



October 15, 2009

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Ms. Nancy Sutley
Chair, White House Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20500

Dear Chair Sutley:

I submit these comments on behalf of the National Marine Sanctuary Foundation, which is an independent, non-profit, 501(c)(3) organization that was created to preserve and protect and our federally managed National Marine Sanctuary System (Sanctuary System). There are currently 14 sites within the Sanctuary System, which includes 13 national marine sanctuaries in both near-shore and offshore areas and the Great Lakes, as well as one marine national monument—Papahānaumokuākea, established in June 2006 in the Northwestern Hawaiian Islands and provides protection to approximately 140,000 square miles of area. As a whole, the Sanctuary System provides protection for such sensitive marine ecosystems as coral reefs and kelp forests, for habitats used by important or vulnerable marine species, and for historically significant shipwrecks and artifacts—protecting more area than all of the U.S. National Parks combined. Already valued for their ecological and cultural importance, we view these special places as a starting point for broader conservation of our ocean, coasts, and Great Lakes.

We applaud President Obama for taking steps to make ocean policy a priority, especially so early into his tenure. We also thank you and the entire Interagency Ocean Policy Task Force (Task Force) for the work you all have done over the past few months. The Interim Report released by the Task Force dated September 10, 2009 is thorough and thoughtful in its recommendations for what a *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes* (National Ocean Policy) should entail and in its suggested implementation strategies for carrying out those recommendations in the short-, mid-, and long-term. We are pleased to see that the Task Force carefully considered the recommendations that were publicized in 2003 and 2004 from the Pew Oceans Commission and the U.S. Commission on Ocean Policy, respectively, as those efforts are an important basis for how the

Task Force and this Administration proceeds. However, the report rightfully notes that there have been significant changes and advances since the work of the two commissions, and it lays out a plan that could lead to overdue progress toward better protection of our ocean, coasts, and Great Lakes.

We look forward to supporting the Administration in making the recommendations in the Interim Report a reality. Therefore, as you work to finalize the details of this report, we would like to highlight the strong points that we encourage you to keep as critical elements for advancing a National Ocean Policy, and to note a few suggestions for improving the plan described in the report. Throughout our comments, we underscore the fact that national marine sanctuaries are models for, and examples of, integrating many of the key components of the National Ocean Policy in its development and implementation.

Relevance of National Marine Sanctuaries to the National Ocean Policy

The Sanctuary System, including the statute, regulations, programs, and practices that comprise it, provides a powerful guide for the development and implementation of the National Ocean Policy, and the Foundation strongly encourages the Task Force to consider how the Sanctuary System can inform its work going forward. These comments highlight some key aspects of the relationship between the Sanctuary System and the National Ocean Policy for your consideration.

The Sanctuary System shares the same primary goal of the National Ocean Policy: both are intended to promote conservation of the resources. For example, the National Ocean Policy states that it is the policy of the United States to “[p]rotect, maintain, and restore the health and biological diversity of the ocean, coastal and Great Lakes ecosystems and resources.” In comparison, one of the purposes and policies of the National Marine Sanctuaries Act (NMSA) is “to maintain the natural biological communities in the national marine sanctuaries, and to protect...restore and enhance natural habitats, populations, and ecological processes” [16 U.S.C. 301(b)(3)]. Overall, NMSA provides for “the primary objective of resource protection.” Given the similarity of policies as a starting point, NMSA provides a valuable tool for informing the National Ocean Policy.

Beyond the overarching goal of the two, both the National Ocean Policy and the National Marine Sanctuary System share similarities in the policies that support the primary outcome, including an emphasis on the importance of science and monitoring, education and outreach, and enforcement and accountability. For a quick comparison, one need only look at the list of the nine principles included in the Interim Report compared with the Purposes and Policies section of NMSA. Along those lines, for instance:

- Principle 4 in the report states that “[t]he United States should support disciplinary and interdisciplinary science, research, monitoring, modeling, forecasting, exploration, and assessment to continually improve understanding of ocean, coastal, and Great Lakes ecosystems...” By comparison, the fifth purpose of NMSA is “to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas.”

- Principle 6 states that “United States policies, programs, and activities should enhance formal and informal education about the ocean, our coasts, and the Great Lakes and their uses to build a foundation for greater understanding and improved stewardship, and build capacity to produce future scientists, managers, and members of a dynamic and innovative workforce.” Similarly, the fourth purpose of NMSA is “to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System.

There is also a great similarity between the Sanctuary System and the National Ocean Policy in the means for achieving their policies, as both rely on ecosystem-based management and adaptive management. To quote the Interim Report directly:

Human activities that may affect ocean, coastal, and Great Lakes ecosystems should be managed using ecosystem-based management and adaptive management, through an integrated framework that accounts for the interdependence of the land, air, water, and ice, and the interconnectedness between human populations and these environments. Management should include monitoring and have the flexibility to adapt to evolving knowledge and understanding, changes in the global environment, and emerging uses. [Principle 2, p. 15]

National marine sanctuaries, both individually and as a system, are valuable tools to conduct the type of management described above, especially in the face of increasing human pressures on the ocean, coasts, and Great Lakes. NMSA mandates that national marine sanctuaries be managed as ecosystems to maintain and enhance their natural biodiversity, historical and cultural heritage, and other unique qualities. This includes managing other public and private uses of the areas that are compatible with resource protection. In order to achieve these goals, each sanctuary regularly undergoes management plan reviews to assess its effectiveness so that necessary improvements can be made in light of changing circumstances and new information, all of which is subject to an extensive public process. In addition, because many of the sanctuaries have coastal components, they are subject to State and local input (including tribes, in some cases), making it necessary for sanctuary managers to work closely with other levels of government and partners for better coordination and implementation of the management. This is the kind of coordination and collaboration that is highlighted as a need in the Interim Report in order to make a National Ocean Policy achievable.

In practice, sanctuaries serve as important vehicles to promote implementation of the proposed National Ocean Policy and to address some of the problems recognized in the report. For example:

- Sanctuaries support the economy by fostering tourism, supporting healthy fishery stocks, and providing ocean-related jobs;
- Sanctuaries are sentinel sites for monitoring the impacts of climate change on local ecosystems since they help reduce other anthropogenic stressors on those areas and increase their resiliency. The targeted research and monitoring that takes place in

sanctuaries provide valuable information about the changes happening in our ocean, which helps determine how to counteract and adapt to such changes;

- Sanctuaries support coastal communities by providing educational forums, fostering local and regional partnerships, and connecting people to the ocean;
- Sanctuaries support foreign relations and national security through a host of innovative multilateral relationships. These include memorandums of understanding (MOU's) and 'sister site' relationships that seek to strengthen capacity building for marine conservation in developing countries, research and conservation efforts to protect sanctuary resources as they migrate into non-US waters, and educational and cultural exchanges for non-American students that promote international partnerships;
- Sanctuaries support human health and safety through the information gathered in them, such as water quality data; and
- Sanctuaries help increase our Nation's competitiveness by supporting sound science and increasing scientific literacy through the educational and research programs conducted in their boundaries.

Support for Selected Priorities in Interim Report

Ecosystem-based and Adaptive Management: These components are the backbone for achieving healthy and sustainable ocean, coasts, and Great Lakes. They thread throughout the report, including in the planning, implementation, and evolving structure of the National Ocean Council (NOC) and its supportive entities. The Task Force appropriately recognizes that practices on land must be explicitly included in a National Ocean Policy, and that the linkages between air, sea, land, and ice must be considered in management decisions. Additionally, since the state of these components is continually changing, plans and decisions must be adaptive to remain relevant and effective.

As noted above, these management techniques have proven valuable in the National Marine Sanctuary System, and would have widespread benefits if applied more holistically to U.S. waters. For example, in the Florida Keys National Marine Sanctuary (FKNMS), the managers have had to balance marine protection in one of the most highly visited tourist destinations in the country. In order to do that, they have created marine managed areas of varied levels of protection within the sanctuary boundaries. In deciding the compatible and incompatible uses of these areas, managers have taken an ecosystem approach of considering the species, the habitats, the water quality, etc., that would inform them about the resiliency of those areas to external pressures. A 10-year assessment of this management regime was just completed, which will be used to modify the area-based protections as to improve their collective effectiveness in protecting the resources of FKNMS. This is just one of several instances within the Sanctuary System where ecosystem-based and adaptive management have been effectively used and serve as models for your broader efforts.

Coordination with High Level Direction and Bottom-up Input: The tiered approach taken in designing the structure of the National Ocean Council—with its principal, deputy, and committee levels—helps to maintain a priority focus on ocean issues from the President, to government agencies and departments, down to the stakeholders and advisors who continue to provide input

to the recommendations that the NOC Co-Chairs give to the President. This continual loop of coordination should keep all parties engaged towards the goal of implementing an effective National Ocean Policy, and should help increase efficiency and collaboration. This type of approach is codified in NMSA and exemplified in sanctuary management, in that, for example, Sanctuary Advisory Councils that consist of a range of stakeholders provide regular input to sanctuary managers.

Emphasis on Ensuring Adequate Funding and Measureable Benchmarks: Despite efforts in the past to better conserve and protect the ocean, coasts, and Great Lakes and their resources, the lack of dedicated funding to support the relevant elements (e.g., research, management, education) has been a major reason for slow progress towards this end. It was encouraging, then, that the Interim Report includes guidance to better identify budgetary needs of departments and agencies, to simplify resource sharing among different agencies, and to work more closely with the Office of Management and Budget in developing the President's annual budget. Such considerations would not only support and expand the important work being done in national marine sanctuaries, but would also benefit ocean conservation and management broadly. Sanctuaries and ocean-related programs, in general, have been hindered—for both basic operations and potential growth—by the lack of available funds for them.

Beyond funding, another reason for slow progress towards better ocean conservation has been the lack of accountability. Accountability is a required component in managing sanctuaries. Therefore, we are pleased to see an emphasis on the need for measureable benchmarks and timeframes for completion of priority objectives, allowing for periodic re-evaluation of these objectives and related management decisions. Taking the accountability measures even further, the Task Force rightfully recognizes the need to internalize environmental costs so that those who cause environmental damage generally bear the cost of that damage.

Stewardship Ethic in Government and in Citizens: The Foundation highly commends the Task Force for recognizing that decisions should be guided by a precautionary approach in preventing environmental degradation, as recommended in the ocean commission reports. In addition, it is imperative that management decisions better integrate and coordinate the existing laws, policies, and jurisdictions among the many levels of government. Together, these elements should lead to better stewardship within Federal departments and agencies down to local authorities.

Even further, and just as critical, is the acknowledgement that fulfilling the goals and objectives of a National Ocean Policy would require an engaged citizenry—one of the fundamental principles of NMSA and the Sanctuary System. We applaud the Interim Report's strong emphasis on formal and informal education so that the public is better informed, and in turn, likely to be better stewards of the environment. Information resulting from improved science and research should be easily accessible to the public, not only by increasing the amount of content available, but also by increasing understanding of it through various outlets (e.g., classrooms, visitor centers, public seminars). Similarly, enhancing public awareness, understanding, and stewardship towards the marine environment is a clear purpose of the National Marine Sanctuaries Act, and would be instrumental in supporting the National Ocean Policy.

Endorsement of U.N. Law of the Sea Convention: The Task Force understands that to better conserve marine resources, it is necessary to show international leadership and cooperate more fully with other nations of the world. The Law of the Sea Convention (Convention) entails conservation measures that would enhance the success of our National Ocean Policy and the overall sustainability of our planet. As the Interim Report acknowledges, there is one contiguous ocean, despite the basins being called by different names. The marine resources that the U.S. would seek to protect in our waters—in national marine sanctuaries and in other areas of our Exclusive Economic Zone—are, in one way or another, globally shared resources that impact, and are impacted by, those resources in other areas of the world. Therefore, the decisions we make and actions we take here are similarly impactful and impacted. To better support our own National Ocean Policy, we should be fully a part of the Convention so that we can use the tools we have and take advantage of the tools of other nations to build a global capacity to protect the ocean. As noted above, the Sanctuary System and its living resources would benefit greatly from a more global effort to conserve our ocean, and its programs can serve to lead U.S. activities in this regard.

Recommended Improvements for Implementing the National Ocean Policy

Issue Executive Order: We strongly recommend that the President issue an Executive Order upon finalization of the National Ocean Policy that would ensure its immediate and effective implementation. As noted above, and as evidenced by ineffectual implementation of Executive Order 13366 in 2004, too many times we have seen good policies on paper fail in practice. Some of the most critical recommendations of the Task Force are also the most complicated and politically challenging—establishment of the National Ocean Council, inter-agency coordination, and budgetary coordination—and it will require the full support of the President to ensure that these recommendations become reality.

Better Coordinate with Legislative Branch, including Endorsing Legislation: As the Task Force worked to develop its report, it was diligent about taking into account the input of the public and experts, as well as existing reports, policies, and legislation. The suggested structure for implementing a National Ocean Policy also continues to engage many relevant people, agencies, and departments from local to federal levels. However, there does not seem to be, within all of that, a continued effort to consider pending legislation or priorities of Congress as they relate to the ocean, coasts, and Great Lakes (except as they relate to the budget). We recommend that the Administration work closely with Congress to coordinate policy development and progress, in order to address some of the jurisdictional issues that plague administrative management and are mirrored in congressional committee jurisdictions. We suggest that a subcommittee of the NOC be tasked with working directly with Congress on related issues for two-way communication and input. In this way, once statutory “gaps, inconsistencies, and duplications” [Interim Report, p. 33] are identified, the Administration could lend its support to legislative efforts that correct these problems and advance the Administration’s National Ocean Policy goals.

As a part of this coordination, then, either the Task Force or the subsequent National Ocean Council should, in the near term, conduct an assessment and prioritization of pending legislation that would support the National Ocean Policy. Once this process is complete, the President

should issue an endorsement of the pieces of legislation that advance his goals or suggest new legislation as needed, and encourage Congress to move them through the legislative process.

To this end, we encourage the Administration to make reauthorization of the National Marine Sanctuaries Act a priority to be completed by the end of 111th Congress. As highlighted in some of the examples in previous sections, national marine sanctuaries and the way they are managed are very closely related to the goals and methods of the National Ocean Policy. Therefore, NMSA reauthorization would further advance a National Ocean Policy that, among other things, “enhances the sustainability of ocean and coastal economies, preserves our maritime heritage, [and] provides for adaptive management to enhance our capacity to respond to climate change” [Presidential Memorandum, June 12, 2009].

President Obama has already endorsed the importance of NMSA in regards to a larger ocean policy. During his campaign, he was presented with the following question [<http://www.sciencedebate2008.com/www/index.php?id=40>, Question #9]: “...What steps, if any, should the United States take during your presidency to protect ocean health?” In his response, he states that “...the National Marine Sanctuaries and the Oceans and Human Health Acts provide essential protection for ocean resources and support the research needed to implement a comprehensive ocean policy. These programs will be strengthened and reauthorized.” NMSA is one of the most important pieces of federal legislation for protecting natural and cultural submerged resources in the ocean and Great Lakes, setting aside such areas for protection and management for the sake of current and future generations. Reauthorization of NMSA is five years overdue and changes to the current law are needed to more effectively and efficiently meet the mandates established therein by improving protection, research, and education, as to meet the growing needs and evolving challenges facing our nation’s marine resources, which would, in turn, support a National Ocean Policy.

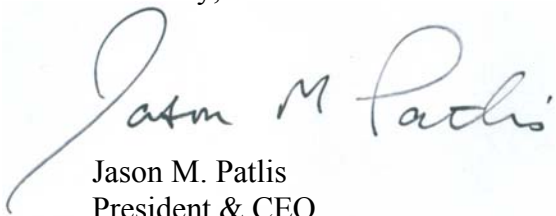
In addition, we recommend that the Administration work with Congress on comprehensive legislation that would codify the goals, principles, and practices of the National Ocean Policy in order to give them the full force of law. This would truly advance the Nation in the “protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources,” as is the goal of the plan drafted by the Task Force.

Closing Remarks

As stated convincingly in the Interim Report of the Interagency Ocean Policy Task Force, we need the ocean, coastal, and Great Lakes ecosystems to survive. Given the exponential decline in the health of these areas, it is past time for our nation to take proactive steps to effectively address these problems, which could and should include implementation of a *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes*, increased funding for related programs and research, passage of key legislation that would protect, maintain, and restore the health of these areas, and a framework for coordination of the various components involved. We hope that, once the Task Force finalizes its report, these elements will come to fruition in a meaningful way.

Thank you for consideration of these comments. If you would like to follow up with us about anything included here, please do not hesitate to contact me at 301-608-3040 x1 or jason@nmsfocean.org. Alternatively, you are welcome to contact our Director of Government Relations, Letise LaFeir, at 301-608-3040 x4 or letise@nmsfocean.org.

Sincerely,

A handwritten signature in black ink that reads "Jason M. Patlis". The signature is written in a cursive style with a large initial 'J'.

Jason M. Patlis
President & CEO