris in those areas and areas adjacent to reservations.

#### **Changing Conditions in the Arctic**

Quinault supports the goals of the NOP Implementation Plan but notes that little is said about the profound impact of these changes on Native Alaskan communities that is and has already occurred. There are people in the Arctic that desperately need assistance with maintaining their homes and ways of life. Besides climate and accessibility there are profound cultural effects from these changing conditions that demand attention from this NOP.

#### **Coastal and Marine Spatial Planning (CMSP)**

Quinault welcomes the discussion on Page 86 of developing sub-regional CMSP. We believe it is a mistake to assume that the California Current can be addressed at the ecosystem level necessary to make informed decisions on EBM and from that CMSP. Though this same section makes mention of working with "...Federally-recognized Tribes..." it, again, does not make the necessary distinction of identifying the unique relationship the U.S. government has with a Treaty Tribe such as Quinault that has treaty rights far into the EEZ. Quinault is a co-manager of our U&A and has reserved ownership of the treaty resources within it. That is not the case with the vast majority of federally recognized tribes and must be acknowledged.

#### ***Regional Planning Bodies***

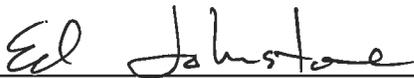
We reiterate in these comments that the West Coast Governors Alliance on Ocean Health (WCGA) will not be the proper RPB (or ROP) to serve as the federal nexus for conducting CMSP in the Quinault treaty ocean area. The structure currently in-place does not have tribal approval, representation or authority. Our treaty rights and sovereign status demand a government to government consultation from beginning to end of any proposed or realized CMSP efforts in our

area including work currently being conducted by BOEM and others to begin defining our ocean area.

In that light, we are disappointed that BOEM and DOI have failed to contact us while contracting the mapping of human uses and cultural areas on the west coast of the U.S. including the Quinault U&A. We believe this lack of communication is an example of poor understanding or ignorance of the mandates given to federal agencies by Executive Order 13175 and President Obama's Memorandum of same.

We believe a sub-regional CMS Plan may be the best way to address the unique ocean governance structure that exists off the Washington coast. A CMS Plan that meets the goals of the NOP is best conducted in the waters off the Olympic Peninsula with full government participation by Quinault, our federal treaty trustees and the State of Washington.

Sincerely,

A handwritten signature in black ink that reads "Ed Johnstone". The signature is written in a cursive style and is positioned above a horizontal line.

---

Ed Johnstone  
Quinault Fisheries and Ocean Policy  
Quinault Indian Nation