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14 MAY 2004

James D. Watkins  
Admiral, U.S. Navy  
Chairman, U.S. Commission on Ocean Policy  
1120-20<sup>th</sup> St., N.W.  
Suite 200 North  
Washington, D.C. 20036

Dear Admiral Watkins,

A small island territory, Guam is surrounded by the vast Pacific Ocean, and our residents are keenly aware of the importance of the oceans to our lives. We greatly appreciate the work of the U.S. Commission on Ocean Policy and the opportunity to offer our input in this critical process. The oceans are truly the lifeblood of this planet and we must ensure that the resources we have taken for granted for so long will be healthy and vibrant for the generations that follow us.

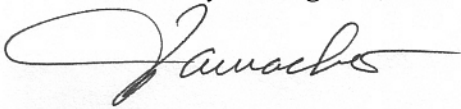
For Guam, the ocean is unquestionably vital to our way of life, from the shipping lanes that carry the great majority of our products to the beauty of our local shores that draws visitors to support our economy. The inviting waters of the Pacific act as a highway, a playground, and even a supermarket. Yet despite the obvious significance of our connection to the ocean, even on our small island we are faced with challenges in managing our relationship with our coasts and the wider Pacific. Our shores continue to suffer from thoughtless people, as well as from the unintended consequences of well-meaning decisions about the use of our coasts.

The Preliminary Report of the U.S. Commission on Ocean Policy offers a unique opportunity for our nation. Guam strongly supports several general themes of the report, including the call for increased cooperation to manage our resources, the urgent need for education and public awareness of our oceans and the challenges facing them, and the shift to an ecosystem based management approach. In particular, ecosystem based management has the potential to help us address long-standing concerns about the health of our coral reefs and other unique ocean habitats.

Specific comments regarding the report's numerous recommendations are contained in separate attachments. I hope the commission will seriously consider Guam's suggestions

and those of our island neighbors as it works to finalize this critical document for the future of one of our most precious natural resources.

*Sinseru yan Magåhet,*

A handwritten signature in black ink, appearing to read 'F. Camacho', with a large, sweeping flourish at the end.

Felix P. Camacho  
*I Maga'Låhen Guåhan*  
Governor of Guam

## U.S. Commission on Ocean Policy Preliminary Report

### Comments from the Honorable Felix P. Camacho

*I Maga'Låhen Guåhan*

Governor of Guam

#### General Comments

The U.S. Commission on Ocean Policy Preliminary Report offers a broad overview of the numerous challenges facing our oceans, as well as the opportunities associated with thoughtful development of our marine resources. We strongly support three of the report's main themes: the shift to ecosystem-based management, the call for increased cooperation at all levels, and the need for education and awareness programs to foster a sense of stewardship in the population.

Guam and other islands already have begun to shift to ecosystem-based management, a need emphasized by the coral reefs that are so vital to our way of life. It is refreshing to see a national policy setting the same tone, as this approach will be vital to effectively manage our ocean resources. The problems of management approaches centered on individual species or isolated systems are apparent in the history of failed attempts to conserve and protect resources, and the move to an ecosystem-based strategy should yield positive results.

The call for increased cooperation also should help us better manage the complex ocean resources upon which we rely. The report correctly identifies the need for increased cooperation at all levels – within local, state and federal government agencies, regionally, and internationally. For Guam, a U.S. territory far removed from the contiguous states, such cooperation is especially important, as “regional” necessarily means “international.” Our ability to share information and resources with our neighbors is critical in any effort to manage ocean and coastal resources, and Guam needs the support of its federal partners to participate in efforts to accomplish any goals for conservation and protection of these resources. The need for better international cooperation in the area of resource management cannot be overemphasized.

The third theme of the report, the need for additional programs to educate and inform our people about ocean and coastal issues, is equally vital if we are to effectively manage and preserve ocean resources. If the public does not understand ocean issues, and more importantly, does not *care* about these issues, then we will never be able to secure the broad-based support we need to change our habits and protect the oceans for ourselves and the future.

Several other general comments bear mentioning in this section. First, the 30-day comment timeline, recently extended by two weeks, is grossly inadequate to review a 514-page document that took more than three years to complete. The dozens of

recommendations contained in the report can have major impacts, especially on an island like Guam where our entire landmass is coastal in nature, and such a short timeline does not provide enough time to thoroughly assess the report and its broad implications.

Second, the report unfortunately follows a typical pattern: it neglects to consider the Pacific island jurisdictions of American Samoa, Guam, and the Northern Mariana Islands. While the report consistently identifies Puerto Rico and the Virgin Islands in text and graphics, the Pacific insular areas are consistently omitted. For a report on national ocean policy, this omission is indefensible, as these islands are part of an ocean region that is similar in size to the contiguous states. The majority of the federal EEZ is located within the Pacific Ocean surrounding Alaska, Hawaii, Guam, the Northern Mariana Islands, American Samoa and the Pacific Remote Island areas. Yet the report clearly does not recognize the importance of ocean issues to these areas, or the potential implications of broad federal decisions that do not take into account the unique conditions of these regions. Without adequate input in the process of creating new programs, regulations and federal requirements, the islands may again be subjected to mandates that are both difficult to enforce and completely inappropriate for the islands.

In addition to a lack of consideration for Pacific Insular area conditions in the formulation of policies, the report does not seriously contemplate for the future implementation of such policies. Without explicit federal recognition of the tremendous resources needed to effectively manage these vast areas, Guam and the other Pacific territories face the prospect of ever increasing mandates and regulation requirements without the support to enforce these new provisions. Without adequate federal support, the islands will not be able to enforce the nation's interests in these waters, to the detriment of both the nation as a whole and the islands themselves.

Lastly, the funding for the recommendations in the report should be addressed at the earliest possible date. While many valuable recommendations are contained in the report, the funding requirements for these programs are not provided in any detail. The large estimates include no clear cost breakdowns, and it is unrealistic to think that these huge funding requirements will be met immediately. Without specific breakdowns, it will be difficult to prioritize actions and direct funding appropriately.

The link between development of ocean resources and funding for the programs also is problematic. The report would seem to be encouraging exploitation of ocean resources to fund research, education, and conservation programs, despite the fact that development of the resources could be at odds with the need to protect and conserve these resources.

Specific comments regarding each of the sections are provided below.

## Part II     **Blueprint for Change: A New National Ocean Policy Framework**

### Chapter 4: Enhancing Ocean Leadership and Coordination

- **Recommendation 4-5.** It is necessary to provide clear guidelines on the composition of a newly created Presidential Council of Advisors on Ocean Policy. This is the highest level at which states, territories, tribal, and local government representatives can provide input to the proposed National Ocean Council. As such, critical components of the structure of this body, such as how individuals will be nominated, how many individuals will be selected, and how long they will serve, must be clearly identified in order to ensure an equitable representation. Given the vastness of the federal EEZ surrounding Hawaii, Guam, the Northern Mariana Islands, American Samoa, and the Pacific Remote Islands, and the disproportionately lower population base in these areas, the region should be guaranteed permanent representation on the body.
  
- **Recommendation 4-10.** The creation of regional ocean councils has the potential for great improvements in management of coastal and ocean resource concerns. However, the process should be mandatory, rather than voluntary, with guidelines developed by both the states and federal agencies for a clear role for these councils. Without statutory authority and a clear definition of the councils' roles and responsibilities, they will not be able to have the impact they need if they are to meaningfully change the way we manage our resources. We support the need for such councils but they must have clear roles and authorities, especially in regard to existing regional structures such as the fishery management councils and state level bodies tasked with specific coastal and ocean related management duties. Without the integration of these councils with existing regional structures, they risk becoming just another cumbersome layer of bureaucracy.

### Chapter 5: Advancing a Regional Approach

Setting the Pacific insular areas as one region for the Regional Ocean Information Programs follows the existing well established regional fisheries management council pattern and seems most practical to meet the goals of this section. We also encourage federal support for regional councils that include international partners, to ensure that regional efforts truly include regional partners in areas like the Pacific where international neighbors are an integral part of the region.

- **Recommendation 5-1.** While this recommendation defines some of the roles of regional ocean councils, it fails to suggest a formal mechanism for the creation of such councils, or the need for statutory authority for the councils. Many of the council duties listed under this recommendation would be extremely difficult to fulfill if the councils are not formal organizations.
  
- **Recommendation 5-4.** We strongly support the inclusion of local and state level assessments in environmental impact statements and the need to include this requirement in NEPA guidelines.

- **Recommendation 5-5.** Bullet three under this recommendation calls for an open and competitive grant process. To account for smaller jurisdictions like the islands, there should be some baseline formula to ensure that smaller regions will have access to this funding. In many cases, competitive grant programs leave small jurisdictions unable to compete with the political clout and larger population bases of larger areas. A baseline system to account for this tendency will also go far in meeting the goals of Recommendation 5-6, to ensure that adequate support is given to regional programs. In addition, there should be no match requirements for the islands and indirect costs should be capped to ensure that the majority of the funding goes toward the program.

#### Chapter 6: Coordinating Management in Federal Waters

Increased coordination will do much to improve our ability to manage our resources. However, as in other recommendations advanced by the Commission, care must be taken to account for the differences between regions and their concerns regarding resource management.

For Guam and other Pacific insular areas, a precedent was set in providing opportunities for direct benefits to island governments from resources in surrounding federal waters, when Guam and other island governments were allowed to participate in benefits from foreign fishing boats in surrounding EEZs. We support similar island participation in management and benefits derived from the mining of seabed minerals, ocean energy projects and other activities, as such programs would have direct impacts on Guam waters and environment but not on other U.S. waters.

- **Recommendation 6-2.** We support the need for an offshore management regime for balanced coordination of offshore uses and a process for dealing with new and emerging activities. We ask that areas such as Guam and the other Pacific territories be included in the formulation of such policies, to ensure that development of ocean resources in the Pacific benefit the islands that will be most affected by these activities.
- **Recommendation 6-3.** Marine protected areas serve a valuable purpose in the management of our resources, and we support the need for federal involvement in such activities. However, given that Guam and many other states have already established such protected areas, we stress the need to tailor federal regulations to meet the needs of the existing programs. It would be vastly unfair to impose new regulations on existing successful programs, especially if such regulations do not take into account the traditional and cultural needs of a specific area. As public support of marine protected areas is crucial for their success, any new guidelines must be developed with regional needs and differences in mind.

#### Chapter 7: Strengthening the Federal Agency Structure

While we support the intent to reorganize federal agencies to more efficiently and clearly regulate development, manage our resources, and interact with state and local governments, this chapter also highlights the tremendous difficulties in reorganizing

federal entities. There is a danger that partial implementation of recommendations to improve federal coordination and promote efficiency could actually lead to new levels of bureaucracy and an even more convoluted structure. Further, incomplete reorganization projects could lead to a reduction in funding and other resources at a time when we need more help rather than less.

### **Part III Ocean Stewardship: The Importance of Education and Public Awareness**

#### Chapter 8: Promoting Lifelong Ocean Education

We strongly support the recommendations listed in this section, as more concerted educational efforts will be essential to fostering understanding and a sense of stewardship for our valuable ocean resources. However, Chapter 8 focuses almost exclusively on formal, traditional education processes and may miss valuable opportunities to reach out to the wider public. For these programs, and school curricula, it is also important to reflect cultural influences to develop materials that are appropriate for each region and jurisdiction.

The report does a good job in detailing the need for K-12 curricula and incentives for ocean related degree work at the university level, but it fails to address the possibilities for work force education through ocean related skills at vocation and technical schools. The addition of these venues could produce a work force with more than competent skill levels and would help to provide the numbers of skilled workers necessary to meet the demands of continuing growth in sectors such as transportation, resource recovery, and environmental management.

Any oceans education policy must also include programs for public outreach and community based education campaigns to involve people who are no longer in school. There is an immediate need for public commitment, and school-based programs will fail to reach the great majority of the population who are not in any formal education setting. Education is a dynamic and continuous process that should be encouraged after formal education is completed. The islands have experienced some successes with community programs and we strongly believe that these types of options must be included in education policies.

Finally, the report briefly mentions the Minority Serving Institution Program of the NSF, but does not address one of the most noticeable and easily corrected shortcomings of the program. The current definition of minority for purposes of the program is narrow and does not recognize the native populations of the U.S. islands as being minorities; therefore, their institutions of higher learning are not recognized as MSI. This reduces opportunities for minorities and reduces the chances for a larger minority force entering the marine and ocean related sciences, despite the fact that the marine and ocean

environment are part of their lives from birth and they are more likely to remain in the islands after degree work. A new recommendation is offered here:

- **Recommendation 8-17. The National Science Foundation should expand its definition of "minority" to include natives of U.S. insular areas, and the institutions of higher learning within the U.S. insular jurisdictions as Minority Serving Institutions, to expand the opportunities for ocean-related higher education in those areas most immediately affected by ocean and marine issues.**

## **Part IV Living on the Edge: Economic Growth and Conservation along the Coast**

Consistent with the Commission's call for ecosystem-based management, this section makes numerous references to the need for increased cooperation and new management tools to better protect our coasts and our oceans. In the area of coastal development and environmental management, the need for consideration of cumulative impacts of development has traditionally been overlooked. This need is mentioned throughout the section and we strongly support efforts to make this a factor in policies regarding coastal development.

### Chapter 9: Managing Coasts and their Watersheds

The recommendations presented in Chapter 9 are sound, especially the reauthorization of the Coastal Zone Management Act to enable coastal programs to continue their mission and strengthen their role in natural resource management. We agree with an amendment that requires funding based on performance and incentives for exceptional work, but a need for a "safety net" to provide minimum funding for continuity of programs should be considered.

It is encouraging that the coastal programs will include watershed areas that have such a direct impact on our coasts. As islanders, we recognize the need for management of ocean resources "from the mountains to the sea," as whatever occurs on our limited land mass invariably affects the sea. We are quickly able to see the effects of poor land use practices on our beaches and near shore waters.

- **Recommendation 9-3.** We strongly support this recommendation. Guam is prone to severe typhoons and earthquakes, and ensuring that projects funded by the Federal Emergency Management Agency and the Army Corps of Engineers are consistent with island goals and best management practices will help us effectively manage our coasts. Many older projects on the shoreline do not take into consideration alternatives to ensure environmentally sustainable development. We suggest the addition of the Department of Transportation's Federal Highway program as another program that would benefit from review for coastal impacts and consistency.



### Chapter 10: Guarding People and Property against Natural Hazards

As noted above, Guam experiences major storms and powerful earthquakes with alarming frequency. The island's experience with these types of natural disasters could be used to model plans for dealing with certain hazardous conditions and ensuring prevention of major losses due to these events. With respect to hazard mitigation and storm repair, we offer the following suggestions.

- **Recommendation 10-1.** We support the call for valid, peer-reviewed cost-benefit analyses of coastal projects, but the process should include a new cost-benefit matrix to take into account long-term costs, environmental factors, and other considerations. The traditional cost-benefit analyses should be changed to include long-term considerations and other factors, such as those mentioned in Recommendation 12-2 regarding analysis of disposal options for dredge material. For example, a certain stretch of coastal highway in Guam has several concrete power poles that have fallen in several storms. A traditional cost-benefit analysis calls for hardening and replacement of these poles, but does not take into account the number of times the infrastructure has been replaced - and the fact that Guam will almost certainly have another storm powerful enough to damage these poles again. Had a long-term scenario been built into the analyses, the lines could have been placed underground and saved millions of dollars.
- **Recommendation 10-2.** We agree with this recommendation, but ask that Guam and other islands be included in efforts to collect and use information regarding hazards. Guam and other territories have been neglected in the National Flood Insurance Program map modernization initiative, and our maps continue to reflect inaccurate, outdated data. Updating these maps and other hazard data should be a high priority, especially as older models used temperate climate assumptions that are not appropriate for Guam's unique circumstances.
- **Recommendation 10-3.** The Commission should include some consideration for small jurisdictions like Guam that have limited land area available for development. Guam's relationship with the National Flood Insurance Program has been rocky because of outdated maps and the program's inflexibility in dealing with certain historically and culturally sensitive areas. The program cannot adopt a cookie cutter approach that will unfairly target islands like Guam, which has an area of only about 200 square miles.

Finally, there is an urgent need to address environmental impacts of disasters, natural or otherwise. The National Response Plan that guides FEMA's response efforts for Presidentially declared disasters includes a series of Emergency Support Functions, ESFs, that provide specific and directed responses to various disaster needs. The lack of an ESF for natural environment response has sometimes had the effect of impeding a response and lengthening the time for a full recovery. We offer the follow suggestions to include in the final report:

- **Recommendation 10-5.** The Department of Homeland Security should ensure that procedures guiding FEMA's response to disasters include provisions, such as a detailed ESF, that support regional, state and local efforts to respond to impacts on natural environments as part of the immediate and overall recovery efforts. In coastal and marine areas, the lead federal agency for a disaster recovery ESF should be NOAA.
- **Recommendation 10-6.** In order to ensure that responses to impacts on natural environments following a disaster are conducted in the most efficient, effective, and cooperative manner, FEMA should work with state and territorial jurisdictions to develop local action plans for responding to natural environment impacts from disasters, which would assist in guiding FEMA's response capabilities.

#### Chapter 11: Conserving and Restoring Coastal Habitat

We strongly agree with the reauthorization of the Coastal Zone Management Act to provide additional funding for coastal and estuarine land conservation. Such a program would be a great benefit to Guam, since our local government no longer has land available for land exchange.

#### Chapter 12: Managing Sediments and Shorelines

- **Recommendation 12-4.** We strongly agree with this suggestion calling for federal agencies to work more closely with each jurisdiction to ensure impacts to coastal areas, wetlands, watersheds and ecosystems are managed and reduced.

#### Chapter 13: Supporting Marine Commerce and Transportation

The Port Authority of Guam (PAG) is the entry point for 95% (over 150,000 twenty-foot equivalent containers annually) of all cargo into Guam, and is the transshipment center for Micronesia with over 20 cargo ships outbound monthly. PAG is a federally regulated “hazardous materials” and “certain dangerous cargos” port. Additionally, PAG receives 5 million barrels of fuel, up to 100 fuel tankers, 27,000 cruise passengers, and 2,000 port calls by foreign fishing vessels annually.

Since September 11, 2001, PAG estimates that, in terms of manpower hours and equipment/facilities upgrades, the annual cost for implementing federally mandated port security requirements is \$1 million annually. To date, PAG has received roughly \$500,000 in federal funds for port security projects. This amount relates to just 17 percent of PAG’s total cost.

In comparison to billions of dollars that are made available to airports for security enhancements, the nation’s 326 ports must compete for inadequate federal funding levels to implement security measures. In FY04, \$179 million was made available for port security grants. Over 1,000 applications were submitted, with less than half of the applications approved for grant funding.

In light of the above, PAG is proposing additional language (italicized) to the following recommendation, as it applies to port security:

- **Recommendation 13-6. In developing a national freight transportation strategy, the U.S. Department of Transportation should work closely with the U.S. Department of Homeland Security and the Federal Emergency Management Agency to incorporate port security and other emergency preparedness requirements. The strategy should focus on preventing threats to national security and port operations and on response and recovery practices that limit impacts of such events, including an assessment of the availability of alternate port capacity, and sufficient funding levels to implement prevention, response and recovery strategies for the nation's ports.**

## **Part V      Clear Waters Ahead: Coastal and Ocean Water Quality**

The Commission makes numerous valuable recommendations for improving our ability to monitor and improve water quality, and we strongly support the need to revisit water quality programs. However, some recommendations within the chapter are too broad and may not be appropriate for all jurisdictions.

Chapter 14 also highlights a persistent challenge in balancing the needs of the community and the resource. While the report strongly advocates a shift to ecosystem-based management practices, Chapter 14 focuses on human health standards with regard to water quality standards. Human health is clearly of the highest priority, but standards that are sufficient to protect human health may not be sufficient to prevent adverse effects in the ecosystem. This discrepancy is perhaps most evident in delicate ecosystems such as the coral reefs, where the most fragile organisms may show extreme responses to minute levels of certain contaminants.

The maximum level of pollutants allowed for human health reasons does not necessarily present an accurate picture of the water quality of a given area. Establishing standards and conducting regular testing for the maximum level of pollutants for the most fragile element of the ecosystem would better reflect ecosystem health. Given the cost involved in testing procedures and the inherent level of uncertainty in determining the most harmful types and levels of contaminants, a good compromise might be to publish results indicating the levels of all contaminants, with a comparison showing the effects on certain indicators within the ecosystem as well as the traditional public health effects.

Generally, the relationship between all elements of the coastal environment also must be considered. Water quality recommendations and regulations have traditionally relied on water column testing that may not present the full picture of water quality. The quantity of contaminated sediment, which may contain bacterial and chemical pollutants, is of concern, as noted in Chapter 12. Yet water quality standards consistently leave out the

integral relationship between these elements, especially in recreational areas where such sediment is regularly stirred up by both natural processes and human activities.

Finally, the need for standards that reflect different conditions is essential. Existing programs rely on many protocols developed in temperate systems that simply do not reflect the conditions of areas like Guam. A concerted effort to develop testing and monitoring programs suited for each area must be a part of any effort to revisit standards with the goal of improving our water quality.

Specific recommendations for each chapter are presented below.

#### Chapter 14: Addressing Coastal Water Pollution

- **Recommendation 14-1.** This calls for states to require advanced nutrient removal from wastewater treatment plant discharges into "nutrient impaired waters." Also, EPA is to characterize the extent of the impact of household and industrial chemicals in wastewater. Guam sewage treatment plants are designed to discharge into waters that are not nutrient impaired. Therefore this extra and costly treatment should not be part of Guam requirements. However, Guam would benefit from the recommended study, which would improve knowledge of chemical impacts on Guam's unique reef ecosystems.
- **Recommendation 14-2.** We strongly support this recommendation, especially in the areas of system maintenance education and innovative designs to improve treatment effectiveness.
- **Recommendation 14-4.** We strongly support this recommendation, which recognizes the need to plan for and implement wastewater and drinking water infrastructure needs. This may bring the highest benefit to Guam and the island territories, if it does lead to an increase in federal funding for needed infrastructure and infrastructure plans. However, additional regulations and suggestions within the Commission preliminary report also call for additional requirements and costly changes to water and wastewater systems, raising the question of a never-ending cycle of changes that will require more and more funding.
- **Recommendation 14-6.** This calls for strengthening the NPDES permit system's monitoring and enforcement. Improvement and strengthening this system is very important to Guam, though this effort would have to be initiated by U.S. EPA as Guam is one of just a few remaining states and territories that have not obtained NPDES permit authority. Additional federal funding should support this.
- **Recommendation 14-8.** We support this recommendation, with the following clarifications. EPA should develop rules to ensure regular testing of both fresh and near shore waters in both water column and sediments, and federal programs for water quality testing and maximum levels of pollutants should be based on the specific ecosystem, rather than national average standards. Certain levels of pollutants

that may be considered “acceptable” in other areas would do major damage to more sensitive systems such as coral reefs.

- **Recommendation 14-9.** While this suggestion correctly identifies a need to reduce bureaucracy by merging the complementary U.S. EPA Section 319 and NOAA Section 6217 programs on nonpoint source pollution, care should be taken not to lose funding or functions and simply eliminate one program without moving its resources. Congress should also eliminate sanctions of the 6217 program and authorize and appropriate the necessary funds for its implementation. If the Guam Coastal Management Program (GCMP) were to take on seashore protection and development permit enforcement responsibilities, then, it would be appropriate to retain the 6217 Program under GCMP as opposed to moving it under the jurisdiction of the Guam Environmental Protection Agency.
- **Recommendation 14-11.** Guam will benefit from this call to strengthen the ability of local land use decision makers to protect water quality and may improve our land use planning through results of this recommendation.
- **Recommendation 14-12.** We strongly support this recommendation calling for a comprehensive approach to storm water management and funding, but there must be a commitment to follow-through when these types of federal initiatives are made. One way to ensure follow-through is to enlist the cooperation of the Department of Transportation, tying the continued apportionments of highway funding to compliance with local regulations for managing storm water runoff. Additionally, as with other standards, federal entities must be careful not to adopt a “one-size fits all” approach, as conditions in the various coastal systems vary widely between jurisdictions.
- **Recommendation 14-13.** We strongly support this recommendation, although it is fairly non-specific as presented. For Guam, “regional” cooperation necessarily involves international partners, and this reality should be reflected in the report. The Commission promotes involvement with international programs, as exist in the Caribbean, and similar attention and support should be given to international programs for ocean water quality in the Pacific. Continuing relationships with the South Pacific Regional Environmental Program (SPREP) should be promoted, via the Pacific Islands Office of EPA Region 9 and the American territories that are SPREP members. Additionally, in order to promote regional international cooperation and participation NOAA should consider expanding and diversifying program capacity through Pacific insular areas and Hawaii.

#### Chapter 15: Creating a National Water Quality Monitoring Network

The Commission addresses the need to strengthen and improve water quality monitoring, which we strongly support. However, this chapter fails to address the well documented problems of national standards for recreational water quality monitoring, which are not appropriate in Guam, Hawaii, CNMI, American Samoa and probably the tropical Caribbean areas and southern Florida. Dr. Roger Fujioka of the University of Hawaii

Water Resources Research Center and colleagues have shown that the current U.S. EPA recommended fecal pollution indicators (*E. coli* and *Enterococcus* sp.) are not suitable for assessing human health risks in the tropics. They survive in tropical conditions outside of warm-blooded hosts and can be detected in coastal tropical waters where there are no warm-blooded animal or human sources of contamination. They can multiply and persist in soil, sediments and water in Guam and other tropical environments. Alternative indicators are needed for monitoring recreational water quality in the tropical islands.

#### Chapter 16: Limiting Vessel Pollution and Improving Vessel Safety

We support the recommendations in Chapter 16, noting that many need substantial increases in available resources if they are to become a reality. For Guam and the other island jurisdictions, additional programs will need substantial support, as the island already experiences difficulty enforcing many regulations because of a paucity of both federal and state enforcement personnel to handle a vast expanse of the Pacific.

- **Recommendation 16-1.** We support this recommendation, though other mechanisms to address foreign vessels should also be put in place.
- **Recommendation 16-2.** This item calls for support for increased performance-based inspection of vessels by the Coast Guard and coordination with increasing security requirements. Support for increasing Coast Guard resources is necessary and important to Guam. In addition, in terms of strengthening environmental protection, the Coast Guard's ability to assist in and respond to environmental threats from vessels should be expanded under the Oil Pollution Act of 1990 to include situations such as vessel groundings when there is no imminent threat of releasing oil into the marine environment.
- **Recommendation 16-4.** We support the call for the Coast Guard to harmonize port state control programs through the IMO and support an international vessel information database.
- **Recommendation 16-5.** We support the request for Congress to amend the Clean Water Act to address large passenger vessel discharges, a practice already in place in Alaskan waters. This is an especially important recommendation because it offers the rare chance to prevent problems, rather than trying to address them at an advanced stage. For Guam, this provision is especially timely, as cruise ship calls are projected to increase substantially in coming years. U.S. EPA and Coast Guard enforcement personnel highlighted the growing problems with this type of pollution in similar jurisdictions like Hawaii and Guam would strongly support measures taken to prevent similar concerns before the industry grows in our region.
- **Recommendation 16-8** would increase funding for pumpout facilities and transfer responsibility of this program from the Fish and Wildlife Service to the EPA. This program needs improvement in its application to Guam, which might be helped by this recommendation.

- **Recommendation 16-14** calls on national agencies to conduct research on all kinds of vessel pollution to allow better management and regulation to control impacts. This broad approach and new information generated will benefit all.
- **Recommendation 16-15.** This promotes increased awareness of maritime activities especially for the authorities dealing with safety, security and pollution. This will require additional resources for the Coast Guard and their provision should likewise be recommended.

#### Chapter 17: Preventing the Spread of Invasive Species

Impacts of invasive species are well recognized on Guam, due to the unfortunate introduction of the brown tree snake and resulting loss of native species. Under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), states are encouraged to develop plans for managing invasive aquatic species. Federal funding to support the development of these plans has been inadequate, and the implementation of such plans will require significant resources if we are to make any impact.

Guam is currently preparing a comprehensive approach to planning for controlling existing invasive species problems and preventing invasions by other unwanted species, both aquatic and terrestrial. The recommendations in Chapter 17 will assist the island and other jurisdictions dealing with this growing problem.

- **Recommendation 17-1.** We support the call for the U.S. Coast Guard to continue its work in improving regulation of ships' ballast water, with the addition of EPA consultation, and to address ships declaring no ballast. However, there should be recognition of the need for more specialized resources for the Coast Guard to carry out this mandate.
- **Recommendation 17-2.** We support the recommendation for the National Ocean Council to commission an independent scientific review on improvement of ballast water management research and demonstrations.
- **Recommendation 17-3.** We support this call for public education and outreach about the numerous pathways of aquatic species' invasions. Finding and interrupting the transfer of invasive species may be our best hope of avoiding an expensive and protracted campaign to control or eradicate pests, as we are currently experiencing with the brown tree snake.
- **Recommendation 17-4.** We strongly support the call for a coordinated multi-agency national plan for early detection of invasive species. A system for prompt notification and rapid response that would assess current problems, identify pathways of invasion and provide for means to prevent invasions and support detection and rapid response. Congress is asked to fund and implement this national plan. As part of the recommendation, support needs to be continued to individual states and territories that have not done so, to develop their plans for managing invasive aquatic species, in partnership with the national plan development.

Guam also recommends an amendment to bullet five under this recommendation, to recognize the value of groups that can aid in the detection of and early response to invasive species:

- **Develop partnerships among government, industry and user groups to fund and implement response actions**, *to include education and educational material development for groups that can provide consistent “eyes” for species or ecosystem change, and a reporting system that will allow information to be gathered and compiled and analyzed by scientists and resource managers familiar with the specific ecosystem.*
- **Recommendation 17-5.** This calls for the National Ocean Council to streamline federal and regional programs on invasive species and coordinate federal, regional and state efforts, developing risk assessments and management approaches that will minimize potential invasions at the lowest cost. The place or appropriateness of U.S. island territories in regional programs needs to be considered. Their unique situations may make the national efforts ineffective in the islands, where special consideration may be required.
- **Recommendation 17-6.** Besides a proposed North American effort, the U.S. should consider other regional approaches, for example, through the South Pacific Regional Environmental Program for the nations and territories of the Pacific Islands.
- **Recommendation 17-7.** This recommendation calling for increased funding for the NOC to coordinate the development and implementation of a plan for research and monitoring of aquatic species invasions is commendable, as long as island territories are included in the plan.

#### Chapter 18: Reducing Marine Debris

Both the impact and volume of marine debris have been greatly increasing and pose threats to total ocean ecosystems as well as to inshore reefs and coastal waters. We support the recommendations in this chapter and strongly support increased federal attention to this serious problem. This is especially significant for Guam, as the problems of derelict fishing gear and other marine debris are related to non-U.S. flagged vessels as well as local and other U.S. ships.

- **Recommendation 18-2.** This recommendation to have the NOC establish a committee to address marine debris can help support local efforts to protect Guam waters from litter and other significant debris sources. The recommendation could benefit by a more specific call for community action, particularly with regard to the relationship between inland actions and their effects on the coasts.
- **Recommendation 18-3.** This provision calls for a multi-national approach to address derelict fishing gear. We support this recommendation, especially because most



impacts of such gear in Guam arise from non-US vessels. A system to identify nets could help enforcement efforts, by making it possible to identify culpable parties and secure funding for net retrieval or environmental restoration costs.

## **Part VI Ocean Value and Vitality: Enhancing the Use and Protection of Ocean Resources**

### Chapter 19: Achieving Sustainable Fisheries

- **Recommendation 19-8.** We strongly oppose a one-size-fits-all approach regarding recreational licensing, as it is clearly not needed for Guam. In addition, for most island jurisdictions this is a local issue, occurring within three miles of shore. The Commission bases the need for the recommendation that NMFS should require all saltwater anglers to purchase licenses on the fact that data on recreational fishing are inadequate and generated primarily by the NMFS Marine Recreational Fisheries Statistics Survey. However, on Guam, the USFWS Federal Aid in Sport Fish Restoration, through a grant to the Guam Division of Aquatic & Wildlife Resources, has been funding both inshore and offshore creel surveys for more than 20 years. A total of 384 surveys per year capture data from recreational and subsistence fishermen. Guam's database is far superior to any data that could be generated by a mandatory license program that comes with an increased need for enforcement. Requiring mandatory licenses for all saltwater anglers places a large burden on already overburdened enforcement efforts, without any identification of the need for additional funding.
- **Recommendation 19-14.** *All* members of the Regional Fishery Management Councils, not just newly appointed ones, should take a mandatory training course.
- **Recommendation 19-15.** Regarding the 4<sup>th</sup> guideline, there should be no fee waivers. The public should be appropriately compensated for granting dedicated access privileges to a public resource.
- **Recommendation 19-17.** We strongly support the recommendation for increased funding for Joint Enforcement Agreements between NMFS and state and territory marine enforcement agencies. This is especially critical to the islands in the Western Pacific, where currently one NMFS special agent is responsible for federal marine enforcement in an ocean area similar in size to the contiguous 48 states. In addition, multiple JEAs are needed in jurisdictions with unique circumstances, such as Guam, where a JEA is already in place with the Department of Customs and Quarantine and one is needed with the Division of Aquatic & Wildlife Resources. However, a match waiver should be available for the Territories, where local tax bases are much smaller and local marine enforcement agencies are already severely under-funded.
- **Recommendation 19-18.** We strongly support the recommendation for strengthened cooperation between NMFS and USCG for the same reason identified above, as one

NMFS special agent currently has jurisdiction over all the islands in the Western Pacific.

- **Recommendation 19-20.** A Vessel Monitoring System (VMS) should also be a part of international forums, for example as part of negotiations on treaties for managing highly migratory species.
- **Recommendation 19-21.** The recommendation calls for NMFS to work with other management entities to protect essential fish habitat when such areas fall outside their jurisdiction. In addition to the items listed, this effort should also include a clear definition of “protection.”
- **Recommendation 19-22.** This recommendation calls for NMFS to expand current efforts to collect data on all types of bycatch, not just commercially important species. The term “bycatch” should be expanded to include sessile species that may not be determined to be essential fish habitat, such as the deep-water corals at risk from destruction by trawls.

#### Chapter 21: Preserving Coral Reefs and Other Coral Communities

- **Recommendation 21-1.** This recommendation calls for the passing of a Coral Protection and *Management Act*, but does not follow up with any provisions for management and established funding for management. The purpose of the Task Force is centered on science-based management. The current funding is subject to an annual (deliberate) inclusion in NOAA’s budget, rather than from an established and permanent funding source. We recommend the addition of a bullet for support, in both technical and financial form, for locally driven management of coral reef ecosystems in the U.S. coral reef states and territories. In addition, the U.S. flag islands often share a closer relationship to other small island states than to the mainland U.S., geographically, culturally and economically. Because of these special relationships, we suggest amending the 5<sup>th</sup> bullet to allow for direct involvement by state and territorial members of the U.S. Coral Reef Task Force in bilateral, regional, and international coral reef management programs. In terms of protection, the permitting of activities directly involving coral reefs and other sensitive marine ecosystems should be removed from the purview of the Army Corps of Engineers and placed under NOAA. In addition, the legislation should not allow activities conducted by the Department of Defense to be exempted unless a clearly defined, immediate, and direct threat to national security exists.
- **Recommendation 21-2.** In regard to the suggestions that the U.S. Coral Reef Task Force be codified, we have concerns that the Task Force’s recommended role within the framework of the National Ocean Council may weaken the Task Force by allowing Task Force membership to be relegated to lower echelon persons within the federal membership. We would support language that would keep the federal agency representation to the Task Force at the Assistant Secretary level, and the co-chairs at the Secretarial level.

We also have serious concerns about the inclusion of deep-water corals within the framework of the Coral Reef Task Force. As its name implies, the Task Force focus was intended to be on reef-building corals, and while some deep-water corals may be associated indirectly with reef-building corals in tropical areas, the broad inclusion would work to weaken the primary focus and goal of the Task Force. We believe that deep-water corals are a concern and should be addressed, but great care must be taken in selecting the proper venue for their attention. Deep-water corals require different management regimes, different science, and are generally associated with completely different ecosystems (the possible exceptions being deep water corals in proximity to tropical reef systems).

Impacts to deep-water corals are primarily a fisheries issue. We therefore recommend that instead of expanding the Task Force's responsibilities to include deep-water corals, a sub-group of the Task Force should be created, with new participation by entities involved with deep-water corals, to determine the proper, existing venue for management attention, such as the Regional Fishery Management Councils.

- **Recommendation 21-3.** The report correctly states that due to its status as the world's largest importer of ornamental coral reef resources, the U.S. has a great responsibility to ensure the sustainability of these resources. However, the recommendation to develop national standards and promote international standards to ensure coral reef resources are collected in a sustainable way, with the implementation of incentive programs to encourage compliance does not go far enough. To truly ensure sustainability, there must be a shift away from harvest of wild stock toward cultivation.

To this end, bullets should be added to the recommendation tasking NOAA with: publishing procedures for coral cultivation through fragmentation or sperm/egg reproduction, and making the information available to the governments of those countries where wild harvest for export now occurs; developing workshops on coral cultivation and presenting them to communities where reef harvest currently exists; working with research institutions and businesses associated with home aquarium trade to develop a procedure for identifying cultivated corals in commerce; and working with the U.S. Fish and Wildlife Service to develop and implement a phased system to ultimately prohibit the importation of wild stock corals into the U.S.

- **Recommendation 21-4.** In line with our comments for Recommendation 21-2 above, regional, ecosystem-based research plans should not be developed for deepwater coral communities by the Task Force.

#### Chapter 22: Setting a Course for Sustainable Marine Aquaculture

- **Recommendation 22-1.** This recommendation calls for NOAA to be the lead agency for implementing a national policy for environmentally and economically sustainable marine aquaculture, but, by attempting to balance the responsibility for both environmental concerns and economic development of an industry in the same agency, the same risks for conflict of interest exist as given in the example for the Stellar sea lion on page 259. In addition, funding must be identified for a new Office of Sustainable Marine Aquaculture.

### Chapter 23: Connecting the Oceans and Human Health

The commission should provide a formal recommendation to establish a procedure to enter into benefit sharing agreements (both federally and for states and territories), based on the success of the National Park Service in this area.

### Chapter 24: Managing Offshore Energy and Other Mineral Resources

- **Recommendation 24-1.** We strongly support the use of a portion of the revenues that are generated from current leasing and extraction of OCS oil and gas for grants to coastal states for conservation and sustainable development of renewable ocean and coastal resources. However, as stated in the general comments above, new funding for many of the recommendations put forth in this document should not be solely dependent on revenues generated from new development of ocean resources.
- **Recommendation 24-2.** We strongly support the need for increased funding for the Mineral Management Service's (MMS) Environmental Studies Program. This funding should come from the revenues that are generated from current leasing and extraction of OCS oil and gas.
- **Recommendation 24-3.** This recommendation calls for establishing a partnership between NOAA, MMS, and the offshore oil and gas industry allowing for the use of industry resources for IOOS. The use of industry resources could also be added as a condition of current leases if the industry is reluctant to enter into a partnership.

## **Part VII Science-based Decisions: Advancing Our Understanding of the Oceans**

### Chapter 25: Creating a National Strategy for Increasing Scientific Knowledge

- **Recommendation 25-1.** We strongly support enlarging the National Sea Grant College Program by expanding it to include formation of a Sea Grant Institute (consortium) in the Western Pacific.
- **Recommendation 25-2.** We strongly support the recommendation to develop a national ocean research strategy, especially the suggestion that agencies be required to provide multi-year (greater than 5 year) funding. For small islands such as Guam, it is extremely difficult to address capacity issues when funding is only guaranteed on a yearly basis. Time spent on receiving funds, establishing accounts, recruiting for positions and selecting qualified individuals takes a minimum of 6 months, leaving only 6 months on an annual grant to complete all work identified in a project. This situation is untenable and often results in the loss of unobligated funds. In addition, we firmly support a shift toward management-driven research.
- **Recommendation 25-3.** This recommendation calls for the inclusion of

socioeconomic research as part of greater ocean research efforts. This is especially important in small island communities, where the ocean plays a tangible, direct role in everyone's life and economies are often based on one or two industries vulnerable to economic fluctuations. Natural resources and their cultural importance are often overlooked or undervalued during times of economic recession.

Chapter 26: Achieving a Sustained, Integrated Ocean Observing System

We support the creation of a sustained, Integrated Ocean Observing System, especially the involvement of state, local, territorial, and tribal management agencies, industry, academia, NGOs, and the public in developing IOOS. We also support the need for enhancing ocean infrastructure and technology development. However, many of the components outlined in Chapters 26 and 27 are extremely expensive, so care must be taken to balance the funding needs of these efforts with the funding needs of local, on-the-ground, management efforts by the states, territories, and other local entities. We strongly support more integrated and user-friendly data and information systems, especially the recommendations calling for more timely submission of data. Local managers need to be able to access data in real time in order to make effective management decisions.

## **Part VIII The Global Ocean: U.S. Participation in International Policy**

Chapter 29: Advancing International Ocean Science and Policy

The United States has traditionally been a leader in international ocean policy and has participated in the development of many international agreements that govern the world's oceans. That leadership must be maintained and supported, as the Commission expresses through Chapter 29.

- **Recommendation 29-1.** We strongly support the Commission's recommendation for the U.S. to ratify the 1982 United Nations Convention of the Law of the Sea. Until that step is taken, the U.S. will not be able to fully participate in the bodies established by the convention to make decisions on ocean issues. This inability to participate directly has major effects for the nation as a whole, and particularly for island territories like Guam that are tied so closely to the ocean that surrounds us.
- **Recommendation 29-2.** We further support the Commission's call to have the National Ocean Council coordinate an expedited review and analysis of the ocean-related components of the Convention on Biological Diversity.
- **Recommendation 29-6:** In addition to the FAS, the insular U.S. areas enjoy many opportunities, and on a regular basis have meaningful interactions with other islands in the international community. Whether it is the two U.S. flag islands of the Caribbean, or the Pacific flag islands, the relationships with regional, independent nation islands is natural because of shared resources and issues, and close cultural ties

that extend back many centuries in some cases. In several cases, the islands share past political connections as well. The federal government should encourage these existing relationships, as they provide natural connections between the international island community and the United States, and can provide the basis for regional efforts in connection with the International Coral Reef Initiative and the Pacific Islands Regional Ocean Policy. The U.S. should therefore expand the current opportunities for the commonwealths and territories to join and participate in regional and international forums, such as the Pacific Islands Forum.

In 2000, after a six-year effort involving the United States and 33 Asian and Pacific nations, the U.S. signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. This convention, which recognizes the economic importance of the fisheries to the people of the Pacific Islands, includes strong provisions for minimizing the negative impacts of fishing and for protecting biodiversity. We recommend the Commission include this convention in its list of international ocean agreements and support an active U.S. role in funding and implementing this important convention. This is an important step in the protection and management of highly migratory species, and plays a role in a larger scheme including the implementation of the U.N. Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks as well as the International Convention for the Conservation of Atlantic Tunas and the Inter-American Tropical Tuna Convention.