

JOHN G. ROWLAND
GOVERNOR

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

June 4, 2004

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

Dear Admiral Watkins:

Thank you for the opportunity to submit comments on behalf of the State of Connecticut in response to the preliminary report of the U.S. Commission on Ocean Policy. I am impressed by the scope and vision of the Commission's work, and I expect that the final report will serve as a blueprint defining the nation's relationship to its coastal and ocean resources for decades to come. The Commission has rendered a vital service in drawing attention to the significant challenges we face and in sounding a call to action to protect the coastal and ocean resources, uses and values that are so important to every coastal state and to the nation as a whole.

As demonstrated in the report, our coastal, Great Lakes and ocean resources are national assets. Connecticut's own ocean and coastal resource, Long Island Sound, may be relatively small in size but it looms large in significance to Connecticut's economy and quality of life, and to neighboring states and the Nation as well. Over 15 million people live in the Sound's drainage basin, and many of them use the Sound directly for fishing, boating, or recreation, or indirectly as a source of seafood, a transportation corridor, and ultimately, a touchstone of geographical and cultural identity. All of these uses, in turn, depend on the cleanliness and quality of the Sound's waters and the integrity of its resources and habitats. The most recent study which evaluated the economic value of Long Island Sound's resources and uses indicated that the commercial, recreational, and intrinsic value of the Sound totaled over \$5.5 billion per year. Indeed, few other estuaries on this continent can rival Long Island Sound's combination of natural resources, environmental significance, recreational value, and proximity to a vast and diverse population of users.

However, the report also documented that the economic, environmental and social benefits generated by coasts and oceans are at risk. Our ability to ensure these benefits for future generations will depend on better understanding the impacts and interaction of human intervention and taking steps now to support sustainable development and conservation of coastal and ocean resources, so that we can improve the quality of life in coastal communities, ensure the nation's long term economic and ecological well-being, and affect positive outcomes "on the ground" at the state and local level. It is clear that citizens and government at all levels will need to work harder and devote more resources to achieve these goals.

As a result, Connecticut strongly supports the Commission's broad findings and recommendations. We are particularly pleased by the report's focus on regional ecosystem management, linking watersheds and coastal land use with coastal and ocean health, and on research, education and science-based management. These themes parallel initiatives currently underway in Connecticut's Department of Environmental Protection and other state agencies. However, in order to focus our comments where they might be most useful, I will not recite the many aspects of the report that we fully support; instead, my comments below will highlight general issues and concerns within particular sections of the report. In addition, I am enclosing more specific comments as an attachment.

Within the context of our overall endorsement of the report, Connecticut's overarching concern is that the report's policy recommendations not be separated from the funding necessary to accomplish them. Realizing the vision of healthy, sustainable ocean development and resources will depend on a substantial, long-term and comprehensive commitment of effort and resources over time. Without the political will to engage in such a commitment, only bits and pieces of the recommendations can be implemented, and we will miss the opportunity that the Commission's work has created.

A New National Ocean Policy Framework

Connecticut supports the Commission's recommendations to streamline responsibilities and oversight roles among agencies and programs charged with setting, implementing, and enforcing national ocean policy, and to foster regional coordination and cooperation in the areas of research, priority-setting, resource management, policy, and education and outreach. In particular, the creation of a National Ocean Council (NOC) with direct contact with the President will help elevate ocean issues in terms of U.S. national priorities.

Connecticut also supports a vital role for states and existing regional institutions as necessary partners in coastal and ocean management. States must become full-fledged management partners, not simply the recipient of federal mandates to manage better. Newly established federal agencies or commissions should avoid new bureaucracy and encourage innovation at the regional and state level. For instance, the National Ocean Council should focus on its core responsibilities to "provide high level attention to ocean and coastal issues, develop and guide implementation of appropriate policies, and coordinate..." federal agencies. The ecosystem-based Regional Ocean Councils (ROCs) should be more flexible, build upon current efforts, and avoid conflict with Fisheries Management Councils and State Commissions or other existing regional efforts, such as the Long Island Sound National Estuary Program, in which the states already play a strong management role. The ROCs should focus on bringing the collective resources and expertise of the federal agencies together with states and stakeholders to address significant issues that are identified at the state, local and regional level (See e.g. Recommendations 4-11, 5-1 and 6-4), not issues identified only by federal agencies at the national level. (See e.g. Recommendation 4-2.) Also, the report should indicate that the existing regional restoration and conservation initiatives will require significantly more resources than have been identified. The NOC and ROCs should be given the responsibility of working with the states to assess these additional needs and work with federal agencies, states, private sector and non-governmental organizations to identify funding sources and innovative financing for these regional and place-based management initiatives.

On the federal agency level, we support the concept of a strong lead federal ocean agency and a consolidated structure, but many programs touching coastal and ocean issues are so varied and far-flung that some organizational divisions are necessary. We would not want attention and effort to be diverted from the Commission's substantive message to federal bureaucratic turf battles. For instance, while it would probably be desirable to consolidate nonpoint source (NPS) programs by moving NOAA's 6217 program to EPA along with the 319 program, that would result in the lead coastal and ocean agency having no programmatic responsibility for the vital issue of coastal NPS management. One possibility would be for NOAA to become focused on living resources and physical habitat, and EPA to take the lead on water quality and watershed management, with strong communication and coordination provided by the NOC and regional councils. In any event, the Commission's final recommendations may need to focus as much on coordination among existing agencies as on reorganizing or creating new federal institutions.

Economic Growth and Conservation along the Coast

Connecticut fully appreciates the links between land use, watershed management, coastal development, and the health of coastal and ocean waters and resources. We have had an active coastal zone management (CZM) program for over twenty years, and we recognize that that the national CZM network must redouble its efforts to protect coastal resources and uses, starting with the reauthorization of the federal Coastal Zone Management Act. As a result, as the Commission noted, states and local governments will need to be more active than they have been in managing coastal and watershed development. This will require institutional, legal and political support as well as considerable long-term funding commitment to build capacity for science-based management and to enforce and implement the management programs. The challenge of altering existing patterns of land-side coastal and watershed development is much more socially, economically and politically complex than simply creating new management structures and policies for publicly-owned state public trust waters or offshore ocean resources, and the difficulties of making serious changes to those patterns can scarcely be overstated. Therefore, we are concerned that the Commission's recommendations to create performance incentives for State coastal management programs (Rec. 9-2) and coastal nonpoint programs (rec. 14-8, 14-9, 14-10, 14-12) may, without sufficient ongoing financial, informational and institutional support from the federal government, result in a situation where states are required to divert limited resources to attain federally-defined objectives without sufficient support. Instead, we support the Coastal States Organization's recommendation that the CZMA reauthorization include a Coastal Communities Program to assist states and their municipalities in planning and managing land uses to support sustainable coastal development, protect and restore coastal habitats and other resources, reduce exposure to coastal hazards, and revitalize urban waterfronts. In order to meet the ambitious goals set by the Commission, the Coastal Communities Program will need to provide substantial technical and financial support.

Moreover, if the states are prepared to assume responsibility for more active and effective management of coastal lands, waters and watersheds, federal agencies must also embrace their own responsibilities to achieve consistency with existing federally-approved state management plans. The report's discussion in Chapter 6 of the need for new governance structures in offshore federal waters should serve to highlight the primary importance of state management interests in nearshore state waters, as expressed through their CZM programs. The CZM federal consistency process already exists, and should be the mechanism for coordinating federal activities with state coastal management goals and

objectives. Unfortunately, Connecticut's experience, based almost entirely on activities directly affecting state waters, has been that many federal agencies have been reluctant partners, at best, in the federal consistency process, and that when push comes to shove NOAA has tended to support the federal agencies' interests rather than encouraging the agencies to cooperate with our NOAA-approved CZM programs. As a result, recent consistency appeals decisions suggest that industry and development interests, not the states, will have the last word in determining how state coastal waters are managed and developed. While we recognize that national interests may need to take priority in federal waters, we suggest that the Commission revisit the need to enhance state authority over state-owned and managed public trust lands and waters.

Coastal and Ocean Water Quality

Nonpoint source pollution (NPS) is perhaps the most ubiquitous and yet intractable aspect of improving coastal and ocean water quality. Measurable pollution reduction goals, as recommendation 14-8 suggests, will require ongoing and substantial funding to build state and local capacity to implement existing controls. In fact, analyses of state section 6217 coastal nonpoint programs showed that the states already possess enforceable mechanisms to require better NPS management, but lack the resources to ensure that appropriate BMPs and land use practices are adhered to on the local level where most land use decisions are implemented. In light of existing management programs, capabilities, and costs the Commission may have underestimated the level of effort that would be required to educate and provide local land use commissions with the "knowledge and tools needed to make sound land use decisions." Thus, given the need for better implementation of existing water quality authorities and management programs, such as the Water Quality Standards established under the Clean Water Act, it may be counterproductive for the NOC to establish separate national NPS goals for coastal waters. Instead, the NOC should coordinate within the structure of federal water quality programs (as they may be consolidated or modified) to ensure that coastal NPS issues are adequately addressed.

The Commission should also consider added emphasis on the links between NPS and atmospheric pollution, especially for nitrogen and mercury that impact coastal waters significantly. The science of atmospheric deposition has been repeatedly documented in peer-reviewed journals and state and federal assessments. Atmospheric deposition originates from known sources, contributes to water quality impairment and climate change, has severe human health impacts, and is subject to affordable and effective control technologies, including energy conservation, that are ready to be applied today. It appears somewhat incongruous that the Commission would propose measurable objectives and financial disincentives for NPS and stormwater management, where scientific monitoring and management is relatively weak, but does not recommend stricter air emissions controls where the science, effects and control technologies are well established.

Enhancing the Use and Protection of Ocean Resources

As a state with an estuarine rather than an open ocean coast, Connecticut's commercial and recreational fishing community is our primary link with the management of ocean resources. Consequently, we are concerned that the Commission's recommendations to reform fisheries management seem to place undue emphasis on scientific data alone in the development of management decisions. Of course, the scientific advice underlying fishery management, whether it comes forth from federal stock assessments or scientific and statistical committee deliberations, is essential to good management. However, fisheries management also has social,

economic and political dimensions, which are not necessarily incorporated into scientists' expertise or frame of reference. Regional Fisheries Management Council members are expected to consider scientific as well as social and economic factors in developing management strategies satisfactory to their region and serving the national interest. When the scientific advice is dire, the scientific findings should overrule concern for the social and economic impacts, but scientific and human interests should both be considered when the viability of the resource is not in jeopardy. Such judgment calls are the essence of marine fisheries management and the RFMC process, and we believe that the regional councils of government managers and appointed members of the public are the most appropriate bodies to make these important decisions. Scientists alone, who have no such obligation to consider the human dimension of marine fisheries management, should not be solely responsible for selection of management targets and the schedules to achieve them.

Advancing Our Understanding of the Oceans

Connecticut, with our wealth of educational institutions and programs related to ocean issues, strongly supports strengthening the science-based decision-making process by significantly increasing funding support for ocean science research and augmenting the technical transfer of scientific results into forms and products that can be utilized by government agencies, stakeholders, and citizens at all levels. The support and promotion of enhanced, coordinated, and comprehensive ocean science educational programs, both formal and informal, will help build broad-based understanding and support for a strong national ocean policy. However, we would like to emphasize that research priorities should be focused on areas most relevant to resource management, and to caution that research alone often cannot provide the "answer" to resource and use management issues. Especially in a context of scarce resources, continuous data-gathering should not become a substitute for taking action to address the many challenges identified in Chapter 1 of the report.

We are also concerned that more detailed attention should be devoted to the crosscutting issue of global warming and climate change. The report makes several references to global climate change in the document, but we believe that a separate chapter should be dedicated to this significant issue, including a series of recommendations with regard to both mitigation and adaptation. On our own coast of Long Island Sound, we have seen evidence of a long-term warming trend, with observed sea level rise and serious implications for habitats, species range, and the viability of seagrass, wetlands and other coastal resources. Connecticut has taken steps to address climate change at the state level, including legislation to tighten auto and powerplant emissions standards, but we will need to take part in coordinated national and international efforts to understand, manage, and plan for climate change. As such, we believe it should be a primary focus of a national ocean policy.

Implementing a New National Ocean Policy

We commend the Commission for squarely facing the challenge of unfunded mandates, and strongly support the funding mechanisms embodied in the Ocean Policy Trust Fund recommendations. However, as Commission members are undoubtedly aware, one of the most significant challenges in implementing the report's recommendations will be to ensure that adequate and sustainable funding mechanisms actually come to pass. We are concerned that the Commission may not fully comprehend the true cost of implementing many of the management recommendations, particularly at the state and local levels. The costs estimated in Table 30.1 may cover federal-level administration, and provide a solid start to research and monitoring needs of our coasts and oceans, but it may be seriously limited in

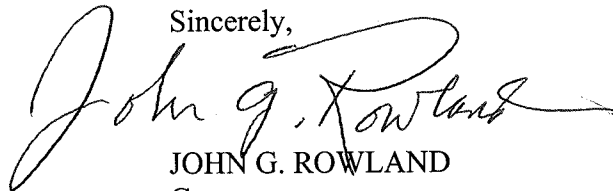
the management areas that will bear the real burden of creating on the ground changes at the state and local levels. Federal support for state actions is given as \$500 million in the first year, growing to \$1 billion in year 3 and thereafter, relying on the Ocean Trust Fund (oil and gas revenues) for funding. For perspective, federal funding of the Section 319 program is about \$300 million a year nationwide, which barely scratches the surface of state and local NPS management needs. Connecticut receives about \$2.5 million per year, possibly enough to make a small water quality difference in one of our 169 towns each year. To meet the small (10%) stormwater nitrogen load allocation developed by the Long Island Sound Study, for example, Connecticut's Department of Environmental Protection estimates the cost could well exceed \$1 billion in capital expenditures alone. Given that the cost of the Integrated Ocean Observing System - just one aspect of research and monitoring - is estimated at \$290 million in the first year and \$760 million thereafter, scientific and research needs will likely claim a substantial, albeit justified, portion of available coastal and ocean budgets. Against this background, it may be a very daunting task to fully assemble the resources necessary to meet coastal and ocean management needs.

Thank you for your consideration of Connecticut's comments. While our responses may seem to focus more on those areas of the report with which we have concerns, I want to reinforce Connecticut's strong appreciation and support for the main themes of the preliminary report. We look forward to working with other states and our federal partners to translate the Commission's recommendations into new and revitalized administrative, management and monitoring efforts.

If you have any questions or need any additional information concerning Connecticut's coastal and ocean concerns, please contact Commissioner Arthur J. Rocque, Jr. of our Department of Environmental Protection. He can be reached at (860) 424-3001.

Once again, thank you for the Commission's hard work and contribution to advancing the national interest in protecting our coastal and ocean resources.

Sincerely,



JOHN G. ROWLAND
Governor

JGR/AJR/db

Enc.

cc: Commissioner Rocque
Coastal States Organization

Attachment Connecticut State Agency Comments

Chapter 4. Enhancing Ocean Leadership and Coordination

The Commission calls for establishment of a National Ocean Council (NOC) and a nonfederal Presidential Council of Advisors on Ocean Policy within the Executive Office of the President. However, both councils should incorporate state representatives to take advantage of the opportunity for better intergovernmental coordination.

Chapter 5. Advancing a Regional Approach

A regional approach is appropriate for ocean management, but the scientific, logistical and jurisdictional obstacles were not satisfactorily resolved in the report. Nevertheless, there have been some at least partially successful examples of regional councils and programs that should be further explored. Perhaps with a little more federal support, and more effort to be inclusive, regional councils (Recommendation 5-1) under NOC would be effective. The regional ocean information programs (Recommendation 5-2), if well-funded, would be very helpful, as would Regional Ecosystem Assessments, although those would require a significant infusion of funds and a long time frame. Without significant support for the underlying science, the recommendation (5-4) that environmental impact statements for coastal- and ocean-related activities consider the regional ecosystem assessments may not result in any real improvement. The composition of regional boards (Recommendation 5-5) brings the right people to the table, but needs some creative structuring to ensure the resulting plans are brought back to the individual states and implemented. Again, success may depend on the level of funding.

Chapter 6. Coordinating Management in Federal Waters

The discussion of coordination is focused on marine resource management, without much reference to water quality impacts. Those related to atmospheric deposition warrant a comment at a minimum, and other land-based pollutant sources may also come to bear. In the interest of coordinating issues, water quality should be included here in the context of an integrated ecosystem management approach.

Chapter 7. Strengthening the Federal Agency Structure

The restructuring of NOAA is the only agency addressed; accordingly, the report should explain how the function and roles of other key federal agencies, such as EPA and the Department of Interior, would be affected.

Chapter 9. Managing Coasts and Their Watersheds

Recommendation 9-1: The inclusion of "coastal watersheds" in the CZMA would only be important if Coastal Programs took a stronger water quality management slant, in close coordination with EPA programs with the same goal. However, the coastal watersheds are too narrowly defined, from a water quality management perspective. The Commission related nonpoint runoff from the entire Mississippi River basin to hypoxia in the Gulf of Mexico. Managing geographically limited "coastal watersheds" within a small fraction of that basin tends to undermine the watershed and ecosystem management concept. The report has not made it clear how habitat/water quality management activities will be divided among agencies, and giving

NOAA water quality authority in just a small strip of land near the coast makes little sense. Water management activities, such as Connecticut's nitrogen control program, would be out of place under NOAA, which does not have permitting authority for water pollution control.

Overall, we support Recommendation 9-2's suggestions for consolidation, with the possible exception of moving the National Estuary Program to NOAA. An alternative option would be to remove water quality management out of NEP, leaving it in the traditional CZM activity domain of wetlands, habitat, and perhaps adding full authority over dredging, or to locate NEPs at the NOC or regional council levels, where multimedia and interjurisdictional issues should be resolved. In addition, the Commission should ensure that each state CZM program receives the full benefits of the National Estuarine Research Reserve system. Despite the significance of Long Island Sound, NOAA has not established a NERR in Connecticut, and existing NERRs are not able to contribute to meeting our particular coastal research and educational needs.

Chapter 11. Conserving and Restoring Coastal Habitat

While managing coastal habitat is important in itself, the report makes only limited reference to other related benefits of habitat restoration. Selection criteria and restoration goals should ensure that maximum benefits are attained along comprehensive, ecosystem-based lines. For instance, while the Commission leaves room for developing an inclusive program, it should also emphasize water quality considerations in the development of restoration programs (Recommendation 11-1 and Recommendation 11-2). The implementation of Recommendation 11-4 by the NOC, in coordinating different federal programs, will be particularly important in this regard. The report should also recognize the important role that state CZM policies play in the preservation and conservation of coastal habitats. Examples from Connecticut include the establishment of preservation oriented policies for sensitive coastal habitats such as intertidal flats, tidal wetlands, beaches and dunes and eelgrass beds that require activities conducted at all levels of government to preserve these resources. Such statutory policies are often more effective than restoration planning in conserving coastal and ocean resources.

Chapter 13. Supporting Marine Commerce and Transportation

The section on Harbors, Channels, and Waterways should have a clear statement on ensuring continued availability of open-water disposal options for dredging projects.

Recommendation 13-4 on Short Sea Shipping should include a new funding source for capital costs associated with short sea shipping programs modeled after the Ferry Boat Discretionary Funding Program.

Chapter 14. Addressing Coastal Water Pollution

It's not clear what Recommendation 14-1 adds to existing programs, and it may do little more than simply reinforce ongoing activity. It is insufficient simply to call for blanket nutrient removal, because levels of removal could vary to reflect the level of impairment and management need. On the other hand, unambiguous removal requirements, while perhaps economically wasteful, would make management of interstate problems simpler. The Commission should consider some revision of the language, from "into nutrient-impaired waters" to "that contribute to degradation of nutrient-impaired waters." Our Connecticut River situation is a good example, since no upstream

discharges of nitrogen in Massachusetts, New Hampshire, and Vermont are “into” nutrient-impaired waters.

Recommendation 14-2 addresses an important topic, but “public education” is probably not the way to improve septic system maintenance. It will require local ordinances that require homeowners to maintain their systems, or municipally run maintenance programs funded by tax dollars.

Recommendation 14-3 represents the status quo for management, but the additional research recommended is needed. The existing suite of BMPs is not very effective in all cases, and can be costly.

Recommendation 14-4 should be unquestioned. It is common knowledge that the state revolving funds are under funded by federal sources, and the needs for stormwater and NPS are even higher.

Connecticut is among the states that are experimenting with tradable credits for nutrients, as suggested in Recommendation 14-5.

Page 162 mentions oil runoff from streets that comes from leaking cars. The Commission should recommend regular inspections of automobiles for leaking fluids and require their repair, much as is done for exhaust emissions.

An increased focus on NPS is critically important to successful watershed management programs, but the report on pages 164 – 165 tends to perpetuate the arbitrary and problematic distinction between stormwater as a point source and other runoff as a NPS. This bifurcation, derived from legislation and legal interpretation of the Clean Water Act, makes management efforts more costly and inefficient than they would be if these two, closely related pollutant sources were combined under one authority and program. Thus, an alternative to Recommendation 14-7 might be to consolidate NPS and stormwater programs under one authority, especially the Environmental Quality Incentives Program of the USDA, which does not have a strong enough link to state NPS and stormwater programs. States have very limited ability to direct EQIP funds where they are most needed. There also needs to be a strong link to atmospheric pollution control programs, especially for nitrogen and mercury that impact coastal waters significantly. Recommendation 14-9, which puts 6217 into the hands of EPA, is a good start, but only a start at a better organization of these authorities.

The Commission’s recommendation to have the NOC set a NPS goal for coastal waters is well intentioned, but redundant with existing water quality authorities and management programs. It would be more efficient to work within a modified structure to ensure that coastal needs are being adequately met.

Expanding the use of state revolving funds to address NPS (p. 168) is not a new idea but would require a large infusion of added funds to meet needs. The huge stormwater Phase II implementation costs, for example, could not begin to be paid through revolving funds at current levels of capitalization.

Recommendation 14-10 will only prove counterproductive without an enormous infusion of funding. States are already shackled by inadequate funding to manage NPS, as well as by limitations in the effectiveness of BMPs, particularly for urban and suburban areas, and are also reluctant to order unfunded local mandates that would force municipalities to shoulder the burden. If EPA were to reclaim these programs when states fail to meet goals, it would never have the resources to do any better. This recommendation should include a fact-finding first step that would assess current management and costs and pair them with funding sources.

Recommendation 14-11 is a laudable goal, but current environmental science does not allow us to "...consider the individual and cumulative impacts of development on water quality, including effects on stormwater runoff." Further, local ordinances that require land use planners and decision-makers to only "consider" the impacts may not lead to desired management actions. If we knew how to effectively control NPS and stormwater, we could simply require the appropriate BMPs and land use practices be applied. The Commission should consider the level of effort that would be required to educate and provide land use commissions with the "knowledge and tools needed to make sound land use decisions." This is another recommendation that should first assess existing management programs, capabilities, and costs.

For Recommendation 14-12, the Commission should first have a team of experts assess the feasibility of the recommendation, and develop workable recommendations within a realistic budget.

Recommendation 14-13 should first identify the programs and activities that will allow watershed groups to "address problems associated with nonpoint source pollution". A strategy will only be as good as the underlying technical capabilities, and available funds, which the Commission may not fully appreciate. A more effective use of limited funds may be to enhance existing state and regional coordination efforts rather than create new watershed groups.

Chapter 16. Limiting Vessel Pollution and Improving Vessel Safety

Recommendation 16-6 assumes that MSDs effectively treat sanitary wastes from boats. There is ample evidence that they do an inadequate job of disinfecting, and do not reduce BOD or nutrient levels. MSDs should therefore be discouraged unless they can be proven to be reliable and meet more stringent BOD and nutrient levels as well as disinfect. The cost of systems that meet these standards, and the space they would take, make them impracticable for small vessels. This leaves Type III systems (holding tanks and landside pump outs) as the best alternative. They should become the minimum standard for all coastal waters, and the Commission should make such a recommendation.

Recommendation 16-7. The Commission suggests that EPA should conduct a thorough assessment, including field inspections to verify the availability and accessibility of functioning pumpouts in both existing and proposed No Discharge Zones (NDZs). Based on Connecticut's recent experience with designation of NDZs, that is exactly what EPA Region I does now for new proposals. A thorough review period including public notice and public participation was included in the development of the application for federal approval of Connecticut's designation of the NDZ. EPA should pressure states that are not moving forward on NDZ development, to do so.

There should be no “burden of proof” required of an impact from vessels in nearshore areas. Unambiguous NDZs in all coastal waters should be the goal.

Recommendation 16-8. The Commission's recommendation that an incentive program be developed to encourage use of treatment systems is not likely to promote improvements in water quality. In our experience, the small-scale treatment systems are difficult to keep in working order and do not in any event remove nutrients from boat sewage. Accordingly, holding tanks and shore-based treatment including nutrient removal are a far better method of minimizing all impacts of vessel sewage.

Consolidation of the programs related to marine sanitation may have some merit. However, its current association with other programs encourages the active participation in the program by boaters and anglers who are the payers of the excise tax that support these programs. The user pay-user benefit feature of the programs should be maintained.

Recommendation 16-9 seems like more work than it's worth. All vessels entering U.S. ports should be required to have Best Available Technology, or consistent attainable standards, for air emissions. Adoption of Recommendation 16-10 would seem to set such consistent standards anyway.

Chapter 17 Preventing the Spread of Invasive Species

We commend the Commission for recognizing the significance of invasive species and devoting a chapter to this issue in the draft report. However, the report gives too much weight to ballast water as the source of invasions and insufficient attention to other pathways, such as the use of non-native plants in the nursery trade and even in restoration projects, and non-native bird species in coastal areas. More and more states are beginning to document the adverse impact of expanding mute swan populations on native waterfowl populations and submerged aquatic vegetation. Non-migratory geese populations are also contributing to water quality degradation (e.g., nitrogen enrichment and coliform).

Recommendation 17-4. We agree with prevention as the first line of defense against invasive species. Prevention should include actions such as 1) using only plant or animal stock that is native to the specific geographic area in question, 2) subjecting any new plants or animals to be introduced for any purpose to an assessment of potential invasiveness. For example, since the mid-1980's, Connecticut's Department of Environmental Protection has prohibited the use of plants for tidal wetland restoration that are not derived from the shores of Long Island Sound, and Florida has employed laboratory procedures to test the potential 'invasiveness' of aquatic plants using techniques such as meristem culture. Education is an important tool in this arena, but we need more aggressive measures to assure that new introductions have low invasive potential.

Chapter 19: Enhancing the Use and Protection of Ocean Resources

We support many of the recommendations in Chapter 19. These include Recommendations 19-2, 19-4, 19-7, 19-9, 19-15 through 19-18, and 19-20 through 19-25. We recommend an addition to 19-19 and we are concerned with Recommendation 19-8 (see below). We disagree, in part or in whole, with Recommendations 19-1, 19-3, 19-5, 19-6, and 19-10, 19-11, 19-12, 19-13 and 19-14. Our specific comments on these recommendations follow.

Recommendation 19-1. Fishery management decisions should rely on sound science and incorporate SSC findings and advice into the decision-making process. We do not believe this should be accomplished to the exclusion of the other important elements of fishery management (see below at 19-3). We agree that the credentials of SSC members should be above reproach and that members should not have conflicts of interest, whether they are financial or professional in nature, that is, those with an inordinate stake in the outcome of the deliberations. This could include the employees of government agencies and environmental organizations as well as those contracted by fishing industry groups.

We disagree with the suggestion that NOAA or NMFS should approve or disapprove of the members of a RFMC's Scientific and Statistical Committee. A broader range of reviewers is necessary. The RFMCs select their committee members by soliciting nominations and reviewing credentials through a vetting process administered by council staff. Since about one-third of the voting members of each RFMC are state and federal agency managers, this mitigates against the implied concern of the Commission that SSCs will become populated with biased individuals.

Recommendation 19-3. We agree that SSCs (and the NMFS and councils' staffs, for that matter) should be required to supply necessary scientific information. We also agree that SSC estimates of allowable catch based on the best science available should be the starting point in determining management targets. The scientific advice underlying fishery management, whether it comes from federal stock assessments or scientific and statistical committee deliberations, is essential to good management decisions.

However, science is not perfect and, as the report acknowledges, it is not always certain. It often requires informed judgments to select from among competing views. Science is also not the only important factor in natural resource conservation decisions. Conservation is both resource protection and the meeting of human needs – for food, recreation, and commerce as well as non-consumptive purposes. Judgment calls often must be made when science is uncertain or to balance resource needs with human needs. For example, who should decide how restrictive a resource management goal should be and how quickly it should be achieved? What if meeting the goal by the deadline means the infrastructure necessary to support a viable fishery is lost to development, for example, waterfront piers and fish dealerships being converted to residential condominiums? Who should decide how much to moderate the management program in order to meet the goals but also preserve the fishery infrastructure?

RFMC members are expected to consider the scientific arguments as well as the human ones in developing management strategies satisfactory to their region and for the benefit of the Nation. That's the judgment call that is the essence of marine fisheries management and the RFMC process. We believe that the regional councils of government managers and appointed members of the public are the most appropriate bodies to make these important decisions, and that this recommendation should be reconsidered.

Recommendation 19-5. We believe there should be a mechanism to resolve indecision in the setting of allowable catches but, again, regional councils of government managers and appointed members of the public are the most appropriate bodies to make these decisions. We do not believe

it is desirable to vest that responsibility in a single chief scientist of a federal agency. If an argument sufficient to persuade an SSC to come to closure cannot be made, it is unlikely that the argument will be more persuasive if the NMFS Science Director attempts the action by decree.

Recommendation 19-6. The report makes a valid point regarding the need for timely fishery management. However, it is not justifiable to recommend a total closure of the recreational and commercial fisheries of all the states in a region, with the massive disruption that would ensue, simply because a regional fishery management council did not satisfy the NMFS's procedural need for a timely and adequate review of an FMP or amendment.

The law currently authorizes the Secretary of Commerce to develop a secretarial plan or amendment if NMFS feels sufficient or timely management progress is not being made. If the Secretary cannot muster a sufficient justification for secretarial action when NMFS feels there is a shortfall in the process, we doubt that the justification will be sufficient to justify the total closure of several states' fisheries. Unless irreparable harm will come to the resource by delaying a decision, the management system and society will probably benefit by taking the additional time to come to a satisfactory conclusion. We urge the Commission to reconsider this recommendation.

Recommendation 19-8. The licensing of marine anglers is a divisive issue. A marine recreational fishing license may be necessary for data collection and fishery management purposes but the issue should be addressed in dialogue with the NMFS, state agencies and the states' citizens, perhaps through interstate marine fishery commissions, but not as a federal mandate.

Recommendation 19-10. We do not believe that fishery management plans of the interstate fishery commissions should be required to adhere to the national procedural standards of the Magnuson-Stevens Act, or to the federal guidelines implementing those standards. Many of the process-oriented difficulties associated with Magnuson Act plans can be attributed to the inflexibility of the federal guidelines. The interstate fishery management process on the Atlantic coast is efficient and it works. The Atlantic States Marine Fisheries Commission has standards that are embodied in its charter. If additional guidelines are necessary, they should emanate from discussions initiated within the Commission.

Recommendation 19-11. While we agree that having a single management entity responsible for each plan would be desirable in many cases, it would not be appropriate to make this determination by federal legislation. We believe marine resource managers are best suited to determine which management body should manage a particular fishery. We believe that more emphasis should be put on encouraging existing management authorities (councils, interstate commissions, the NMFS) to determine which body would be best suited to develop a particular plan. In the case where the bodies strongly feel a joint process is appropriate, they should be free to do so.

Recommendation 19-12. The notion that the Nation's Governors should be prevented from submitting nominations that unequivocally satisfy their interests in accomplishing marine fishery management is not acceptable. Governors should be invited to appoint whomever they so desire to the state's "obligatory" seat on the council, as long as the nominee is knowledgeable regarding the subject fisheries of the RFMC, whether as a fisherman, researcher, educator or person with some other relevant qualifications. The language of Recommendation 19-12 should be limited to "at-

large" nominees only and, then, the Secretary should be free to achieve an appropriate balance by appointing RFMC members from the Governors' at-large slates of nominees of commercial and recreational fishery candidates and other members of the public who are knowledgeable about the subject fisheries.

Recommendation 19-14. This recommendation should be re-stated to strongly encourage all newly-appointed council members to complete such training rather than to mandate the activity. These members should not be prevented from voting until they have completed the proposed training. They have gone through a rigorous nomination and review process. They have all met the standard of being knowledgeable regarding the subject fisheries of the RFMC, prior to being appointed. While training prior to being seated is an excellent suggestion and should be strongly encouraged, it is inappropriate to withhold a member's right to vote until training has been completed.

Recommendation 19-19. While we agree that implementation of VMS is a worthwhile endeavor, we believe that the Congress should fund the fisheries VMS programs nationwide through general appropriations or the OCS revenue sharing program mentioned earlier in the report rather than through user fees.

This program is in the broad national interest for far more than fisheries management alone (e.g. Homeland Security, search & rescue operations). Moreover, operators in many fisheries that are depressed at this time, or those who operate in small, marginally-profitable but culturally and socially significant fisheries, cannot necessarily afford the cost of initial purchase and monthly maintenance of such systems. Finally, the costs should not be borne by fishermen alone because fishermen do not have the ability to pass on such costs to consumers (i. e. price paid is determined more at the wholesale level rather than by the harvester). However, those fishermen provide an invaluable benefit to society in producing fresh seafood for consumption by the non-fishing public and that public benefit justifies a more broadly-based funding plan than to require the fisherman, alone, to pay for the system.

Finally, Chapter 19 would be enhanced if the Commission were to strongly recommend that enhanced funding be provided specifically to support the marine fishery management activities of the coastal states as well the National Marine Fisheries Service and the regional fishery management councils (RFMCs).

Upon enactment of the Sustainable Fisheries Act Amendments to the Magnuson-Stevens Act in 1996, significant new responsibilities were undertaken by the Service, the councils and the states. States, in particular, do not receive Congressionally-authorized funding in support of their statutory obligation to participate during the councils' development of fishery management plans under the Act. The report of the Commission represents a timely opportunity to rectify that shortcoming. It would be helpful if the Commission acknowledged that new resources are needed by the coastal states to cover existing as well as new mandates and increased funding is required for the NMFS and the RFMCs to improve management of marine fisheries.

Chapter 25. Creating a National Strategy for Increasing Scientific Knowledge

Research, monitoring and education programs are important to fill understanding and management gaps that abound in the coastal and ocean environment, and we commend the Commission for focusing on eliminating our collective deficit in coastal and ocean science. However, while doubling the size of the federal budget for ocean research (currently at \$650 million annually) seems impressive, this would effectively place us in relative terms where we were 25 years ago. That is, ocean research now accounts for 3.5% of the federal research budget, but 25 years ago the allocation was 7%. When one considers the contribution of sea-related activities to the gross domestic product (by some estimates equivalent to 50% of the GDP), this recommendation seems significantly inadequate. Comparing the ocean research budget to, for instance, the size of NASA's budget, and the relative economic contributions of coastal and ocean-related vs. space-related activities, leads to the conclusion that even a doubling of ocean research funding is not sufficient.

Chapter 26. Achieving a Sustained, Integrated Ocean Observing System

We strongly support the establishment and operation of an Integrated Ocean Observing System, and facilitating access to and use of the data by many stakeholders. Ocean.US, with National Ocean Council oversight, should develop a set of core variables to be collected by all components of the IOOS, and the Commission should further recommend creating a national network of long-term monitoring reference sites, such as that established by the MarClim initiative in the United Kingdom.

Chapter 28. Modernizing Ocean Data and Information Systems

The first priority in coastal and ocean data availability should emphasize use by professionals – university, federal and state managers. However, to support educational and outreach efforts some emphasis should also be placed on the broader user community, including citizens and pre-college students. We assume that the proposed Ocean.IT group will provide due consideration of data and information access and usage at all levels.

Chapter 29. Advancing International Ocean Policy and Science.

The international perspective on climate and resource management issues poses a truly daunting challenge, but virtually every water quality, habitat, resource and human effect probably includes a component related to an international management need. One prime example is global warming, which can't be effectively managed by an individual nation. The report makes some praiseworthy recommendations to promote international science and adhere to some of the international treaties and agreements that suit federal policies, but without a heightened sense of need and value on the federal level, there will be little progress in addressing the most significant climate change-related problems.

Chapter 31. Summary of Recommendations

While this chapter provides a consolidated look at state roles, it offers little new authority other than a seat on regional councils. Beyond verbal encouragement (“opportunities for them to contribute to an integrated national ocean policy”) and talk of improvements and restructuring to enhance the way states do business, there are few new tools and inadequate funding to get the job done. Instead, we suggest that the bullet list on pages 380-381, “Important areas for state involvement” should be translated into a primary agenda for regional council discussions, and that the regional recommendations be adopted by the NOC. The topics on this list, such as the third

bullet regarding incorporation of coastal watersheds into coastal and NPS management, should serve as a jumping-off point for discussions among the states and the federal agencies, coordinated by the NOC. Federal managers need to work cooperatively with the states, tapping into the states' knowledge bases, rather than simply mandating better management according to federally-determined criteria.