



CALIFORNIA OCEAN PROTECTION COUNCIL

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## OPC comments to the Ocean Policy Task Force

### INTRODUCTION

President Obama’s June 12, 2009 memorandum calling for the development of a national ocean policy reinforces what California and other coastal states have been requesting for years – a clear and responsive approach to managing our nation’s ocean and coastal resources. We fully support this effort, which we hope to build on partnerships between the federal government, coastal states, and other stakeholders. California has significantly benefited from existing productive state-federal partnerships, and we believe that a new comprehensive national ocean policy can take us to the next level. We look forward to enhancing existing partnerships and developing new opportunities to advance our shared interests in protecting and managing ocean and coastal resources. Given California’s consistent and pioneering record of coastal and ocean stewardship, we would be happy to assist you as you develop this plan to address issues at the national, regional, state, and local levels.

### COMPELLING NEED FOR NATIONAL OCEAN POLICY

Our ocean and coastal communities and ecosystems are experiencing increasing pressure from population growth, pollution, invasive species, depleted fisheries, and climate change. It is only through a coordinated vision and implementation plan that we can successfully tackle the challenges facing our oceans. Therefore, the OPC’s recommendations to the Ocean Policy Task Force address:

- **A national ocean policy** that prioritizes, clarifies, and strengthens the critical roles of states in ocean and coastal management and that also promotes ecosystem-based management, address the impacts of climate change, the use of the precautionary principle, cumulative impact assessments, public trust responsibilities of federal and state governments, and regional coordination.
- **An ocean policy coordination framework** that clearly recognizes the critical role of coastal states in ocean management and provides mechanisms for states to directly integrate into the national system.
- **An implementation strategy** that sets bold, achievable goals for programs and data that improve ocean and coastal management and focuses on developing adequate funding, effective legislation, and support for the continued development of state-federal coordination and partnerships.
- **A framework for marine spatial planning** that is needs driven, science-based, and supports public trust benefits for society.

## NATIONAL OCEAN POLICY RECOMMENDATIONS

We strongly support the development of a National Ocean Policy that prioritizes, clarifies, and strengthens the critical roles of states and territories on ocean and coastal management. We recommend that you implement a policy that captures the intent of the U.S. Commission on Ocean Policy and adds specific language about the key role of state governments in ocean management.

The National Ocean Policy should also promote:

- **Ecosystem-based management decisions.** An ecosystem-based approach to management that sets goals based on conserving ecosystem services (such as clean water, abundant seafood, and flood control ) in support of sustainable economic benefits; organizes management around ecosystem boundaries rather than political boundaries; considers cumulative impacts and evaluates trade-offs among various activities; is adaptive and applies the precautionary principle; and coordinates across sectors.

Ecosystem-based management relies on setting priorities for research based on management needs and commits to the use of sound science in decision making. Where information is lacking, state and federal agencies should partner to conduct regional ecosystem assessments that take stock of existing conditions, identify major ecosystem threats, and establish quantifiable and measurable goals as well as indicators with which to monitor progress.

- **The public trust responsibilities of federal and state governments.** California's jurisdiction extends seaward to encompass significant ocean areas, resources, and uses. Under the Public Trust Doctrine, California has responsibility for these resources. A National Policy should clearly state that it is the policy of the United States that the programs and authorities of coastal states for managing ocean and coastal resources are and will be principal components of a federal framework for stewarding the nation's ocean and coastal assets for the benefit of society. Key to this policy will be the ongoing support for the federal consistency provisions of the Coastal Zone Management Act, a successful partnership between coastal states and the federal government for over 35 years.
- **Regional coordination.** The new policy should recognize and support the regional ocean partnerships that have been established, or are under development, throughout the country. These partnerships are action oriented and address issues important to their respective regions, nationally, and internationally.
- **Climate change adaptation.** Even with greenhouse gas reduction goals in places, numerous impacts of climate change, such as sea level rise and ocean acidification, are inevitable. It is necessary that a national policy recognize this fact and set the stage for adaption activities at the federal, regional, state, and local level.

## OCEAN POLICY COORDINATION FRAMEWORK RECOMMENDATION

We recommend that the task force thoroughly evaluate the effectiveness and efficiency of the current interagency coordination structure – particularly as it relates to including coastal states in the national system. The new policy should establish a mechanism to directly engage states by establishing a new state advisory council that is made up of representatives from coastal states

and tribes (or potentially representatives of each of the regional ocean partnerships). This new council's role would be similar to Ocean Research and Resources Advisory Panel, but would focus on issues of importance to state, tribal, and local governments. States and tribes are not stakeholders akin to non-governmental organizations and academia due to their specific legal and regulatory responsibilities, therefore a framework is needed that provides targeted engagement at the federal level.

#### IMPLEMENTATION STRATEGY RECOMMENDATIONS

The implementation strategy should set bold, achievable goals for programs and data collection that improve ocean and coastal management, including:

- **A fully operational and continuously funded ocean observing system.** Real-time ocean physical and biological data are essential to assessing management effectiveness, understanding changing ocean conditions, tracking and predicting harmful algal blooms, and saving lives. Investments in new technologies are vital, but so is continued support of staff to maintain these systems and deliver information useful to managers, rescue personnel, and the public.
- **Comprehensive high-resolution seafloor and coastal maps.** High-resolution substrate and habitat data have provided the foundation for pioneering projects, such as the Marine Life Protection Act process to establish a network of marine protected areas along California's coast. Pursuing regular data collection efforts will allow managers to track changes over time, which is essential for adapting to climate change, restoring coastal habitats, and other management actions.
- **A National Climate Services Center.** In the spirit of the National Weather Service, the administration should create a Climate Services Center that can provide data and analytical tools related to sea level rise, acidification, and other climate-related impacts. New information and tools are needed by federal, state, and local jurisdiction to change the way they make resource and land-use decisions, and significant resources could be saved by coordinating the development of these products nationwide.
- **Climate change adaption strategies.** In addition to providing data and tools that will allow states to plan for and adapt to climate change, NOAA and other agencies can provide leadership on developing and promoting adaptation strategies. Under a strong national policy that recognizes climate change adaptation, federal agencies can provide guidance on adaptive management and risk based decision making by disseminating legal and policy analyses and lessons learned from around the country.
- **Innovative fisheries management approaches and cooperative research.** California is committed to preserving its fishing heritage and is pursuing this by supporting fishermen willing to examine new management approaches, improving local harbor infrastructure, and promoting cooperative research to bring fishermen more into the decision-making process. Federal support and coordination among regions will benefit all states pursuing these types of data collection efforts and management reform.
- **Specific coastal and ocean restoration goals.** The administration should set specific restoration targets for coastal wetlands or other resources in partnership with regional, state, and local governments. California has developed approaches such as the highly

- **An integrated program for eliminating marine debris.** California has taken bold action to address marine debris impacts – with a focus on reducing or eliminating packaging, plastics, chemicals, and other products before they can become ocean litter. At the federal level, coordination between the U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) is needed to address numerous introduction pathways and products that contribute to marine debris. Joint leadership is also needed to focus more on source reduction since regulations, such as extended producer responsibilities, are more comprehensively implemented at the federal level.
- **Improved water quality standards.** The administration should set specific water quality targets that address pollution and contaminants of emerging concern, such as flame retardants, personal care products, pharmaceuticals, and endocrine disruptors.

In addition to specific goals, we believe the implementation strategy should also include the following three key components:

**(1) Funding**

*Ocean and coastal trust fund:* It is time for the federal government to follow the recommendations of both national ocean commissions and establish an ocean trust fund dedicated to providing financial support for federal agencies, regional partnerships, and state and local programs related to understanding and managing our oceans, coasts, and Great Lakes.

*Integrated ocean and coastal budget:* The administration should develop an integrated federal coastal and ocean budget that identifies current funding levels for science and management and regulatory programs and evaluates the actual needs for these programs. This should include the potential to significantly increase the NOAA budget and the budgets of other federal agencies such as the U.S. Department of the Interior, EPA, and the U.S. Army Corps as they relate to ocean and coastal protection. This initial integrated budget should be used moving forward as an evaluation tool for assessing funding trends and needs.

*Budget coordination:* Require the Office of Management and Budget to review NOAA’s budget under the Natural Resources, Energy, and Science Program along with other environmental agencies, such as EPA and DOI, to ensure coordination.

**(2) Legislation**

We support legislation that enhances mechanisms and incentives for coordination among federal agencies of jurisdiction. We specifically support legislation that strengthens and reauthorizes the Coastal Zone Management Act, particularly regarding climate change impacts, polluted runoff, and the federal consistency provisions of the law. Finally, we continue to support the U.S. accession to the U.N. Convention on the Law of the Sea.

**(3) Coordination**

We hope the policy will identify additional mechanisms and incentives to drive interagency collaboration, including funding mechanisms, public-private partnerships, and agency staff exchanges to bring together agency missions. Improved federal coordination will set the stage for better communication and coordination with the regions, the states, and local governments.

**FRAMEWORK FOR MARINE SPATIAL PLANNING**

California has been a key participant in the national discussion about marine spatial planning (MSP) for the ocean.

We are delighted that the President’s memorandum provides a focus on this emerging tool for management. California has long-term experience in implementing aspects of this concept through its Ocean Plan and areas of biological significance (ASBS). We hope that you will work closely with California and other coastal states as you develop MSP recommendations.

We view MSP as a helpful tool to address pressing management challenges on our coast. There are numerous efforts focused on the development, management, and sharing of geospatial information (such as mapped jurisdictional boundaries, habitats, and human activities) in California that will provide the backbone of successful marine spatial planning. For example, the design and implementation of a network of marine protected areas through the Marine Life Protection Act and the development of a human uses atlas that details existing ocean and coastal based activities. Furthermore, OPC staff is working in coordination with the NOAA Coastal Services Center and other partners to identify methods that will improve geospatial data collection, interagency data sharing, and tools for visualizing and analyzing these data. We hope that this joint state-federal effort will become a model for other states.