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June 4, 2004

Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

VIA EMAIL: comments@oceancommission.gov

RE: Preliminary Report of the U.S. Commission on Ocean Policy - Governor's Draft,
Washington, D.C., April 2004

Dear Commissioners:

As Governor of the State of Michigan, I would like to thank the United States Commission on Ocean Policy (Commission) for identifying the challenges we face in improving and sustaining our ocean and coastal areas. These vast waters set the boundaries of our great nation and reach into its very heartland through the Great Lakes, the greatest freshwater seas in the world. The Commission has conducted an exhaustive inventory of the riches our coastal resources bring to America. From their analysis of the problems that face us, they have made approximately 200 recommendations to guide our states and the nation, as we confront the problems that have too long been ignored. I commend the Commission for bringing to the forefront the need for better management and protection of these vast resources.

The document presents a plan that represents a tremendous step forward in recognizing the importance of ocean policy and management with implications also noted for the Great Lakes. The vision for the future using cross-cutting themes identified as 1) creation of a new national ocean policy framework to improve decision-making; 2) strengthening science and making high quality information available to decision makers; and 3) enhancing ocean education and promoting a stewardship ethic are sound pillars upon which to frame specific recommendations. Presumably these three areas have been identified as fundamental to the "failing" of current ocean policy and management in the United States.

The true measure of the Commission's success will be how we act on its recommendations to improve the quality of life in coastal communities, support healthy aquatic and shoreline habitats, ensure the nation's long term economic and ecological well being, and affect positive outcomes on the ground. Toward that end, I offer the following comments and concerns:

Inclusion of the Great Lakes

As Governor of the "Great Lake State," I strongly suggest an important amendment to the report. Recognized under federal law as the nation's "4th Seacoast", the Great Lakes shoreline should be on an equal footing with the other coasts. Michigan's coastline alone equals the length of the Atlantic Seaboard from Maine to Florida. Wherever applicable, "Great Lakes" should be added after "oceans" when policy or management recommendations are applicable to both. In addition, throughout the report, there should be explicit documentation of the critical economic and ecological values of the Great Lakes Region and the necessity of maintaining and improving the biological, chemical and aesthetic integrity of the Great Lakes

National Ocean Policy Framework

The Commission recommends the development of a National Ocean Council (NOC) and a Presidential Council of Advisors on Ocean Policy within the Executive Office of the President. (Rec. 4-2) While Michigan strongly supports mechanisms that will coordinate the myriad of federal agency programs affecting the Great Lakes, ocean, and coasts, care should be taken to avoid creation of a new coastal bureaucracy. Creating a new bureaucracy has the potential to undermine existing organizational structures and relations. Clearly the NOC'S actions should not hinder appropriate lead agencies with statutory responsibility to implement and enforce their programs.

The Report should be amended to clarify throughout that a primary charge of the NOC is to coordinate and support implementation of coastal, Great Lakes, and ocean management plans developed at the local, state and regional level, consistent with national goals. Such plans and policies are best developed from the "bottom up" to respond to the diverse needs of the different states and regions.

The NOC should coordinate coastal and ocean functions within each federal agency (among federal agencies?) to assure they compliment and support each other. Innovation, improved government efficiency, and responsiveness to state and public concerns can benefit from the integration of the many federal coastal and ocean program efforts to improve support for ecosystem management and sustainable development.

I cautiously support the creation of Regional Ocean Councils (Rec. 5-2) to promote the concepts of ecosystem management, provide coordination mechanisms, and set regional goals. The Regional Councils can play a critical role in the collection and recording of scientific data, maintaining water quality agreements, fisheries management, and the management and eradication of aquatic nuisance species. While I support the role of Regional Councils in achieving these goals, the states must retain authority over water use, diversions of Great Lakes waters and management of coastal resources.

If Regional Councils are formed, they must be guided to ensure that their work supports and is not duplicative of other existing regional efforts (e.g. Regional Fisheries Commissions, Gulf of Maine Council, National Estuary Programs, etc.) I believe that the mechanism for consensus and collaborative Great Lakes management already exists through the Great Lakes Fishery Commission and believe that an additional commission would serve no real purpose in advancing the status of resource management in the Great Lakes and may otherwise redirect scarce resources.

Michigan supports the Commission's recommendation to pass an organic act that codifies the establishment and missions of the National Oceanic Administration (NOAA). (Rec. 7-1) The act should ensure that the NOAA's structure is consistent with the principles of ecosystem-management. The location of the NOAA within the Department of Commerce should be reconsidered since this makes consideration of Great Lakes, ocean and coastal program policy less integrated with other federal environmental, natural resource and science programs.

Reauthorization of the Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972, as amended, has been an important mechanism for establishing ocean, Great Lakes, and coastal management policies and programs. Several recommendations in the report can be accomplished through an enhanced CZMA, in lieu of creating new, duplicative programs. Therefore, Michigan strongly supports the Commission's recommendation to reauthorize the CZMA. (Rec. 9-1)

The CZMA is an important vehicle for implementing the wide range of Commission recommendations because it was crafted to integrate federal, state, and local policies and issues. A reauthorized CZMA should retain its focus on partnerships and community assistance on a watershed basis. The CZMA must continue to provide states the flexibility to develop and implement coastal programs that meet federal goals in ways that best fit each state's unique combinations of ecology, geography, and politics. The federal consistency provisions of the CZMA must also be maintained so the states can be assured that federal actions will comply with state and local policies.

Michigan's base funding under the CZMA, the primary funding source for coastal management, has been capped for more than a decade at \$2 million. Each year more than half of Michigan's Coastal Zone Management (CZM) appropriation is passed through as grants to coastal communities for projects that improve land use planning, public access and recreation, brownfield and waterfront redevelopment, and coastal resource protection. Given the wide-ranging goals of the CZMA, \$2 million is no longer adequate to continue these efforts.

Michigan supports the Commission's recommendations for periodic, comprehensive resource assessments, to establish baseline data and measure performance. (Rec. 9-1) Current funding levels under the CZMA are not adequate to fund these activities which carry significant costs. If CZM funding is based upon performance, states should receive increased funding to collect necessary data and establish measurable goals. Care should be given that state CZM programs are only evaluated for their ability to achieve goals within their scope of influence. Performance measures must be realistic and reflect the responsibilities of the state CZM programs. Performance-based funding for Great Lakes, coastal and ocean management programs must also take into account the response time for biological systems.

Coastal Habitat Restoration

Michigan supports the Commission's recommendation to Congress to amend the CZMA to incorporate the Coastal and Estuarine Land Conservation Program (CELCP). (Rec. 11-1) Michigan's CZM Program is currently working with other state agencies and stakeholder groups to develop our CELCP. I encourage Congress to provide dedicated funding for CELCP at a level adequate for states to implement habitat restoration priorities to be modeled on the successful Great Lakes Coastal Restoration Grants. In 2002, the Great Lakes states received \$30 million to administer the Great Lakes Restoration Grants. Michigan's appropriation of \$7 million leveraged more than \$16 million in matching state and local funds, acquired and protected 1,580 acres of land, and restored another 539 acres of valuable coastal habitats.

In developing national goals for ocean, Great Lakes, and coastal habitat conservation and restoration efforts, the NOC should build upon existing statutes and guidelines to ensure that federal activities are coordinated. (Rec. 11-2) Regional habitat conservation plans should incorporate existing state plans. Likewise, the National Habitat Restoration Strategy should be based on state and regional goals. Any process for determining regional habitat conservation and restoration needs, and goals should include state fish and wildlife conservation, and CZM programs.

Science, Research and Education

Appropriately, the report highlights the needs for increased research, outreach and education in many areas. (Rec. 8-1, 25-2) One message that is most disturbingly overlooked is the need for a long-term approach to aquatic and coastal resource management. There is a time lag in human activities and biological systems, and thus any rehabilitative action implemented today will require several years to realize biological benefits. The amount of time for response will depend on the magnitude of the current degradation and the reliance on climatic factors for producing results. The United States can continue to increase funding to research, coordination, etc. but unless decision makers (particularly elected officials) are committed to recognizing the tradeoffs between short-term decisions that are politically popular and the decisions that are required for long-term sustainability of coastal

and aquatic resources, there will be a continued reluctance to make sustainable decisions rather than those that are expediently popular. Thus perhaps the only way to overcome this continued challenge in resource management is to provide education to stakeholders to gain full awareness of the consequences from choices that are made for social and political reasons (and thus the ecosystem approach will be instrumental).

Rather than development of another national level committee for outreach and education, I strongly recommend a grass-roots approach to this effort through the full use of NOAA's Sea Grant College Program. The Sea Grant Program, with an emphasis on outreach and education with the stakeholder groups and state and local agencies, combined with an adequate level of funding, has the ability to reach stakeholders through objective approaches and are not often associated with the "baggage" of a federal or state agency. I furthermore suggest that a review of this program to determine their needs for achieving this outreach effort is conducted and that funding is directed to this program rather than creating a new national committee for education and outreach.

Michigan supports continued development of and funding for regional Integrated Ocean and Great Lakes Observing Systems (IOOS and GLOS). (Rec. 26, 1-11) Funding for IOOS and GLOS should come from various federal sources to increase agency participation and coordination of the systems. In planning for national and regional IOOS, the NOAA should have significant representation from the user communities, and place an emphasis on transferring the IOOS information to coastal and aquatic decision-makers in usable and accessible forms. Further, the NOAA should seek to build state and local user capacity by supporting necessary tools such as training courses and technology transfer, as well as software and hardware. I encourage an increased federal commitment to make data and information available to state and community managers, and to support technical assistance and stronger links between the management and scientific community.

Standardizing the national reporting system among states and across regions will enable states to uniformly measure the value of our ocean, Great Lakes, and coastal resources. This will provide the information needed to make the most effective, efficient, and coordinated management decisions.

In determining appropriation levels care should be taken to mend disparities in funding for mapping between the Great Lakes and ocean communities. For example, current funding from the National Science Foundation allocates \$280 million for oceans and \$1 million for all "large lakes". This imbalance requires immediate correction.

Coastal Pollution and Watersheds

The protection of Michigan's surface and ground waters is a key priority of my administration. The Great Lakes fuel our economy, and help define our character, culture and values. I encourage the Commission to advance beyond the traditional focus on water quality problems that drive watershed management efforts and support and fund programs that encourage a comprehensive approach involving land use management and pollution

prevention. In this same vein, I urge increased support for integrated coastal, watershed, and shoreline management. Coastal management and watershed management programs should be strengthened and better integrated. It is important that the Clean Water Act (CWA) be reauthorized, and funding continue to be provided for grants to states to implement coastal nonpoint pollution control programs, and that the NOAA, the USEPA, and the states continue to work cooperatively to reduce further impairment and restore existing degraded watersheds.

I support amending the CWA, CZMA, and other federal laws to provide better financial, technical, and institutional support for watershed initiatives. To the extent possible, the NOC and regions should rely on existing state programs, as well as regional and local watershed councils.

Nonpoint source pollution, particularly sedimentation, continues to be an outstanding issue with regards to multiple habitats including instream, coastal shoreline, and lake and reef habitat. Michigan strongly supports increased coordination of the U.S. Department of Agriculture conservation programs with other programs aimed at reducing nonpoint source pollution (Rec 14-7, p 165; 14-9 p 168). Furthermore, increased efforts for outreach programs and education to local municipalities and land use decision makers is needed to allow for more informed decisions and their consequences when altering the landscape (Rec 14-11, p 170). [Include parallel between "dead zones" in Lake Erie and Gulf of Mexico?]

The Section 319 Program administered by the USEPA and the 6217 Coastal Nonpoint Source Program Administered by NOAA play significant roles in reducing nonpoint source pollution. The recommendation to merge the 6217 program and 319 programs within the USEPA is a concern (Rec. 14-9). Each of these programs has its own strengths, which when used together, provides an effective means for managing and reducing pollution from diffuse sources. Funding under the 319 program is targeted solely toward implementing approved watershed management plans. The level of funding available through the 319 program is a meaningful incentive for communities to develop watershed plans. The strength of the Section 6217 program lies in its promotion of better land use management, and the flexibility it grants states to target coastal priorities.

Michigan supports controlling nonpoint source pollution through the use of a wide range of tools that includes working with communities to develop watershed plans, improving local land use planning and zoning, and implementing best management practices. Merging the two programs will create a disincentive for state water quality and coastal managers to coordinate their activities and result in a loss of flexibility to the states. Merging the two programs also does not resolve challenges to the state 6217 program development, administration or implementation. Those challenges result from a lack of coordination between EPA and NOAA and inadequate funding. Congress should continue funding of the Section 319 program and also provide adequate funds to implement the 6217 nonpoint source pollution program,

I urge the federal government to reinforce state efforts by assuring consistency of federal infrastructure investment with ecosystem-based and state growth management plans. Federal infrastructure and incentive programs must conform to state and regional ecosystem plans, and be consistent with state coastal, watershed, and growth management plans.

The Commission recommends that the NOC focus nonpoint source pollution control efforts in impaired coastal watersheds as a national goal, and coordinate all federal nonpoint pollution programs to meet that objective (Rec. 14-8). However, I caution that an exclusive focus on water quality-impaired coastal watersheds overlooks the importance and value of pollution prevention for high quality watersheds, such as those that are prevalent in Michigan. Pollution prevention is far less expensive than remediation over the long term.

Michigan is also very concerned about the increasing number of pollutants and toxics entering our Great Lakes through point sources. I encourage strengthening and increasing funding for the National Pollution Discharge Elimination System and State Revolving Loan Fund Programs administered by the USEPA. In addition, I support the Commissions' recommendations for advanced nutrient removal for wastewater treatment plant discharges, (Rec. 14-1), regulatory controls on confined animal feeding operations, (14-3), increased technical and financial assistance to help communities improve the permitting design, installation, operation and maintenance of septic systems and other on-site treatment facilities (Rec. 14-2) and trading credits for nutrients and sediments as a water pollution management tool (Rec. 14-5). These goals strongly reflect my priorities for protecting Great Lakes water quality and support the legislative and policy actions I have proposed for Michigan.

Michigan is also very much concerned about the high level of toxins entering our Great Lakes through atmospheric deposition. As the Commission reports, atmospheric deposition is responsible for as much as 90% of some toxic chemicals entering the Great Lakes. I support the recommendation (R14-14) that the USEPA, states and watershed groups explore regional approaches for managing atmospheric deposition, particularly when it affects water bodies in states far from the source.

Given the human health risks associated with mercury contamination, particularly for pregnant women and children, I strongly support the Commission's finding that reducing mercury emissions will require immediate international action (Rec. 14-14). I urge Congress and the President to make this a high priority.

The Great Lakes Water Quality Agreement between Canada and United States directs each state and province to develop Remedial Action Plans (RAPs) to restore beneficial uses of the water and protect ecosystem health. The United States and Canada have designated the most degraded areas of the Great Lakes as "Areas of Concern" and

have agreed that restoration of these areas be given priority attention. Michigan encourages Congress to authorize adequate funding to distribute to the Great Lakes States via program grants for RAPs and Lakewide Management Plans (LaMPs); including full funding for Great Lakes Legacy Act implementation.

Managing Sediments and Shorelines

Michigan strongly supports the recommendation for the U.S. Army Corps of Engineers (USCOE) to ensure that its selection of the least-cost disposal option for dredging projects reflects a more accurate accounting of the full range of economic and environmental costs and benefits for options that reuse dredged materials. (Rec. 12-2) This is a critical issue in Michigan. While Congress considers funding of the Great Lakes Legacy Act to pay for dredging and removal of contaminated sediments from the Great Lakes, the USCOE in fulfilling its responsibility to maintain the navigability has formally proposed to dump contaminated dredge materials into the open waters of the Great Lakes. In May of 2004, I signed an Executive Directive prohibiting state agencies from approving the open water disposal of contaminated dredge materials in Michigan Waters.

Michigan agrees that the USACE, MPAA, USEPA and the U.S. Geological Survey should develop a strategy for enhanced sediment management and improved assessment, monitoring, and research to better understand how contaminated sediment is created and transported, and to develop technologies for better prevention, safer dredging of such sediment, and more effective treatment after it is recovered. (Rec. 12-4)

Aquatic Nuisance Species

Michigan's Great Lakes waters, wetlands, and coastal areas host a wide array of fish and wildlife. However, the Great Lakes are also home to a growing number of unwelcome non-indigenous, invasive species, and Michigan is acutely aware of the havoc aquatic nuisance species wreak on the environment, economy, and quality of life. I strongly support efforts to control current problems and prevent introductions of additional aquatic nuisances

The costs for managing current species within the system are large and those species that are not manageable (such as the round goby, spiny water flea, zebra mussel, etc.) pose significant challenges to the food web structure. In addition to causing billions of dollars in direct economic harm, invasive species result in ever-changing, destabilizing lake dynamics, posing formidable challenges in establishing the biological impacts of the species and then analyzing overall ecosystem responses. Much of this scientific process of investigation takes decades and poses continuous threats to plans for rehabilitation and recovery of Great Lakes aquatic resources. I suggest strengthening the language in Chapter 17 for increased collaboration with the shipping industry as working partners in addressing ballast water management. Secondly, increased international cooperation must

occur in the Great Lakes region to fully realize the benefits of aquatic invasive species management. Lastly, the report should recognize the National Aquatic Invasive Species Act (NAISA) that is currently pending. Passage of this Act would address many of the issues outlined in this section and thus the report should call for passage, implementation, and full funding of NAISA.

Michigan believes that national ballast water management standards should apply to all ships, including those that declare they have no ballast on board. Further, the NOAA periodically reviews ballast water treatment research and consequently, is well positioned to commission the recommended scientific review of ballast water management research and demonstration projects rather than the NOC (Rec. 17-2). This review should be expanded to address the development of standards for evaluating ballast water treatment and management practices. The standards development should be flexible to accommodate emerging technologies.

Ballast water is not the only vehicle for aquatic nuisance species introductions, and Michigan supports the recommendation to control other pathways to introduction. I propose a measure that goes beyond the Commission's recommendations, and suggest establishment of national lists of species that present a high risk of entering U.S. waters, and species that should be banned from the transport or possession.

The Commission proposes a number of responsibilities related to the aquatic nuisance species for the NOC. The Aquatic Nuisance Species Task Force, established under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, is currently responsible for coordinating public outreach and education. This responsibility should remain with the task force. Additionally, the task force is the appropriate agency for coordinating and reviewing state and federal plans and programs related to aquatic nuisance management, monitoring, and research. Michigan supports the recommendation for international cooperation to control the spread of non-native aquatic species.

Sustainable Fisheries

The Commission has done an admirable job of addressing Great Lakes concerns throughout most of the findings and recommendations, with one exception. There is a heavy emphasis on "fixing" the management of marine fisheries with almost exclusive focus on those under the National Marine Fisheries jurisdiction. It is not clear what role a new Great Lakes Regional Commission would have in this context.

(Rec 19-11). While we do not maintain Regional Fishery Management Councils, the Great Lakes state, tribal, provincial, and federal agencies operate through *A Joint Strategic Plan for Management of Great Lakes Fisheries* and this is coordinated through the Great Lakes Fishery Commission (GLFC). The GLFC is a tremendously useful body for coordinating consensus based management in the Great Lakes and will soon be celebrating its 50th year of existence. The approach is exemplary and focuses on each lake basin as an

ecosystem for research and management and then combines management agency representation for all the basins as a Council of Great Lakes management authority.

I view favorably the recommendations "to enhance opportunities for state, territorial, tribal, and local entities to develop regional goals and priorities, improve responses to regional issues, and improve coordination." The report calls for increased effort of ecosystem management to better link policy incorporating fisheries, water quality, habitat, and other interconnected areas. Michigan is pleased to point out that the Department of Natural Resources is striving to work within an ecosystem context. Initiated under a CZM grant from NOAA, the Michigan Department of Natural Resources (MDNR) has developed EcoUnit Teams organized around significant ecosystem landscapes in the states. Coordination among the natural resource management agencies is the focus of these teams that are currently working to identify measurable biological, social, and economic metrics that serve as a basis of ecosystem integrity when measured through time. Significant work has gone into incorporating metric development as a public process. Additionally, the Fisheries Division within the MDNR is organized around the 4 Great Lakes Basins (Michigan, Huron, Superior, and Erie) and within each basin, regional management units are organized around and responsible for watershed management of the aquatic resources. This connects the responsible aquatic resource managers with their local watershed groups and allows for a comprehensive insight for comment throughout the Division's participation in the MDEQ permit review process. Fisheries management decisions are thus made from the context of watershed productive capabilities and cumulative impacts. Furthermore, restoration/rehabilitation efforts and their connection with the respective Great Lakes basin are identified and prioritized accordingly.

The report is correct in keeping Great Lakes governance issues separate from the governance that takes place in the marine coastal areas. I caution against any recommendations that would alter the successful approach to aquatic resource management in the Great Lakes, particularly the Joint Strategic Plan.

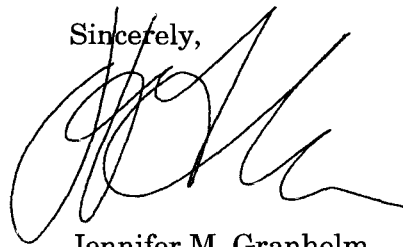
Conclusion

Overall, the Commission's report is a positive and necessary step forward for directing coordination among the federal agencies and for incorporating an ecosystem approach in coastal and aquatic resource management. While the document outlines additional funding required to accomplish this task, I believe efficiencies can be gained and productive actions accelerated by reducing duplicity, increasing coordination, and outlining roles and responsibilities for each entity through reorganization. Furthermore, I caution against creating additional layers of bureaucracy under the guise of coordination. It is incumbent upon the federal agencies (through the NOC perhaps) to be accountable for coordination and leadership under their defined roles and responsibilities. Increased funding should be dedicated to management efforts through regional, state, or local constituencies and not redirected to the creation of additional national level committees.

Most importantly, explicit recognition that the Great Lakes Region is vital to the nation's ecological and economic health and welfare is a categorical imperative. The final report must be strengthened to acknowledge the importance of the world's largest freshwater seas and to articulate the need for a strategy to provide the Great Lakes with resources commensurate with the challenges we face.

Thank you for the opportunity to review and comment on the Commission's Preliminary Report.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Granholm', written over the word 'Sincerely,'.

Jennifer M. Granholm
Governor

