



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta
Governor

Diego T. Benavente
Lieutenant Governor

June 4, 2004

James D. Watkins
Admiral, U.S. Navy (Retired), Chairman
U.S. Commission on Ocean Policy
1120 20th Street, NW Suite 200 North
Washington, DC 20036

Dear Chairman Watkins:

Thank you for the opportunity to review the U.S. Commission on Ocean Policy's Preliminary Report. This is a historic opportunity for our nation to take stock of ocean management and set a course for the future. As an island community, the Commonwealth of the Northern Mariana Islands (CNMI) is especially aware of how important the oceans are, not just to the nation, but to our own quality of life and to our economic and ecologic well-being. I would like to offer the following comments in the spirit of collaborative partnership and in the interests of improving federal programs and fostering improved federal-state/territorial relationships.

The report recognizes that the Great Lakes have often been overlooked in coastal management thinking and considers them the "Fourth Coast." In the same sense, the CNMI, Guam, and American Samoa have often been overlooked as remote Pacific outposts. Perhaps we and the other island states and territories should be called the "Fifth Coast." Just as the Great Lakes are unique with their freshwater resources, we are unique with our very diverse, complex tropical coral reefs and extensive open-ocean resources. All these resources are fundamental to our traditional cultures and they are national environmental and economic treasures. However, our distance from the mainland sets us apart. Many of the maps in your report don't include all the island territories. This distance also severely hinders many elements of our coastal and ocean resource management programs including research, education, and recruitment of local staff, recruitment and retention of off-island experts, as well as support from Congress. I would like to strongly recommend that the Final Report specifically recognize the obstacles we face and make some provision for bridging these gaps.

The issues addressed in the Preliminary Report are clearly critical to the social, economic, and environmental welfare of the nation, as well as the CNMI. These include national re-organization and leadership, ecosystem management, fisheries, water quality, coral reefs, marine trade, aquatic nuisance species, science, and education. The enclosure contains specific comments on recommendations in the U.S. Commission on Ocean Policy's Preliminary Report. In addition, I

would like to support the comments of the U.S. All Islands Coral Reef Initiative Coordinating Committee, and the Coastal States Organization. The following are some of the key recommendations of concern to the CNMI:

- **CHAPTERS 4–7.** The CNMI supports the recommendations for improved coordination, leadership, regionalization, and streamlining of federal agencies. We hope these changes can be jumpstarted through an Executive Order, legislation, or other direction to agencies.
- **RECOMMENDATIONS 4-7, and 4-8.** The proposed National Ocean Council and the proposed COSETO and CORM committees should have strong state/territorial representation, because the scope of these committees significantly overlaps with state/territorial interests.
- **RECOMMENDATION 5-3 AND OTHERS.** The CNMI endorses the recommendations throughout the report that call for bringing ecosystem thinking into coast and ocean management. However, we caution against an across-the-board application without reasonable time for implementation in such ecologically complex and taxonomically diverse areas as the CNMI.
- **RECOMMENDATION 5-5.** The proposed regional board in the insular Pacific region should be expanded to include representatives from each state and territory, the director of MAREPAC, and the U.S. All Islands Coral Reef Initiative Committee.
- **RECOMMENDATION 6-2.** The CNMI has a strong economic and ecological interest in the EEZ and offshore activities. There should be a direct role for states and territories in offshore management, in addition to reviewing federal projects for consistency with the federally approved state coastal management programs. Along with their management role, the CNMI and other insular areas should derive a beneficial interest from the extraction of offshore resources. This is important because for insular areas, where upland resources are limited, offshore resources can be the key to economic self-sufficiency.
- **CHAPTER 8, PAGE 102.** I would like to request that a recommendation be added that calls for the National Science Foundation to expand their definition of “minority” to include natives of U.S. insular areas and the institutions of high learning within the U.S. insular jurisdictions as Minority Serving Institutions. This will expand the opportunities for ocean-related higher education in those areas most immediately impacted by ocean and marine issues on a daily basis.

Admiral James D. Watkins

June 4, 2004

Page 3

- **RECOMMENDATION 9-1.** Congress should reauthorize and amend the Coastal Zone Management Act (CZMA), as a critical, high priority action for improved coastal and ocean management. Although the U.S. Commission on Ocean Policy's recommendation addresses core issues, this recommendation also needs to recognize and strengthen other elements of the CZMA, including habitat restoration, community planning and smart growth, ocean management, watershed management, and support for special-area management planning.
- **RECOMMENDATION 14-4.** The CNMI strongly endorses this call for a prioritized, comprehensive plan for long-term funding of the nation's current aging and inadequate wastewater and drinking water infrastructure and for increased funding of the State Revolving Fund.
- **CHAPTER 21.** The CNMI endorses these recommendations related to protection, management, and sustained use of our coral reefs. The U.S. Coral Reef Task Force should be codified and strengthened. I urge the acceptance of the specific changes requested by the U.S. All Islands Coral Reef Initiative Coordinating Committee.
- **RECOMMENDATION 24-1** The CNMI strongly supports sharing of OCS revenues to support sustainable development of renewable ocean and coastal resources.
- **RECOMMENDATION 30-1.** The CNMI also strongly supports the recommended Ocean Policy Trust Fund and the principle of reinvestment in renewable resources and conservation and to assist states and territories with impacts.

Thank you again for undertaking this critically important project and for including the Governors in your review process.

Sincerely,

s/Diego T. Benavente
Acting Governor

Enclosure: Detailed Comments



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Juan N. Babauta
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Detailed Comments by the Commonwealth of the Northern Mariana Islands (CNMI) on the *Preliminary Report of the U.S. Commission on Ocean Policy* June 4, 2004

Note: Text from the *Preliminary Report* is shown in **10 point bold type**. CNMI comments are in normal 12 point type.

CHAPTER 4: ENHANCING OCEAN LEADERSHIP AND COORDINATION

4-1. Congress should establish a National Ocean Council and a nonfederal Presidential Council of Advisors on Ocean Policy within the Executive Office of the President to provide enhanced federal leadership and coordination for the ocean and coasts.

The creation of a National Ocean Council (NOC) for enhanced federal leadership and coordination could be a significant benefit to the management and research of the Nations' ocean resources.

4-3. The National Ocean Council (NOC) should adopt the principle of ecosystem based management and assist federal agencies in moving toward an ecosystem-based management approach.

The CNMI endorses this recommendation in principle. However, strict adherence to an ecosystem-based management approach, coupled with the application of a precautionary approach, could result in the complete closure of fisheries in the CNMI that have been successfully sustainable for hundreds of years. The biological data available for these exceedingly diverse tropical ecosystems is very limited, the area encompassed is very large, and the professional capacity of our communities is very small.

The CNMI urges that the NOC and the proposed COSETO and CORM committees have strong state and territorial representation. This is because the 'purview' of these councils/committees significantly overlaps state/territorial interests.

4-4. An Assistant to the President should be assigned to provide leadership and support for national ocean and coastal policy.

The person who fills this critical position must be chosen with extreme care. It would be wise to stipulate minimum qualifications for this position.

4-7. Congress, working with the National Ocean Council (NOC), should amend the National Oceanographic Partnership Act to integrate ocean observing, operations, and education into its marine research mission. A strengthened and enhanced National Ocean Research Leadership

Commonwealth of the Northern Mariana Islands
Detailed Comments on Preliminary Report
June 4, 2004

Council (NORLC) should be redesignated as the Committee on Ocean Science, Education, Technology, and Operations (COSETO), under the oversight of the NOC.

The proposed COSETO committee should have strong state/territorial representation, because the scope of this committee significantly overlaps state/territorial interests.

4-8. The National Ocean Council (NOC) should establish a Committee on Ocean Resource Management to better integrate the resource management activities of ocean-related agencies. This committee should oversee and coordinate the work of existing ocean and coastal interagency groups and less formal efforts, recommend the creation of new topical task forces as needed, and coordinate with government-wide environmental and natural resource efforts that have important ocean components.

The proposed CORM committees should have strong state/territorial representation, because the scope of this committee significantly overlaps state/territorial interests.

4-10. The National Ocean Council should work with Congress, the Presidential Council of Advisors on Ocean Policy, and state, territorial, tribal, and local leaders, including representatives from the private sector, nongovernmental organizations and academia, to develop a flexible and voluntary process for the creation of regional ocean councils.

There should be a clearer statement on the purposes of the regional ocean councils. The states and territories should be key drivers of the issues, process, and solutions at this level.

CHAPTER 5: ADVANCING A REGIONAL APPROACH

5-2. Congress should establish regional ocean programs to improve coordination and set regional priorities for research, data collection, science-based information products, and outreach activities in support of improved ocean and coastal management. Program priorities should be carried out primarily through a grants process.

CNMI supports the establishment of regional ocean science and research programs.

The CNMI supports the establishment of regional ocean science and research programs. Moreover, the CNMI supports the enhanced role for Sea Grant extension services as an important mechanism for delivering and interpreting science information products, but notes that there is no formal Sea Grant program serving the CNMI.

5-3. Each regional ocean information program, with guidance from the National Ocean Council, should coordinate the development of a regional ecosystem assessment, to be updated periodically.

The CNMI supports the development of regional ecosystem assessments, but notes that these will require a major work effort.

Chapter 5 should note that the regional ecosystem assessments will be coordinated and build upon the state resource assessments referenced in Chapter 9 (p. 111).

5-5. Congress should establish regional boards to administer regional ocean information programs throughout the nation. Program priorities should be carried out primarily through a grants process. Each regional board should: be comprised of federal agency representatives, representatives from each state in the region, and a Sea Grant Director from at least one state in the region. Each board should also have territorial, tribal, local, and other stakeholder representation....

CNMI supports this recommendation and the regional breakouts as proposed by the Commission on pages 61-62.

The CNMI would like to suggest that the first bullet be revised to read, “be comprised of federal agency representatives, representatives from each state and territory in the region and a Sea Grant director from at least one state in the region and/or director of MAREPAC (in the insular Pacific region). Each board should also have tribal, local, and other stakeholder representatives, including the U.S. All Islands Coral Reef Initiative Committee in the insular Pacific and Southeast regions.”

CHAPTER 6: COORDINATING MANAGEMENT IN FEDERAL WATERS

6-1. Congress, working with the National Ocean Council (NOC), should ensure that each current and foreseeable use of federal waters is administered by a lead federal agency. The lead agency should coordinate with other federal agencies with applicable authorities and ensure full consideration of the public interest. Pending congressional action, the National Ocean Council should designate interim lead agencies to coordinate research, assessment, and monitoring of new offshore activities.

The establishment of a lead agency is essential to avoiding agency jurisdictional conflicts.

6-2. Congress, working with the National Ocean Council and regional ocean councils, should establish a coordinated, ecosystem-based offshore management regime that sets forth guiding principles for the balanced coordination of all offshore uses. It should recognize the need, where appropriate, for single-purpose ocean governance structures that are comprehensive and fully integrated with and based on the principles of the new offshore management regime. The regime should also include a process for planning for new and emerging activities and a policy that a reasonable portion of the resource rent derived from such activities is returned to the public.

The CNMI has a strong economic and ecological interest in the EEZ and offshore activities. There should be a direct role for states and territories in offshore management, in addition to reviewing federal projects for consistency with the federally approved state coastal management programs.

Along with their management role, the CNMI and other insular areas should derive a beneficial interest from the extraction of offshore resources. This is important because for insular areas, where upland resources are limited, offshore resources can be the key to economic self-sufficiency.

How the resource rent is derived and where it is returned are critical issues and need to be clearly defined. The impact of this recommendation on subsistence fishermen should be considered.

6-3. The National Ocean Council should develop national goals and guidelines leading to a uniform process for the effective design and implementation of marine protected areas.

Marine Protected Areas (MPA) are currently used as a fisheries management tool in the CNMI, and have been actively managed since the program inception in 1998, without federal oversight. Nationwide, many MPAs have been designated by states, territories, and commonwealths for a variety of local reasons, many of which are specific to the locality. Such MPAs should be managed by state/territory/ commonwealth natural resource agencies and should not be required to meet national standards.

In federal waters, at least in the western Pacific region, the Western Pacific Regional Fisheries Management Council (WPRFMC) has motivated the designation of future MPAs under its

Commonwealth of the Northern Mariana Islands
Detailed Comments on Preliminary Report
June 4, 2004

jurisdiction. A Washington D.C.-based political body should not have authority over an RFMC, with respect to the use of MPAs as a fisheries management tool.

6-4. Regional ocean councils, or other appropriate regional entities, should actively solicit stakeholder participation and lead the design and implementation of marine protected areas. The design and implementation should be conducted pursuant to the goals, guidelines, and uniform process developed by the National Ocean Council.

Stakeholder participation is essential, but again, there is no need for federal oversight. The CNMI has done exceptionally well in managing its marine resources, and has been quite active in designating MPAs with stakeholder input.

CHAPTER 7: STRENGTHENING THE FEDERAL AGENCY STRUCTURE

7-5. Following the establishment of the National Ocean Council and the Presidential Council of Advisors on Ocean Policy, the strengthening of the National Oceanic and Atmospheric Administration, and consolidation of similar federal ocean and coastal programs, the President should propose to Congress a reorganization of the federal government that recognizes the links among all the resources of the sea, land, and air and establishes a structure for more unified, ecosystem-based management of natural resources.

It is important that a key “lead agency” be designated to focus on ecosystem management in the federal waters and with coordination with states and territories. The recommendations should be amended to clarify state/territorial public trust and economic interest in the EEZ.

Consideration should be given to linking or including a lead agency role for NOAA in the Organic Act that focuses on coordination with states/territories/commonwealths on ocean planning (state waters and EEZ), as well as results-based management at state and local scales.

The CNMI has a strong economic and ecologic interest in the EEZ and offshore activities. There should be a direct role for states and territories in offshore management, in addition to reviewing federal projects for consistency with the federally approved state coastal management programs.

CHAPTER 8: PROMOTING LIFELONG OCEAN EDUCATION

The CNMI notes the importance of ocean education and recommends that the Ocean.ED vision and strategy be developed with state and local government input. To the extent possible, the national vision should encompass state/territorial standards and the implementation strategy should include goals, priorities, and clearly outline how the strategy will be implemented.

The CNMI requests that the Commission clarify how Ocean.ED will build state, territorial, and local capacities for informal education and outreach. The federal agencies should be required to fund and support state/territorial and community-based education efforts.

8-xx. (Proposed by the All Islands Coral Reef Initiative Coordinating Committee) The National Science Foundation should expand their definition of “minority” to include natives of U.S. insular areas, and the institutions of high 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 impacted by ocean and marine issues on a daily basis.

The CNMI strongly endorses this recommendation.

CHAPTER 9: MANAGING COASTS AND THEIR WATERSHEDS

9-1. Congress should reauthorize the Coastal Zone Management Act (CZMA) to strengthen the planning and coordination capabilities of coastal states and enable them to incorporate a coastal watershed focus and more effectively manage growth. Amendments should include requirements for resource assessments, the development of measurable goals and performance measures, improved program evaluations, additional funding to adequately achieve the goals of the Act, incentives for good performance and disincentives for inaction, and expanded boundaries that include coastal watersheds.

Congress should reauthorize and amend the Coastal Zone Management Act (CZMA), as a critical, high priority action for improved coastal and ocean management. Although the Commission's recommendation 9-1 addresses core issues, this recommendation also needs to recognize and strengthen other elements of the CZMA, including habitat restoration, community planning and smart growth, ocean management, watershed management, and support for special-area management planning.

The CZMA is an important vehicle for implementing a wide range of Ocean Commission recommendations because it takes an integrated approach and is a federal-state-local partnership that acknowledges the important role of states and municipalities and can address vertical and horizontal integration of ecosystem management.

A reauthorized CZMA needs to retain its focus on partnerships, state/territorial roles in working with communities, and maximize the opportunities for input. The CZMA also needs to maintain the states'/territories' abilities to implement programs that meet federal goals in ways that best fit each location's ecological, geographical and political needs.

Although the CNMI supports the focus of recommendation 9-1 on development of periodic, comprehensive resource assessments, states and territories will only be able to conduct these assessments if adequate federal funding, above CZMA base federal funding (306/306A/309), is provided to us.

Likewise, the CNMI supports the movement toward the development of measurable goals and improved program evaluation, but encourages the Commission to acknowledge the increased costs associated with performance-based management. The CNMI and nine coastal states are already participating in a pilot performance indicator project. By the end of 2004, we will have realistic estimates of the costs for states to develop indicator systems and the funds needed to undertake additional monitoring and assessment work.

The CNMI supports an incentive-based approach to expanding partnerships under the CZMA and increasing focus on watershed issues. The CNMI strongly disagrees with the use of disincentives and counterproductive penalties that take away program funding for states. A severe disincentive already exists for non-performing programs through Section 312 of the CZMA whereby federal approval of the program can be retracted. Rather, the CNMI strongly recommends that the federal government work cooperatively with states/territories that are experiencing problems to provide the resources and technical assistance necessary to help the state or territory to achieve the shared goals.

The CNMI proposes that the Commission recommend that the CZMA be amended to create a Coastal Communities Program to assist states/territories in planning and managing land uses to

Commonwealth of the Northern Mariana Islands
Detailed Comments on Preliminary Report
June 4, 2004

support sustainable coastal development, protect and restore coastal habitats and other resources, reduce exposure to coastal hazards, and revitalize urban waterfronts. The Coastal Communities Program should include technical and financial support for: resource and community assessments and plans; planning-oriented research and technical assistance; model and pilot projects that promote ecosystem-sensitive development or restoration; local land-use plans and implementing ordinances that meet the goals of the CZMA; and be appropriated at least \$30 million.

9-4. Congress should amend the Coastal Zone Management Act, the Clean Water Act, and other federal laws where appropriate, to provide better financial, technical, and institutional support for watershed initiatives. Amendments should include appropriate incentives and flexibility for local variability. The National Ocean Council should develop guidance concerning the purposes, structures, stakeholder composition, and performance of such initiatives.

The CNMI recommends that the coastal pollution and watershed initiatives be derived from regional, state, and local input. The National Ocean Council should support and ensure funding for the priorities and needs identified by the regional, states/territorial, and local initiatives. To the extent possible, the NOC and regions should rely on existing regional management councils, commissions, and organizations.

CHAPTER 10: GUARDING PEOPLE AND PROPERTY AGAINST NATURAL HAZARDS

10-4. The National Ocean Council (NOC) should encourage Congress to increase financial and technical assistance to state and local entities for developing hazards mitigation plans consistent with requirements of the Federal Emergency Management Agency (FEMA). The NOC should also identify opportunities for conditioning federal hazards-related financial and infrastructure support on completion of FEMA-approved state and local hazards mitigation plans.

The CNMI supports this recommendation and recommends that the CZMA be bolstered as a tool for proactive planning to avoid the impacts of coastal hazards.

10-xx. (Proposed by the All Islands Coral Reef Initiative Coordinating Committee) The Department of Homeland Security should ensure that the procedures guiding FEMA's response to natural disasters include provisions (such as a detailed ESF) that support regional, state and local efforts to respond to the impacts on natural environments as part of the immediate and overall recovery efforts. In coastal and marine areas, the lead federal agency for a natural resource recovery ESF should be NOAA.

The CNMI endorses this recommendation.

10-xx. (Proposed by the All Islands Coral Reef Initiative Coordinating Committee) To ensure that responses to impacts on natural environments following a natural 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 natural disasters, which would assist in guiding FEMA's response capabilities.

The CNMI endorses this recommendation.

CHAPTER 11: CONSERVING AND RESTORING COASTAL HABITAT

Chapter 11, pages 125 and 126

The background discussion should include information about Pacific island areas. Within the Commonwealth of the Northern Mariana Islands (CNMI), only 36% of Saipan's original wetland area remains. This is equal to a loss of nearly 1 mi² (over 600 acres) on an island that is only 46

mi² (29,440 acres) in total area. (Coastal Resources Management Office, Commonwealth of the Northern Mariana Islands. 1991. Final Saipan Comprehensive Wetlands Management Plan. Saipan, CNMI.)

The background discussion should also include the gaps in wetland protection created by the U.S. Supreme Court's SWANCC decision that has resulted in various isolated wetlands falling outside of the US Army Corps of Engineers' jurisdiction.

11-1 Congress should amend the Coastal Zone Management Act to authorize and provide sufficient funding for a dedicated coastal and estuarine land conservation program. In order to achieve this: each state coastal management program should identify priority coastal habitats and develop a plan for establishing partnerships among willing landowners for conservation purposes, with participation from local government, nongovernmental, and private-sector partners.

The CNMI supports the Commission's recommendation to Congress to amend the CZMA to create a *Coastal Estuarine Land Conservation Program*. Additionally, the CNMI recommends that dedicated funding for CELCP be at a minimum level of \$60 million, although this is far short of current needs.

The CNMI is currently developing a local CELCP. The CNMI supports awarding some funds competitively to states/territories with approved CELCP priority plans. However, as in the forest legacy program, there should be a regional balance and there should be base funding for states/territories with plans as provided in the LWCF.

Finally, NOAA, rather than Congress, should make project-specific funding decisions.

11-4 The National Ocean Council should coordinate development of a comprehensive wetlands protection program that is linked to coastal habitat and watershed management efforts and should make specific recommendations for the integration of the Clean Water Act Section 404 wetlands permitting process into that broader management approach.

The CNMI strongly supports this recommendation. Although the Clean Water Act 404 wetland permitting process should consider a broader management approach, this is not enough to lessen wetland loss. CNMI agency permit reviews of developments also need to better assess cumulative effects of coastal development and incorporate a broader management approach. Federal agencies and states/territories should coordinate their permit reviews and, in the interest of a "no net-loss" policy, make determinations that err on the side of caution.

CHAPTER 12: Managing SEDIMENT AND SHORELINES

The CNMI suggests revising the last sentence in the second paragraph of the background to read, "Undesirable sediment can cloud water and degrade wildlife habitat, form barriers to navigation, contaminate or pollute the food chain, and can result in the bioaccumulation of harmful toxins in marine plants, animals and humans."

CHAPTER 14: ADDRESSING COASTAL WATER POLLUTION

14-2. The U.S. Environmental Protection Agency (EPA) and states should increase technical and financial assistance to help communities improve the permitting, design, installation, operation, and maintenance of septic systems and other on-site treatment facilities. State and local governments, with assistance from EPA, should adopt more effective building codes and zoning ordinances for septic systems and should improve public education about the benefits of regular maintenance.

Commonwealth of the Northern Mariana Islands
Detailed Comments on Preliminary Report
June 4, 2004

These recommendations should be clarified to ensure that septic systems and NPDES permits are consistent with federally approved CZM programs. In some cases, the state/territorial standards are more stringent than the federal standards.

14-4. The U.S. Environmental Protection Agency, working with state and local governments, should develop a prioritized, comprehensive plan for long-term funding of the nation's current aging and inadequate wastewater and drinking water infrastructure, anticipating demands for increased capacity and more stringent treatment in the coming decades. To implement this plan, Congress should fund the State Revolving Fund Program at or above historic levels.

The CNMI strongly supports this recommendation. The CNMI does not have adequate funding to maintain and expand its drinking water systems. Nor does the CNMI have adequate funding to maintain and expand its wastewater systems. This results directly in poor water quality.

14-7. The U.S. Department of Agriculture (USDA) should align its conservation programs and funding with other programs aimed at reducing nonpoint source pollution, such as those of the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

The CNMI endorses this recommendation.

14-11. State and local governments should revise their codes and ordinances to require land use planning and decision-making to carefully consider the individual and cumulative impacts of development on water quality, including effects on stormwater runoff. The U.S. Environmental Protection Agency and other appropriate entities should increase outreach programs that provide local land use decision makers with the knowledge and tools needed to make sound land use decisions that protect coastal water quality.

The CNMI recommends that state/territorial and local governments should require land-use planning and decision-making to balance the development required to meet population growth and economic needs with the protection of critical coastal resources, including revitalizing waterfront areas and minimizing individual and cumulative impacts of development on coastal water quality from stormwater runoff. Federal agencies should provide technical assistance and training to the state/territorial and local governments.

14-xx: (Proposed by the All Islands Coral Reef Initiative Coordinating Committee) The EPA should develop water-quality testing procedures to identify allowable maximum pollutant levels to ensure ecosystem health based on the most fragile elements of the ecosystem, and promulgate rules ensuring regular testing of both fresh and nearshore waters, and reporting the results of such tests to the public.

The CNMI endorses this recommendation. The most frequently used measure for determining whether a water body or water source is impaired is based on maximum levels of pollutants allowed for human health reasons. Although this is certainly a major concern that should be tested for and publicized, it does not present an accurate picture of the quality of the water being tested. The CNMI recommends establishing standards and conducting regular testing for the maximum levels of pollutants allowed for the most fragile element of the ecosystem. In the case of coral reefs, that element would likely be the corals themselves.

14-xx: (Proposed by the All Islands Coral Reef Initiative Coordinating Committee) The EPA should ensure that water quality testing procedures encompass testing of sediments as well as water columns, in order to develop a more accurate picture of the overall water quality of an ecosystem.

The CNMI endorses adding this recommendation to address the practice of basing results on water samples taken from an undisturbed water column. Many pollutants are attached to the

sediments and are either taken up through the food chain from the sediment, or are released in times of more severe weather or sea conditions that disturb the sediments.

CHAPTER 16: LIMITING VESSEL POLLUTION AND IMPROVING VESSEL SAFETY

The CNMI supports the U.S. Commission on Ocean Policy's recommendations with respect to limiting vessel pollution and improving vessel safety.

CHAPTER 17: PREVENTING THE SPREAD OF INVASIVE SPECIES

The CNMI is very aware of the need to control invasive species, having witnessed their effect both in the Northern Marianas and in neighboring islands and having made considerable investment to reduce that effect and to prevent further spread of invasive species.

All Pacific insular areas, including the CNMI, should be included in the appropriate regional panel.

17-1. The U.S. Coast Guard's national ballast water management program should: apply uniform, mandatory national standards; incorporate sound science in the development of a biologically meaningful and enforceable ballast water treatment standard; include a process for revising the standard to incorporate new technologies; ensure full consultation with the U.S. Environmental Protection Agency, both during and after the program's development; and include an interagency review, through the National Ocean Council, of the policy for ships that declare they have no ballast on board.

The CNMI acknowledges that for much of the continental United States, the discharge of ballast water is considered a primary pathway for introduction of non-native aquatic species. However, recent studies in Guam have shown that this may not be the major pathway for our tiny oceanic island communities. (Pauley et al., 2002. Anthropogenic biotic interchange in a coral reef ecosystem: a case study from Guam. *Pacific Science* 56(4):403-422.) This study showed that organisms riding on ships hulls are likely the most important source of invaders.

The CNMI therefore requests that the U.S. Commission on Ocean Policy add standards, measures, and processes to reduce the import of non-native aquatic species on ships' hulls to this recommendation. For example, measures might include requirements that barges and ships have their hulls cleaned of fouling organisms once a year and that anti-fouling paint be applied once every five years.

17-4. The National Invasive Species Council and the Aquatic Nuisance Species Task Force, working with other appropriate entities, should establish a national plan for early detection of invasive species and a system for prompt notification and rapid response. Congress should provide adequate funding to support the development and implementation of this national plan.

This plan is both critical and badly needed. However, care must be taken to ensure the inclusion of insular areas, such as the CNMI.

17-5. The National Ocean Council (NOC) should review and streamline the current proliferation of federal and regional programs for managing marine invasive species, and coordinate federal, regional and state efforts. Coordinated plans should be implemented to develop risk assessment and management approaches for intentional and unintentional species introductions that minimize the potential of invasions at the lowest cost.

The CNMI urges the U.S. Commission on Ocean Policy to include territorial/commonwealth and local efforts into the coordination efforts that are a critical part of this recommendation.

CHAPTER 18: REDUCING MARINE DEBRIS

The CNMI strongly urges the U.S. Commission on Ocean Policy to include insular areas such as the CNMI, Guam, and American Samoa in their programs and planning. Note that the National Marine Debris Monitoring Program not only excludes these areas, but the website maps don't include these areas at all. (The International Coastal Cleanup websites do at least incorporate the island of Kosrae, Federated States of Micronesia.)

18-3. U.S. Department of State and National Oceanic and Atmospheric Administration, working with the United Nations Food and Agriculture Organization and other appropriate entities, should develop a detailed plan of action to address derelict fishing gear, to be implemented on a regional, multi-national basis.

The CNMI urges the U.S. Commission on Ocean Policy to consider imposing similar fees on nets imported into all parts of the United States.

18-5. The U.S. Department of State should increase efforts to ensure that all port reception facilities meet the criteria necessary to allow implementation of Special Areas protections under Annex V of the International Convention for the Prevention of Pollution from Ships.

The CNMI urges the U.S. Commission on Ocean Policy to consider developing a Micronesian and Hawaiian series of port reception facilities.

CHAPTER 19: ACHIEVING SUSTAINABLE FISHERIES

The role of the Scientific and Statistical Committee (SSC) of a Regional Fisheries Management Council (RFMC) is to review scientific information as it pertains to the management of the fisheries under the RFMC jurisdiction, then to provide the RFMC Council guidance with respect to the science reviewed and how it would influence the management of the particular fisheries in question. The SSC does not set harvest guidelines, because it is an advisory body. The RFMC SSC is a scientific body that makes recommendations to the RFMC Council based upon the best available science, but ultimately the RFMC sets harvest limits.

19-1. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act and related statutes to require Regional Fishery Management Councils (RFMCs) and interstate fisheries commissions to rely on their Scientific and Statistical Committees (SSCs), incorporating SSC findings and advice into the decision-making process. In keeping with this stronger role, SSC members should meet more stringent scientific and conflict of interest requirements, and receive compensation.

With respect to the Western Pacific RFMC (WPRFMC), the SSC has been comprised of a mix of prominent fisheries stock assessment scientists, experts in the fields of fishery economics, sociology-anthropology, and protected species, as well as regional scientific expertise from western and southern Pacific island groups. Forcing an SSC to significantly increase its already high standards does not seem necessary for the WPRFMC, and it may result in outer island areas being marginalized, where technical scientific expertise may not rival that of larger states (even though we are rich in local scientific expertise and local knowledge).

The prospect of excluding from the SSC anyone who is “formally or financially affiliated with any harvesting or processing sector” might in fact keep highly qualified experts off an SSC. The very nature of the SSC is to thoroughly discuss the scientific merits of the science under review. Having differing scientific opinions with regard to science supports the objective goal of science.

Rotating membership would tend to serve other RFMCs better than the WPRFMC, where local expertise with regard to fisheries science is very limited. This option could be supported through flexibility in the length of appointments for each RFMC.

19-2. Scientific and Statistical Committees (SSCs) should be required to supply Regional Fishery Management Councils (RFMCs) with the scientific information necessary to make fishery management decisions. Such information could include reports on stock status and health, socioeconomic impacts of management measures, sustainability of fishing practices, and habitat status. In particular, the SSCs should determine allowable biological catch based on the best scientific information available to them.

19-3. Each Regional Fishery Management Council should be required to set harvest limits at or below the allowable biological catch determined by its Scientific and Statistical Committee. The councils should begin immediately to follow this practice, which need to be codified at the next opportunity in amendments to the Magnuson–Stevens Fishery Conservation and Management Act.

19-4. The National Marine Fisheries Service, working with the Regional Fishery Management Councils and the interstate fisheries commissions, should develop a process for independent review of the scientific information generated by the Scientific and Statistical Committees in all regions.

19-5. Each Regional Fishery Management Council should set a deadline for its Scientific and Statistical Committee (SSC) to determine allowable biological catch. If the SSC does not meet that deadline, the National Marine Fisheries Service Regional Science Director should set the allowable biological catch for that fishery.

The Regional Fisheries Science Centers (RFSC) are responsible for providing the RFMC with scientific information related to allowable biological catches (ABC). The SSC is a scientific advisory body to the Council that reviews such scientific information and provides recommendations to the Council. The SSC should not replace the RFSC, unless they are to be hired or paid in some capacity by the RFMC during the time of their tenure to conduct stock assessment analysis, which is often complex and therefore time consuming. To expect SSC members to conduct such assessments in addition to their existing employment requirements is untenable.

The RFSC are responsible for stock assessment, and the RFMC, based on the advice of the SSC, sets the ABC.

19-6. Once allowable biological catch is determined, whether by the Scientific and Statistical Committee or the National Marine Fisheries Service (NMFS) Regional Science Director, the Regional Fishery Management Council should propose a fishery management plan in time for adequate review and approval by NMFS. If the plan is not presented in a timely fashion, all fishing on that stock should be suspended until NMFS can review the adequacy of the management plan.

Management Plans can take several years to draft and implement, especially if NEPA requirements need to be met. It is not clear if these management plans need to be species-specific, or can cover a family or genera, or are ecosystem based. If they are required to be species-specific then several of the CNMI's fisheries would be closed down for an undetermined length of time, while a management plan is being formulated. This is not necessary, nor is it in the best interests of the resource or the fishers.

Commonwealth of the Northern Mariana Islands
Detailed Comments on Preliminary Report
June 4, 2004

19-7. The Regional Fishery Management Councils and their Scientific and Statistical Committees should develop an annual, prioritized list of management information needs and provide it to the National Marine Fisheries Service (NMFS). NMFS should incorporate these needs to the maximum extent possible in designing its research, analysis, and data collection programs.

By its very nature the Council process produces management information and subsequent decisions needs on 'as-needed' basis. Providing such information on an annual basis only, would impose unnecessary limitations on the RFMC's ability to provide sound management guidelines in a timely manner and could therefore lead to unnecessary restrictions in harvest and/or overfishing.

19-8. The National Marine Fisheries Service, working with states and interstate fisheries commissions, should require all saltwater anglers to purchase licenses to improve in-season data collection on recreational fishing. Priority should be given to fisheries in which recreational fishing is responsible for a large part of the catch, or in which recreational fishermen regularly exceed their allocated quota.

The CNMI is currently working on legislation that would address this issue.

19-9. Congress should increase support for an expanded, regionally-based cooperative research program in the National Oceanic and Atmospheric Administration (NOAA) that coordinates and funds collaborative projects among scientists and commercial and recreational fishermen. NOAA should develop a process for external evaluation and ranking of all cooperative research proposals to ensure the most worthwhile projects are funded, the most capable performers are undertaking the research, and the information produced is both scientifically credible and useful to managers.

This would be extremely beneficial in the management of the CNMI's fishery resources.

19-10. Congress should develop new statutory authority, similar to the Atlantic Coastal Fisheries Cooperative Management Act, to support and empower the Gulf States and Pacific States Fisheries Management Commissions. All interstate management plans should adhere to the national standards in the Magnuson–Stevens Fishery Conservation and Management Act and the federal guidelines implementing these standards. States should participate in guideline development to ensure they are relevant to interstate plans.

The CNMI is part of the Western Pacific Regional Fishery Management Council. The constituents of the WPRFMC are small island groups with fisheries that are very distinct from mainland fisheries. The WPRFMC should not be part of any Commission.

19-11. When a fish stock crosses administrative boundaries, Congress should clearly assign fishery management jurisdiction and authority. For each fishery management plan, a state, Regional Fishery Management Council (RFMC), interstate fisheries commission, or the National Oceanic and Atmospheric Administration (NOAA) should be established as the lead authority. That designation should be based primarily on the proportion of catch associated with each management authority. However, once designated, management authority should not shift based on annual changes in landings.

The CNMI requests that the U.S. Commission on Ocean Policy consider establishing the lead management authority on more than the jurisdiction that lands the highest proportion of the catch. Other criteria might include proportion of the stock, or protection of the stock in each jurisdiction. For example, the stocks of many species of reef fishes likely bridge the jurisdictions of the CNMI and Guam. Guam's total harvest of these species is generally much higher than the CNMI's. However, the greatest proportion of the stock lies much closer to the shores of the CNMI than Guam. Moreover, the CNMI's populations of most near-shore reef fishes are higher than Guam's. It might be argued that the CNMI's good stewardship of these resources and its

location with respect to the bulk of the stock could be good reasons for suggesting that the CNMI be awarded lead management authority.

19-12. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to require governors to submit a broad slate of candidates for each vacancy of an appointed Regional Fishery Management Council seat. The slate should include at least two representatives each from the commercial fishing industry, the recreational fishing sector, and the general public.

This is in the best interests of the Council, because it would ensure a broad list of candidates from which to choose. It needs to be clarified whether or not the subsistence-fishing sector is being overlooked.

19-14. The National Marine Fisheries Service (NMFS) should require all newly appointed Regional Fishery Management Council (RFMC) members to complete a training course within six months of their appointment. NMFS should contract with an external organization to develop and implement this training course and Congress should provide adequate funding. Members who have not completed the training may participate in RFMC meetings, but may not vote.

Training is an excellent idea. The NMFS and the RFMC should work together to develop the training program.

19-15. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to affirm that fishery managers are authorized to institute dedicated access privileges. Congress should direct the National Marine Fisheries Service to issue national guidelines for dedicated access privileges that allow for regional flexibility in implementation. Every federal, interstate, and state fishery management entity should consider the potential benefits of adopting such programs.

The CNMI's fish resources are in very good condition, especially relative to virtually any other U.S. jurisdiction. The need for 'dedicated access privileges' is not really pertinent to the CNMI, because the CNMI does not have an overcapitalized industry or an over-harvested resource. The potential for the use of such privileges should be an option, but how it would differ from other limited-entry programs is unclear.

19-16. Congress should repeal the Fisheries Finance Program (formerly the Fishing Vessel Obligation Guarantee Program), the Capital Construction Fund, and other programs that encourage overcapitalization in fisheries. The National Oceanic and Atmospheric Administration (NOAA) should implement programs to permanently reduce fishing capacity to sustainable levels.

The CNMI fishing industry is not overcapitalized and could in fact benefit from such loans in the future as fisheries develop. Eliminating such potential economic opportunities is not in the best interests of the CNMI.

19-17. Congress should increase funding for Joint Enforcement Agreements to implement cooperative fisheries enforcement programs between the National Marine Fisheries Service and state marine enforcement agencies. The U.S. Coast Guard should be included as an important participant in such agreements.

This is fully supported by the CNMI, because it would result in better enforcement and protection of the CNMI's natural resources.

19-18. The National Marine Fisheries Service and the U.S. Coast Guard should strengthen cooperative enforcement efforts at the national level by developing a unified strategic plan for fisheries enforcement that includes significantly increased joint training, and at the regional and local levels, by developing a stronger and more consistent process for sharing information and coordinating enforcement.

Commonwealth of the Northern Mariana Islands
Detailed Comments on Preliminary Report
June 4, 2004

The CNMI fully supports this recommendation.

19-19. The National Marine Fisheries Service, working with the Regional Fishery Management Councils, the U.S. Coast Guard, and other appropriate entities, should maximize the use of the Vessel Monitoring System (VMS) for fishery-related activities by requiring that VMS with two-way communication capability be phased in for all commercial fishing vessels receiving permits under federal fishery plans, including party and charter boats that carry recreational fishermen, incorporating VMS features that assist personnel in monitoring and responding to potential violations, and identifying state fisheries that could significantly benefit from VMS implementation.

The use of VMS could provide the location of fishing vessel effort, which is typically not accurately and/or precisely known because fishermen are not prone to disclosing their favorite fishing locales. Such information is, however, absolutely essential in the prudent management of fisheries resources. This should be supported, with a note that funding will be an issue and potentially a hardship for some fishermen, and that VMS should be restricted to commercial fishermen.

19-20. The U.S. Coast Guard should be the lead organization in managing the integration of a fishery Vessel Monitoring System (VMS) database into the larger maritime operations database and should work with the National Marine Fisheries Service to ensure effective use of VMS data for monitoring and enforcement.

Fishing location data are sensitive data that should not be readily available except for fisheries stock assessment, enforcement, and management.

19-21. The National Marine Fisheries Service (NMFS) should change the designation of essential fish habitat from a species-by-species to a multispecies approach and, ultimately, to an ecosystem-based approach. The approach should draw upon existing efforts to identify important habitats and locate optimum-sized areas to protect vulnerable life-history stages of commercially important species. NMFS should work with other management entities to protect essential fish habitat when such areas fall outside their jurisdiction.

This should be a long-term goal, but to achieve it a significant amount of data need to be collected, compiled, and analyzed. In the interim, essential fish habitat designation should only be altered as new information becomes available, so as to not impede progress already made, as well as that being made.

19-22. The National Marine Fisheries Service (NMFS) and Regional Fishery Management Councils should develop regional bycatch reduction plans that address broad ecosystem impacts of bycatch. Implementation of these plans will require NMFS to expand current efforts to collect data on bycatch, not only of commercially important species, but on all species captured by commercial and recreational fishermen. The selective use of observers should remain an important component of these efforts.

This is an important long-term goal that should be fully supported.

19-23. The U.S. Department of State, working with other appropriate entities, should encourage all countries to ratify the Fish Stocks Agreement and the United Nations Food and Agriculture Organization's Compliance Agreement. In particular, the United States should condition other nations' access to fishing resources within the U.S. exclusive economic zone on their ratification of these agreements. Other incentives should be developed by the United States and other signatory nations to encourage all nations to ratify and enforce these agreements.

The CNMI fully supports this recommendation.

19-24. Congress should fully fund existing U.S. commitments to international fisheries management. The U.S. Department of State, working with the National Oceanic and Atmospheric Administration, should review and

update regional and bilateral fishery agreements to which the United States is a party, to ensure full incorporation of the latest science and harmonize those agreements with the Fish Stocks Agreement.

The CNMI fully supports this recommendation.

19-25. The National Oceanic and Atmospheric Administration, working with the U.S. Fish and Wildlife Service and the U.S. Department of State, should design a National Plan of Action for the United States that implements, and is consistent with, the International Plans of Action adopted by the United Nations Food and Agriculture Organization and its 1995 Code of Conduct for Responsible Fisheries. This National Plan should stress the importance of reducing bycatch of endangered species and marine mammals.

The vast majority of fishery bycatch of endangered species is a NMFS responsibility. The USFWS does not have jurisdiction in the EEZ, and providing them such would probably increase jurisdictional disputes to the detriment of the fishing industry.

19-26. The international committee of the National Ocean Council (discussed in Chapter 29), should initiate a discussion to determine the most effective methods of encouraging other nations to implement the United Nations Food and Agriculture Organization's Code of Conduct for Responsible Fisheries and other Plans of Action and provide its findings to the U.S. Department of State and the National Ocean Council.

Nearly everything captured by fishermen in the CNMI is consumed or utilized in some manner. The amount of actual bycatch is essentially non-existent by comparison to mainland fisheries.

CHAPTER 20: PROTECTING MARINE MAMMALS AND ENDANGERED MARINE SPECIES

20-1. Congress should amend the Marine Mammal Protection Act to require the Marine Mammal Commission to coordinate with all the relevant federal agencies through the National Ocean Council (NOC) while remaining independent. The NOC should consider whether there is a need for similar oversight bodies for other marine animals whose populations are at risk.

Given the high level of success that the U.S. has experienced in protecting its marine mammal species it would seem that National Ocean Commission (NOC) oversight would not be necessary, because it would cloak management measures with more red tape.

20-2. Congress should amend the Marine Mammal Protection Act to place the protection of all marine mammals within the jurisdiction of the National Oceanic and Atmospheric Administration.

The CNMI fully supports this recommendation. Historically, NMFS has been the lead agency for most marine mammal protection, and is best qualified to assume total authority.

20-3. The National Ocean Council should improve coordination between the National Marine Fisheries Service and U.S. Fish and Wildlife Service with respect to the implementation of the Endangered Species Act, particularly for anadromous species or when landbased activities have significant impacts on marine species.

It is not clear whether the National Ocean Council is required for such coordination, and it would add an additional level of bureaucracy.

20-4. Congress should amend the Marine Mammal Protection Act to require the National Oceanic and Atmospheric Administration to more clearly specify categories of activities that are allowed without a permit, those that require a permit, and those that are prohibited.

20-5. Congress should amend the Marine Mammal Protection Act to revise the definition of harassment to cover only activities that meaningfully disrupt behaviors that are significant to the survival and reproduction of marine mammals.

The CNMI fully supports these recommendations.

20-6. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service should implement programmatic permitting for activities that affect marine mammals, wherever possible. More resource intensive case-by-case permitting should be reserved for unique activities or where circumstances indicate a greater likelihood of harm to marine mammals. The National Ocean Council should create an interagency team to recommend activities appropriate for programmatic permitting, those that are inappropriate, and those that are potentially appropriate pending additional scientific information. Enforcement efforts should also be strengthened and the adequacy of penalties reviewed.

It is not clear whether the National Ocean Council is required for such coordination, and it would add an additional level of bureaucracy and centralized decision making from DC.

20-7. The National Oceanic and Atmospheric Administration and the U.S. Department of the Interior should promote an expanded research, technology, and engineering program, coordinated through the National Ocean Council, to examine and mitigate the effects of human activities on marine mammals and endangered species.

The CNMI fully supports this recommendation.

20-8. Congress should expand federal funding for research into ocean acoustics and the potential impacts of noise on marine mammals. This funding should be distributed across several agencies, including the National Science Foundation, U.S. Geological Survey, and Minerals Management Service, to decrease the reliance on U.S. Navy research in this area. The research programs should be well coordinated across the government and examine a range of issues relating to noise generated by scientific, commercial, and operational activities.

The CNMI fully supports this recommendation. The stocks of marine mammals in the Marianas are not well known or understood. The U.S. Navy conducts training exercises in Tinian and Farallon de Medinilla, the latter being a bombing target, with unknown impacts on resident stocks of spinner dolphins as well as migratory whales. Because the Navy has permission through lease agreements to conduct military activities in the Marianas, this type of research would only be of benefit to the CNMI, especially if the Navy expands or supplements its training activities with acoustic research.

Closing Remarks

The concept of employing ecosystem-based management is critical to the full understanding of endangered marine species, and the ability to recover them. The lack of such an approach historically has led to the demise of many marine animals and the destabilization of many marine ecosystems by the loss or significant decline of apex predators. A better understanding of the complexities of marine ecosystems is essential to provide continued marine resource harvest, while ensuring the recovery of higher trophic level predators.

CHAPTER 21: PRESERVING CORAL REEFS AND OTHER CORAL COMMUNITIES

21-1. Congress should pass, and provide sustained funding for, a Coral Protection and Management Act that covers research, protection, and restoration of coral ecosystems. This legislation should include the following elements:

- **support for mapping, monitoring, and research programs primarily through the National Oceanic and Atmospheric Administration and the U.S. Coral Reef Task Force.**
- **support for new research and assessment activities to fill critical information gaps, to be carried out in partnership with the academic research community**
- **liability provisions for damages to coral reefs similar to those in the Marine Protection, Research, and Sanctuaries Act, but with greater flexibility to use funds in a manner that provides maximum short- and long-term benefits to the reef.**

- **support for outreach activities to educate the public about coral conservation and reduce human impacts.**
- **support for U.S. involvement, particularly through the sharing of scientific and management expertise, in bilateral, regional, and international coral reef management programs.**

The CNMI fully supports this recommendation. A significant amount of progress has been made toward understanding coral reef ecosystems, with the National Coral Reef Task Force providing guidance. The CNMI supports the comments of the All Islands Coral Reef Initiative Committee (AICRIC) and recommends 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, and in support of the discussion on U.S. flag island/international relationships discussed above, CNMI suggests amending bullet 5 of 21-1 as follows: “support for U.S. involvement, including direct involvement by state and territorial members of the U.S. Coral Reef Task Force, particularly through the sharing...”

The CNMI suggests the following be added to the list of elements to be supported: (1) funding to address major infrastructure needs that would dramatically reduce land-based sources of pollution from impacting coral reefs; (2) continued and increased funding for local government coral-reef management efforts; and (3) funding to purchase lands and submerged lands for coral reef conservation measures; (4) funding for local marine and management effectiveness monitoring; and (5) staff support to the U.S. island territories to assist and build capacity in coral reef protection and management..

21-2. Congress should codify and strengthen the U.S. Coral Reef Task Force and place it under the oversight of the National Ocean Council. The task force should be strengthened in the following ways:

- **Task force responsibilities should be expanded to include both warm-water and deep-water coral communities.**
- **the U.S. Department of Energy and the U.S. Army Corps of Engineers should be added as members of the task force.**
- **the task force should coordinate the development of regional ecosystem-based plans to address the impacts of nonpoint source pollution, fishing, and other activities on coral reef resources.**
- **the U.S. Environmental Protection Agency and the U.S. Department of Agriculture should work together to implement any pollution reduction goals developed by the task force.**
- **the National Oceanic and Atmospheric Administration, in consultation with Regional Fishery Management Councils, should implement any task force recommendations for reducing the effects of fishing on corals.**

CNMI strongly supports the recommendation to codify and strengthen the USCRTF.

CNMI supports 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.

CNMI has some concern about the inclusion of deep water corals within the framework of the Coral Reef Task Force. The Task Force’s focus was intended to be on reef-building corals. While some deep water corals may be associated indirectly with reef building corals in tropical areas, the broad inclusion could weaken the primary focus and goal of the Task Force. We understand that deep-water corals are very important to the ecosystem and strongly encourage that provision be made to manage and protect those resources without sacrificing funding or energy from reef-building corals..

Commonwealth of the Northern Mariana Islands
 Detailed Comments on Preliminary Report
 June 4, 2004

The CNMI recommends adding to bullet 2, to include the Freely Associated States as members.

With respect to bullet 3, the CNMI recommends that the U.S. Coral Reef Task Force build on the Fishery Management Plans (FMP) already developed by the Regional Fisheries Management Councils (RFMC) and approved by the National Marine Fisheries Service (NMFS). Moreover, the U.S. Coral Reef Task Force should note that the Western Pacific RFMC was the first RFMC to have their Coral Reef Ecosystem Fishery Management Plan approved by the NMFS.

With respect to bullet 4, the CNMI recommends that the Department of Transportation and DOI (because of CIP funds) join EPA and USDA in an effort to reduce pollution, because they support road building. Sedimentation from secondary roads is a major threat to coral reefs in almost all states and territories.

21-3. The National Oceanic and Atmospheric Administration should develop national standards—and promote international standards—to ensure that coral reef resources that are collected, imported, or marketed are harvested in a sustainable manner.

The Western Pacific Regional Fisheries Management Council has already achieved this by the creation of its Coral Reef Ecosystem Management Plan, which will manage the extraction of all coral reef resources in the central and western Pacific. This recommendation would duplicate existing management measures, and could result not only in confusion in management authority, but also impact existing and proposed fisheries in the western Pacific.

21-4. The U.S. Coral Reef Task Force should identify critical research and data needs related to coral reef ecosystems. These needs should guide agency research funding and be incorporated into the design and implementation of the Integrated Ocean Observing System.

The CNMI fully supports protection of deep-water coral communities.

The Coral Reef Task Force has identified research needs for shallow-water coral-reef communities (as has the NMFS). The Western Pacific Regional Fisheries Management Council has in place a Coral Reef Ecosystem Management Plan that directs management of shallow-water (0-100 meters) coral reef resources in the central and western Pacific, and illuminates research needs. Perhaps what is needed here is a coalescing of research plans and activities, with integration into the Integrated Ocean Observing System, and not a duplication of existing efforts.

CHAPTER 22: SETTING A COURSE FOR SUSTAINABLE MARINE AQUACULTURE

22-2. The National Oceanic and Atmospheric Administration's new Office of Sustainable Marine Aquaculture should be responsible for developing a comprehensive, environmentally-sound permitting, leasing, and regulatory program for marine aquaculture.

The CNMI supports the development of a permitting and leasing system and implementation of regulations for marine aquaculture, but requests that coordination include U.S. territories, such as the CNMI. In addition, provisions for how resource rent might be derived and to whom it may be returned need to be established fairly and clearly at the outset.

22-4. The United States should work with the United Nations Food and Agriculture Organization to encourage and facilitate worldwide adherence to the aquaculture provisions of the Code of Conduct for Responsible Fisheries.

The CNMI supports this recommendation in principle, but recognizes that given the growth of aquaculture in developing countries, this recommendation may require international aid before these countries can begin to comply with the aquaculture provisions of the Code of Conduct for Responsible Fisheries. That is, these developing areas may want to comply, but cannot afford to do so.

CHAPTER 23: CONNECTING THE OCEANS AND HUMAN HEALTH

23-1. The National Oceanic and Atmospheric Administration, National Science Foundation, National Institute of Environmental Health Sciences, and other appropriate entities should support expanded research and development efforts to encourage multidisciplinary studies of the evolution, ecology, chemistry, and molecular biology of marine species, discover potential marine bioproducts, and develop practical compounds, through both competitively awarded grants and support of federally designated centers.

This recommendation should include the development of regulations to prohibit exploitation of marine species to the point that they are at risk in terms of overuse or endangerment, once research has disclosed their human health benefits.

CHAPTER 24: MANAGING OFFSHORE ENERGY AND OTHER MINERAL RESOURCES

24-1. Congress, with input from the National Ocean Council, should ensure that a portion of the revenues that the federal government receives from the leasing and extraction of outer Continental Shelf (OCS) oil and gas is invested in the conservation and sustainable development of renewable ocean and coastal resources through grants to all coastal states. States off whose coasts OCS oil and gas is produced should receive a larger share of such portion to compensate them for the costs of addressing the environmental and socioeconomic impacts of energy activity in adjacent federal waters.

The CNMI strongly supports the sharing of OCS revenues to support the sustainable development of renewable ocean and coastal resources.

24-5. Congress, with input from the National Ocean Council, should enact legislation providing for the comprehensive management of offshore renewable energy development as part of a coordinated offshore management regime.

The CNMI supports this recommendation.

24-6. The Minerals Management Service should systematically identify the nation's offshore non-energy mineral resources and conduct the necessary cost-benefit, long-term security, and environmental studies to create a national program that ensures the best uses of those resources.

The CNMI supports this recommendation.

CHAPTER 25: CREATING A NATIONAL STRATEGY FOR INCREASING SCIENTIFIC KNOWLEDGE

25-1. Congress should double the federal ocean and coastal research budget over the next five years, from the 2004 level of approximately \$650 million to \$1.3 billion per year.

The CNMI supports the proposed increase in the ocean and coastal research budget. The Commission should provide additional details on the research funding needed and ensure that \$650 million to \$1.3 billion per year is sufficient to support federal, state/territorial, and local information and technology needs.

The CNMI appreciates the recognition of the National Sea Grant College Program as a valuable resource of research, outreach, education, and technology-transfer services. The CNMI

Commonwealth of the Northern Mariana Islands
 Detailed Comments on Preliminary Report
 June 4, 2004

recommends that the Commission also recognize and increase funding for other state-based science and education programs.

25-2. The National Ocean Council should develop a national ocean research strategy that reflects a long-term vision, promotes advances in basic and applied ocean science and technology, and guides relevant agencies in developing ten-year science plans and budgets.

The CNMI would welcome the opportunity to plan larger, more comprehensive and long-term projects with its federal partners. This would address a significant need in the CNMI. However, long-term planning could be affected by a change in presidential administration because the NOC will be influenced by the Assistant to the President. The “relevant agencies” also need to be defined. These are critical concerns that need to be addressed to clarify the scope of this recommendation.

25-3. The National Ocean Council should create a national program for social science and economic research to examine the human dimensions and economic value of the nation’s oceans and coasts. All ocean research agencies should include socioeconomic research as part of their efforts.

The CNMI fully supports this recommendation. Incorporating social and economic research into a natural resource management plan is essential to the success of the plan. The CNMI suggests revising this recommendation to include economic values (including market and non-market) in periodic reports.

25-4. Congress should appropriate significant funding for an expanded national ocean exploration program. The National Oceanic and Atmospheric Administration and the National Science Foundation should be designated as the lead agencies, with additional involvement from the U.S. Geological Survey and the U.S. Navy’s Office of Naval Research. Public outreach and education should be integral components of the program.

The CNMI fully supports this recommendation.

25-5. The National Ocean Council (NOC) should coordinate federal resource assessment, mapping, and charting activities with the goal of creating standardized, easily accessible national maps that incorporate living and nonliving marine resource data along with bathymetry, topography, and other natural features.

The need for such information is critical for long-term resource management. NOAA has begun undertaking an extensive mapping project for U.S. Coral Reefs with the aid of many state/territorial/commonwealth agencies, some of which have conducted small-scale bathymetric mapping projects. There exists a significant need to extend mapping activities to include the entire EEZ.

CHAPTER 26: ACHIEVING A SUSTAINED, INTEGRATED OCEAN OBSERVING SYSTEM

The CNMI supports the development and use of such a system, but is concerned that there appear to be no built-in safeguards with respect to possible misuses by commercial competitors, governmental agencies, or other countries.

26-11. The National Ocean Council (NOC) should promote international coordination and capacity building in the field of global ocean observations.

The CNMI supports such a recommendation, but notes that capacity building could apply equally well to some of the more remote U.S. territories and commonwealths such as the CNMI and American Samoa. This includes issues mentioned in the report such as, “...providing access to

U.S. scientific and technological expertise on a continuing basis; establishing education and training programs; securing funding for travel grants to allow scientists from less developed countries to participate in symposia, conferences, and research cruises; and funding international student fellowships.”

CHAPTER 27: ENHANCING OCEAN INFRASTRUCTURE AND TECHNOLOGY DEVELOPMENT

The CNMI recommends that the U.S. Commission on Ocean Policy’s Report also address the urgent needs of the islands to build human capacity through training of current staff and through development of additional post-secondary educational opportunities in the region.

CHAPTER 30: FUNDING NEEDS AND POSSIBLE SOURCES

30.1 Congress, with input from the National Ocean Council (NOC), should establish an Ocean Policy Trust Fund in the U.S. Treasury. The Fund should be composed of unallocated federal revenues from outer Continental Shelf (OCS) oil and gas leasing and development, and resource rents assessed on new activities in federal waters. Trust Fund monies should be dispersed to coastal states and federal agencies to support improved ocean and coastal management commensurate with the nation’s new coordinated and comprehensive national ocean policy.

The CNMI strongly supports the establishment of an Ocean Policy Trust Fund and the principle of reinvestment in renewable resources and conservation and to assist states/territories with impacts. The Fund should be dedicated and not subject to annual appropriation. The program should be developed in a way that does not create incentives for additional OCS development, and ensure that any new uses comply with all environment requirements, including those of state/territory/commonwealths.

The CNMI also recommends the establishment of a dedicated *Coastal and Estuarine Conservation Trust Fund* at \$900 million, funded from OCS revenues customs receipts or other fees generated from the use of coastal and ocean resources.