



DEPARTMENT OF DEFENSE
REPRESENTATIVE FOR OCEAN POLICY AFFAIRS
WASHINGTON, DC 20301-2400

January 10, 2003

Admiral James D. Watkins
Chairman
U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

Dear Admiral Watkins:

On behalf of the Department of Defense, we would like to thank you and all of the Commissioners for the opportunity to provide testimony and information to the U.S. Commission on Ocean Policy. It is our hope that the information we have provided will be of assistance to you as you prepare your final recommendations for a National Ocean Policy to the President and Congress.

As you enter the deliberations stage of your work and begin to formulate your recommendations, we ask that you keep in mind the four issues of critical importance to the Department of Defense as presented to you on November 14, 2001: preservation of the internationally recognized **freedoms of navigation and overflight**; reversing the trend toward **encroachment** on military training and operating areas, ranges, and land; the importance of **ocean observations** to military operations; and the substantial investment that the Department of Defense makes to promote good **stewardship** of the ocean environment.

The information you have gathered during the Public Meeting process highlights the competing and often conflicting interests of the various stakeholders and users of the world's oceans. Of particular concern to the Department of Defense are recommendations that would create ocean zoning and marine protected areas in the exclusive economic zone, both due to the potential for infringement on internationally recognized freedoms of navigation and overflight, and further restrictions on military training and operating areas. Similarly, initiatives to extend State authority over Federal activities in the coastal environment could undermine the ability of the Department of Defense to operate and train as necessary to meet the security requirements of the United States. While the Department of Defense remains committed to environmental stewardship, inconsistent interpretation of overly broad and ambiguous laws and regulations has led to litigation and imposition of excessive restrictions on realistic training. Any recommendations that could affect the legal framework must preserve the internationally recognized freedoms of navigation and overflight in the exclusive economic zone and on the high seas, and the rights of transit passage through

international straits and innocent passage in the territorial sea. As a maritime nation dependent on access to the world's oceans for national security and international maritime trade, the United States must not set a precedent restricting navigational freedoms; such a precedent would likely prompt other coastal nations to take similar measures. Likewise, in light of important national security interests, it is critical that any recommended actions preserve the ability of our military forces to conduct realistic training, and preserve military access to operating areas, ranges, and land.

Finally, we would like to emphasize that the ability to realize fully the strategic value of the oceans, and to understand how to be better stewards of the oceans, depends on a comprehensive understanding of the ocean environment. A national integrated, sustained ocean observing system, coordinated with all relevant Federal agencies through the National Oceanographic Partnership Program, is of critical importance.

The Department of Defense remains committed to supporting Commission activities fully. Please do not hesitate to contact us should you require additional information. Our points of contact are Dr. Cynthia Decker, CNO(N962DB) at 202-762-0272 and CDR Scott Kenney, Assistant to the Department of Defense Representative for Ocean Policy Affairs, at 703-614-4386.



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