



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

June 4, 2004

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

Dear Admiral Watkins:

On behalf of the State of Texas, I am pleased to offer comments on the *Preliminary Report of the U.S. Commission on Ocean Policy*. I commend you, the other members of the Commission, and your staff on the comprehensive review of ocean-related issues and quality of the report. Texas welcomes the opportunity to provide input related to the unique, complicated, and diverse issues specific to the Gulf of Mexico.

The guiding principles and concepts delineated in the report reflect ideals that Texas also values. Texas has the third longest shoreline in the U.S., covering 18 coastal counties and including 367 miles of Gulf beaches and 3,300 miles of bay shoreline. With this coastline extending from the vegetation line on the beach to 10.3 miles into the Gulf of Mexico, as well as millions of acres of submerged land in our coastal bays, the management of our waterways and coastal resources is critical.

I laud the report's focus on a strong state role; the need to develop regional goals and priorities, enhanced partnerships between state, local, federal, and market sector stakeholders; and better coordination among federal agencies. Texas has proactively pursued the stewardship of the state's Coastal Natural Resource Areas and developed vehicles for incorporating a statewide management approach. The best way to ensure participation is to delegate authority over public and private resource use to the local level of government. This "bottom-up" management approach allows for the unique and diverse aspects of each coastal community and its resources to be taken into account. For example, Texas created Coastal Texas 2020--a long-term, statewide initiative to unite local, state, and federal efforts to promote the environmental and economic health of the Texas coast. To facilitate the work of Coastal Texas 2020, the coast has

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been organized into five regions, with an advisory committee for each region as an avenue for input and feedback.

Texas is also an active partner in the non-regulatory efforts of the Gulf of Mexico Program and many other federal, state, and local programs established under the Federal Coastal Zone Management Act, the Clean Water Act, and other federal statutes. These initiatives have provided a positive forum for deliberation on key issues and for the development and implementation of voluntary strategies, programs, and actions to preserve the Gulf of Mexico ecosystem. Rather than create new levels of federal and regional structures contemplated in the Commission's report, Texas supports efforts to build on the strong foundations of existing programs and infrastructure.

Considering the financial struggles experienced by most states, continued federal funding is critical to ensuring the sustenance and protection of our natural resources. We applaud your resolve not only to provide solutions for protecting our oceans but to also provide a viable funding source with the Ocean Policy Trust Fund. Additionally, we emphasize the importance of private-public partnerships that extend the capabilities of government by tapping the expertise of industry, as well as academia, since we all share the goal of establishing sustainable resources. Texas is especially supportive of the Commission's recommendation that recognizes the special needs of coastal states adjacent to energy activity in federal waters.

I appreciate the Commission's attention to fisheries management and support of market-based solutions, such as individual transferable quota (ITQ) systems. I remain a strong supporter of efforts to develop an ITQ program in the Gulf of Mexico; for example, the commercial red snapper fishery could utilize such a program. Market-based solutions recognize the fact that stewardship and ownership are intimately related and will serve as an effective tool in improving coordination and conservation practices. However, Texas **does not support** the Commission's recommendation relating to the appointment of members to Regional Fishery Management Councils. I firmly believe that direct appointments made by the states to this council are critical in order to address the unique issues of each state. The states, not the federal government, must have this flexibility to appoint the best candidates who can promote conservation and stewardship of coastal resources.

Education is a major priority of all Texans. I fully support the emphasis made in the report. The recommendation to coordinate ocean education initiatives with existing state educational standards is admirable. Furthermore, Texas supports the need for new and improved science to better understand the complex nature and interactions of our Coastal Natural Resource Areas. As the economy and population grow, additional stress will be placed on the natural resources

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that sustain our coastal communities. Scientific data and methodology must keep pace with this growth in order to assist decision-makers.

Finally, the security of our homeland is vested in the oceans. Whether in commerce, energy resources development, seafood harvest, potable water distillation, or transportation, our ability as a nation to endure has roots in the ocean. We must emphasize the need to sustain the coastal economy while maintaining the productive natural resources which, in part, feed that economy. Improved coordination among the protectors and users of these resources will contribute to a balanced approach for the management of vital coastal resources.

Thank you for this opportunity to comment on the Commission's preliminary report. Please contact Rebeca White in my Office of Budget, Planning, and Policy at 512/463-1778 if you have any questions on these comments. Detailed responses prepared by our experts are enclosed.

Thank you for your service to our great nation.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, slightly slanted style. The first letter of "Rick" is a large, prominent capital "R". The signature is positioned above the typed name and title.

Rick Perry
Governor

RP:rwk

Enclosure

ATTACHMENT 1

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Response to the *Preliminary Report of the U.S. Commission on Ocean Policy*

The following comments address recommendations contained in the *Preliminary Report of the U.S. Commission on Ocean Policy* (Report). These points are organized by commenting agency as each has a unique perspective specific to the programs it manages.

GENERAL LAND OFFICE COMMENTS

General Comments

The General Land Office (GLO) praises the proactive approach taken by the President and Congress to form the U.S. Commission on Ocean Policy (Commission) to develop a new, comprehensive national ocean policy. After approximately two years of dedicated effort, the Commission released the Report on April 20, 2004. This is the first comprehensive review of U.S. ocean policy since the Stratton Commission report was issued more than 30 years ago.

GLO concurs with the stated policy of the Commission to “improve federal leadership and coordination [and] enhance opportunities ... to develop regional goals and priorities.” Enhanced coordination of federal, state, local, and market sector participants in resource management is a productive idea.

However, whether the increased levels of federal and regional governmental structures contemplated in the Report will accomplish these priorities, or reach the ultimate goal of improving stewardship of our ocean and coastal resources, is questionable. Instead, the recommendations in the Report will likely result in the expenditure of more time and money by states on coordination leaving fewer resources available for actual stewardship. Coordination that occurs closest to the coasts, bays, and open waters will be most effective.

GLO recommends that the Commission seeks to simplify the current regulatory system in place and to delegate the appropriate federal authority to the states in matters related to local and regional coastal issues. In addition, we recommend that the Commission look at market-based solutions for improving coordination, in recognition of the fact that stewardship and ownership are intimately related.

The Commission discusses the development of the Ocean Policy Trust Fund to fund their proposed recommendations. State resources are very limited and, to the extent that the Commission recommends new activities and requirements, increased federal funding will be imperative for the Commission's recommendations to be implemented.

Although GLO concurs with many of the recommendations set forth in the report, there are recommendations we do not support as currently written. The Commission has indicated the Report is a work in progress. Therefore, we hope that the Commission realizes the importance of involving state and federal stakeholders as it further develops and refines the report.

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CHAPTER 3

Building Ocean Policy on Sound Guiding Principles (Page 32)

The principles in this section should be enhanced to include recognition that the stewardship of our coastal and oceanic resources is accomplished on the ground. To include this concept in the principles, GLO recommends that the following be added to the principle on Stewardship:

The principle of stewardship must include the recognition of the importance of private property rights, which fosters people's natural incentive to care for their own property in a way that best preserves our natural resources.

The following should be added to the principle on Participatory Governance:

One of the best ways to ensure this participation is to give authority for collective decisions about public and private resource use to the most local level of government possible. Thus, the unique and diverse aspects of each coastal community and resource will be taken into account.

Translating Principles into Policy (Page 33)

One of the key components missing from the Report is the concept that a market-based approach which acknowledges the importance of property rights is not just a tool for solving specific problems but can be a basis for an overall framework for ocean policy. To correct this, the Commission should include a new section titled "Market-based Management," where the Commission explores how a market-based approach to stewardship is comprehensively applied to ocean and coastal issues. In addition, the Commission should better incorporate this approach throughout all the sections of the Report.

Ecosystem-based Management (Page 33)

The Report states that ecosystem-based management looks at all links among living and nonliving resources and considers the benefits and impacts of human activities "within the context of the broader biological and physical environment." In addition, the Report generally defines management boundaries in terms of large marine ecosystems and coastal watersheds and designates the entire Gulf of Mexico as the large marine ecosystem for Texas (page 34). The Report further explains that large marine ecosystems have been used as a basis for fishery management regions defined by the Magnuson-Stevens Fishery Conservation and Management Act. Ecosystem-based management focuses on multiple activities that occur in a specific area defined by the ecosystem. Using "large marine ecosystems" in management boundaries is not feasible. The environmental differences are too great. Boundaries must account for significant differences in ecosystems and allow for a regional approach to management.

Designating the entire Gulf of Mexico as the ecosystem management boundary for Texas and the other Gulf states is not appropriate. For example, the biological, hydrological, and geological

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components of the ecosystem off the Texas Gulf Coast and the northwest Gulf of Mexico vary considerably from that of Florida's west coast and eastern Gulf. Furthermore, the ecosystem of the upper Texas Gulf Coast differs from that of the lower Texas Gulf Coast. Some fauna off the lower Texas Gulf coast have more of an affinity to tropical or Caribbean fauna than those on the upper Texas Gulf coast, which are more related to warm-temperate faunal communities. Differences between the ecosystems of the eastern and western Gulf of Mexico are also reflected in other biological resources, such as, fish, marine mammals, and endangered species. Regional ocean councils established for the Gulf must recognize these differences and should partner with the Gulf of Mexico Fishery Management Council to develop management strategies and goals for sustaining resources.

Additionally, the discussion in this section on precautionary and adaptive management should be deleted. The recommendation of the "precautionary approach" is a one-size-fits-all approach to a set of very diverse and complicated stewardship issues. How to deal with these issues is better left to the participants in the process. Mandating this approach will result in further delays and complications in solving our resource management challenges.

CHAPTER 5

Advancing a Regional Approach (Page 57)

GLO strongly supports the recommendations related to advancing a regional approach. GLO also supports continued federal investment in oceans and the efforts to involve regional stakeholders in the design and implementation of regional ocean observing systems. These efforts are expected to lead to the establishment of regional associations that will function as regional ocean information programs within two years. GLO, as are many state agencies, is already an active participant in establishing the regional ocean information program known as the Gulf of Mexico's Coastal Ocean Observing System (GCOOS), which will serve as the Gulf's representative body in working with the Ocean U.S. Memorandum of Agreement. Further, GLO has a representative on the national committee tasked with establishing a National Federation of Regional Associations under the Integrated Ocean Observing System (IOOS) plan.

Facilitating Regional Organization (Page 58)

At the federal level, the Gulf of Mexico is often excluded when discussing America's coastal and ocean resources. The Gulf of Mexico should be included as a region that also needs to work closely with other nations.

CHAPTER 8

Promoting Lifelong Ocean Education (Page 83)

GLO strongly supports recommendations in Chapter 8 that identify the need to coordinate ocean education initiatives with existing state educational standards. New ocean education materials must be designed to correlate with statewide science curriculum standards to ensure their

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adoption in the classroom. Professional educators knowledgeable in the state's educational standards and the K-12 teaching environment should be employed to develop these materials to ensure their use in the classroom.

GLO's Adopt-A-Beach Program strongly supports and praises the educational aspects of the Report. Incorporating ocean education in the K-12 schools, higher education, and in informal community education classes is very important. Providing awareness and education about our beaches and oceans are high priorities and should be addressed as such.

Incorporating Oceans into K-12 Education (Page 91)

More participation in developing curricula on the state level is needed. Particularly, assistance from GLO's Coastal Resources Division and Office of Communications and the Texas Education Agency in working with the federal agencies and the National Science Teacher's Association to develop a statewide approach instead of localized plans.

Texas is such a large state that it makes it difficult for school children to access the coast. In addition, many of Texas' school children are from low-income families and travel to the coast may be cost-prohibitive. Providing remote-access technology, mentioned in the Report, to Texas' school children would greatly enhance ocean education. However, with statewide budget concerns, it is uncertain how many school districts in Texas will have the means to acquire or access these tools.

Bringing the Ocean and Coasts to All Americans (page 104)

This section, which involves informal education of all citizens and school children, is vital to the effort to educate and provide ocean and coastal awareness. Funding for education in Texas is limited, and there is concern regarding the lack of funding available to support coastal education programs in non-coastal areas of the state. Science education centers and aquariums are typically located along the Texas coast and do offer programs for children, teachers, and the general public. However, all facilities charge fees that some families and school districts may not be able to afford. If we are going to try and educate all citizens in Texas, then there must be a grant system on the national level available to anyone in Texas interested in learning about marine life, oceans, and the coast.

GLO's Adopt-A-Beach Program currently works with local partners (counties, cities, schools, non-profit organizations, and media) on education and outreach regarding marine debris issues and beach cleanup events. In order for the program to reach all citizens in Texas, funding sources from the national level are needed to help support informal education for citizens residing outside of the Texas' coastal zone.

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CHAPTER 9

Strengthening Coastal Planning and Management (Page 108)

The Report directs Congress to authorize 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, further defined as the state's natural, cultural, and economic coastal resources. Adequate federal funding, above CZMA base funding for Sections 306/306A/309, must be provided to states to complete the comprehensive periodic resource assessments, which can be very expensive.

Among other things, the Report calls for states to expand their Coastal Management Program (CMP) boundaries to include watersheds. Watersheds are defined as "that portion of a watershed that includes the upstream extent of tidal influence." Fortunately, Texas' CMP boundary, for the most part, already includes the upstream extent of tidal influence on most watersheds. A notable exception is the Trinity River, where the boundary stops at Liberty County and does not extend upstream to the extent of tidal influence. The current boundary, however, should not need to be extended upstream to the full extent of tidal influence, since it already includes most Coastal Natural Resource Areas. Only some bottomland hardwoods are excluded.

CHAPTER 11

Conserving Coastal Habitat (Page 126)

The extent of providing sufficient CZMA funding for a dedicated coastal and estuarine land conservation program should be further defined. The funding should provide for the management of these areas and offset any economic impact to the state or public. Clarification is needed between this program and the recently approved Coastal and Estuarine Land Conservation Program.

Improving Habitat Conservation and Restoration (Page 131)

The recommendation to develop national goals for habitat conservation and restoration needs clarification. The method of measurement for these goals should be specified, such as, in acres protected and restored. Also, the types of habitat included in these national goals must be identified. There should also be recognition of already established states' regional goals. The CMP should be consulted when determining habitat conservation and restoration needs for each state.

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CHAPTER 12

Weighing the Costs and Benefits of Dredging (Page 140)

The Commission states that navigation-related dredged material is rarely used in beneficial use projects because of contamination. This statement is not true. The majority of beneficial use opportunities are not exploited due to sediment grain size incompatibility with proposed beach nourishment or marsh creation, enhancement, and restoration projects and/or the location of beneficial use sites in relation to the proposed project and a lack of funds for the incremental costs.

GLO strongly agrees with the Report's statement about the U.S. Army Corps of Engineers (USACE) funding beach nourishment projects when a federal navigation or other infrastructure project has eroded the beach or when a local community makes a specific request that nourishment is authorized and funded by Congress.

GLO also supports the need for performance criteria, technical and economic methodologies, updated design standards, more stakeholder involvement, adequate understanding of the physical and biological mechanisms of beach and littoral systems, and long-term regional planning. These objectives could be achieved with more funding.

GLO strongly supports development of a more accurate system for selecting and ranking projects based on a comparative net economic and environmental return to the U.S. rather than the current least-cost mandate. USACE's selection options for dredging projects must reflect a more accurate accounting of the full range of economic and environmental costs and benefits for options that reuse dredged material, as well as for other disposal methods.

CHAPTER 14

Addressing Coastal Water Pollution (Page 155)

GLO understands the rationale to merge the National Oceanic and Atmospheric Administration's (NOAA) §6217 Coastal Nonpoint Source Pollution Program (Coastal NPS) into the Environmental Protection Agency's (EPA) incentive-based §319 Clean Water Act. The concern is that Coastal NPS will get lost amongst EPA's other pollution prevention programs. Coastal NPS programs are required in order to have a federally approved CMP. If Coastal NPS programs are transferred to EPA, they must be deemed a high priority.

CHAPTER 16

Limiting Vessel Pollution and Improving Vessel Safety (Page 183)

GLO strongly recommends that the Report include a section and recommendation on bilge water reclamation facilities. The recommendation should direct the U.S. Coast Guard (USCG) to verify the availability and accessibility of bilge water reclamation facilities for recreational and

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commercial fishing vessels. USCG, working with other appropriate entities (for example, state agencies), should increase voluntary installation of bilge water reclamation facilities. The Report describes pumpout facilities but only in the context of sewage. There are thousands of commercial fishing and recreational vessel owners along the Texas Gulf Coast who must deal with the disposal of their oil-contaminated bilge water. Texas has developed a very successful small spill prevention program that has constructed six bilge water reclamation facilities near commercial shrimping fleets. These facilities provide vessel owners and operators with an environmentally responsible way to dispose of oily bilge water at no cost and save the state expenditures on spill response and cleanup costs. Locations for the facilities are found in cooperation with the USCG. The facilities are operated and maintained by the local navigation districts and a local company recycles the used oil. To date, these facilities have collected more than 500,000 gallons of used oil and more than 600,000 gallons of contaminated water from oily bilge pumpouts. In short, that is half a million gallons of oil that did not enter the marine environment. This program is unique to Texas but could easily be replicated in other coastal communities around the country. This should be expanded to include all water-based recreation, such as, floating cabins.

CHAPTER 18

Addressing Marine Debris Nationally (Page 213)

GLO's Adopt-A-Beach Program began in 1986. GLO, in conjunction with The Ocean Conservancy, sponsored the first beach cleanup in Port Aransas, Texas. This event was the impetus that started the International Coastal Cleanup. Currently, the program conducts two annual cleanups – one in the fall and one in the spring. The program works with communities and schools and hosts additional cleanups throughout the year. The program also manages an Adopt-A-Mile program wherein special interest groups and/or individuals can adopt a mile of beach for one year. The group or individual agrees to clean that portion of beach three times a year, during the fall cleanup, during the spring cleanup, and one other time on their own. This program has been highly recognized and continues to be the model for other states and foreign countries.

In addition, GLO's Adopt-A-Beach Program participates in the National Marine Debris Monitoring Program. Texas is currently working with The Ocean Conservancy to get additional sites operating along the Texas coast to continue reporting data from trash cleanups. The Report indicates that some states have implemented their own marine debris laws. This has not been the case in Texas due to the success of GLO's voluntary marine debris programs.

NOAA provides support to GLO's Adopt-A-Beach Program each year by assisting with CMP grant funds to help produce educational tools for school children. With their assistance, we are able to produce a calendar displaying the winning artwork from our children's art contest, and provide information throughout the calendar on marine debris and its effects on our Texas coast. GLO is also in the process of designing a web-based education program comprised of games and

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quizzes for children ages 5 to 12 to teach them about marine debris and its negative impact. We rely on funding from NOAA each grant cycle to help with education and outreach efforts.

NOAA's mission and management responsibilities already include and address the issues related to marine debris. The EPA has minimal programs that address marine debris. Therefore, if marine debris programs are consolidated into one agency, then NOAA should be that agency. Inclusion of a marine debris program would further strengthen NOAA's efforts regarding beach and shoreline management, marine mammals, endangered species, and coral reefs.

GLO strongly supports the Report's recommendation to promote partnerships between NOAA and public and private companies to address the problem of derelict fishing gear. Derelict fishing gear poses a great threat to marine life and the public and a plan to prevent, remove, and dispose of this debris should be developed. GLO recommends that states participate in the development of a derelict fishing gear removal and disposal plan, especially if laws are being proposed to address this problem.

Although, the Gulf of Mexico has been designated as a "Special Area" and already receives the higher level of protection, GLO supports the Report's recommendation to ensure all port reception facilities meet the criteria necessary to allow implementation of Special Area protection.

CHAPTER 24

Managing Offshore Oil and Gas Resources (Page 287)

GLO strongly supports Recommendation 24-1, particularly the statement recognizing the special needs of coastal states adjacent to energy activity in federal waters. Further, GLO suggests the following modification: Recommendation 24-1 should read (*addition shown in italics*) "Congress, with input from the National Ocean Council, should ensure that a portion of the revenue 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 (*including the costs of ocean-observing activities in support of assessing these impacts*) of energy activity in adjacent federal waters." Some funds could be used to increase management of coastal areas.

GLO strongly supports recommendations 24-3 related to the partnering of federal agencies with the offshore oil and gas industry to allow the use of industry resources as part of the Integrated Ocean Observing System (IOOS). In addition, GLO supports the inclusion of the oil and gas industry in the design, implementation, and operation of IOOS regional observing system in areas where offshore oil and gas activities occur.

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CHAPTERS 26 – 28

Science-based Decisions: Advancing Our Understanding of the Oceans (Page 319)

GLO strongly supports the recommendations found in Chapters 26, 27, and 28 related to the establishment of an IOOS and, in particular, the regional approach to an IOOS. GLO has a long history of creating and supporting ocean observation programs to fulfill its responsibilities to the citizens of Texas. The two most obvious examples are the agency's Texas Coastal Ocean Observing Network (TCOON) and Texas Automated Buoy System (TABS) programs. TCOON is a series of 40-plus stations spanning the length of the Texas shoreline that report water levels and winds in real time. Established in 1989, the data from TCOON has provided GLO with important information for establishing the legal boundary between public submerged land and private land. TCOON data has also been vital to storm surge monitoring and dredging operations. TABS is a network of nine telemetered buoys moored off the Texas coast that report surface currents and winds in real-time from Sabine Pass to South Padre Island. Established in 1995, the data from the buoys has provided important information for predicting the movement of oil spilled near the Texas coast in dozens of incidents. More recently, TABS has been tapped for predicting the movement of harmful algal blooms and for verifying circulation forecast models for the Gulf of Mexico. These two examples of state-funded, ocean-observing initiatives illustrate the value that Texas places on timely, accurate ocean information for managing its coastal assets.

The weakness in the IOOS proposal (Chapters 26-28) is that not enough emphasis is placed on or attention given to the role of the private sector within an IOOS. There is some useful mention of industry participation in Chapter 24 (page 297), but it needs to be restated in detail in the IOOS chapters. In Chapters 26-28, industry appears to be viewed only as an end-user of products from the IOOS or as a "value-adder" to IOOS data. Most certainly industry will be active in both of these roles, but they represent only some of the potential roles that could be available to private sector participation. These chapters fail to recognize the sizeable offshore industry and an associated service industry that has offered a great deal as data providers. Industry has expertise in a variety of areas complimentary to the IOOS concept. Examples include sensor development, deployment, and maintenance, communications, platform access, data collection, and data processing. This may or may not be true for the entire U.S. coast, but it is certainly true of the Gulf of Mexico. The regional approach endorsed for the IOOS may allow the Gulf of Mexico regional ocean observing system the flexibility to form partnerships between government, private sector, and academia at all levels of activity within the IOOS.

CHAPTER 30

Funding Needs and Possible Sources (Page 373)

Apparently, extensive research has been performed on this topic, and the Commission realizes that states do not have the funding to implement new programs. The development of the Ocean

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Policy Trust Fund, along with additional federal funding, may help the states with their resource needs in order to assist with education and other areas of interest.

Restructuring some of the federal agencies is mentioned throughout the sections of this Report. GLO's Adopt-A-Beach Program receives assistance through grants from NOAA. The transfer of NOAA budget or areas of responsibility could have a negative impact on the program and ultimately result in the program relying on additional support from the private sector.

TEXAS PARKS AND WILDLIFE DEPARTMENT COMMENTS

General Comments

The Texas Parks and Wildlife Department (TPWD) applauds the President and Congress for forming the Commission to take a first step at a comprehensive national ocean policy. The broad vision of the Commission is commendable and on target. Our concerns are with the strategies to achieve that vision. The formation of a federal super-agency or regional ocean council structure is not a new idea and in the arena of natural resources management has not necessarily been successful. The effectiveness of delegating authority and funding to the lowest level of management, be it regional or some defined ecosystem-based structure, has demonstrated success in addressing and solving resource problems. It is unclear whether the increased levels of federal and regional governmental structures contemplated in the Report will accomplish much more than is currently being done to manage or improve our ocean and coastal resources. The Report contemplates the expenditure of more time and money by states and the federal government to improve our science base through increased monitoring and study. That is laudable but frustrating if that improved science cannot be applied effectively within a comprehensive and responsive management framework -- that framework being one with a clear focus on federal and state coordination that takes place closest to the affected coasts, bays, and open waters.

TPWD believes that the Commission through the Report seeks to develop an umbrella agency to oversee the cooperation and coordination of the many federal agencies with overlapping jurisdiction over oceans and coastal resources. While TPWD would not attempt to recommend how this new agency would function on a federal or even international level to enhance stewardship of our oceans, it seems clear that the issue of state versus federal authority needs to be more carefully considered. Many of the ecosystem-based approaches will need both federal and state cooperation, and the plan does not truly describe how the state partnerships will be funded, developed, and maintained. Further, TPWD believes that if this new system is to simplify and reduce redundancies in the current federal regulatory system, these improvements can occur whether or not a new National Ocean Council is created. A key question in this regard is how the new regional ocean councils will not supplant the regulatory authority of the current Fishery Regional Management Councils.

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In addition, a specific recommendation (Rec. 19-12) also relates to the appointment process currently used with the Regional Fishery Management Councils. While there has been a great deal of discussion regarding what creates a balanced decision-making body within this council, the Governor should have the flexibility to appoint the very best person to promote conservation and stewardship of coastal resources. The concept of a balance between recreational, commercial, and someone from the general public could impede the progress toward long-term goals. In addition, the question remains if a balance is desired -- on what is that balance based? It could be economic impact to local regions or total number of participants within a sector and not be based on simplistic recreational, commercial, and other categories.

The Commission discusses the development of the Ocean Policy Trust Fund to fund their proposed recommendations. That is a critical issue for success. State resources are very limited and to the extent that the Commission recommends new activities and requirements to support its needs, the funding must be adequate to meet those new activities. That funding should not come from existing programs which currently support monitoring of coastal resources; this would be detrimental to the achievement of long-term goals. Additional funding is necessary.

Although TPWD concurs with many of the recommendations of this Report and supports the notion of coordinated effort, there are recommendations or issues with which we do not necessarily agree as the most efficacious means to achieving the stated goals of the Commission.

Several Texas state agencies have management responsibilities affected by the recommendations of the Commission. The General Land Office and the Texas Commission on Environmental Quality have submitted comments with which TPWD generally concurs. Differing perspectives lie primarily in the degree that our various management responsibilities differ. TPWD's view being primarily focused on fisheries and habitat resources.

Since this is described as a work in progress, TPWD would like to actively participate as a state partner in the appropriate areas and by the appropriate means to further refine the recommendations and more importantly help to address how those recommendations will be implemented. Coordination through our Governor and Texas' Coastal Coordinating Council are two such mechanisms of proven effectiveness.

TPWD provides the following comments on the several Parts of the Report. They are in no way comprehensive. The Report is substantial, and there is not sufficient time to develop more specific comments within the comment period.

Ecosystem-based Management (Part II)

The Report states that ecosystem-based management looks at all links among living and nonliving resources and considers the benefits and impacts of human activities "within the context of the broader biological and physical environment." In addition, the Report generally defines management boundaries in terms of large marine ecosystems and coastal watersheds and designates the entire Gulf of Mexico as the large marine ecosystem for Texas (page 34). The Report goes on to explain that large marine ecosystems have been used as a basis for fishery management regions defined by the Magnuson-Stevens Fishery Conservation and Management

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Act. Ecosystem-based management focuses on multiple activities that occur in a specific area defined by the ecosystem. Using “large marine ecosystems” in management boundaries is not feasible. The environmental differences are too great. Boundaries must account for significant differences in ecosystems and allow for a regional approach to management.

Designating the entire Gulf of Mexico as the ecosystem management boundary for Texas and the other Gulf states is not appropriate. For example, the biological, hydrological, and geological components of the ecosystem off the Texas Gulf Coast and the northwest Gulf of Mexico vary considerably from that of Florida's west coast and eastern Gulf. Furthermore, the ecosystem of the upper Texas Gulf Coast differs from that of the lower Texas Gulf Coast. Management boundaries need to reflect these regional differences in ecosystems. Regional ocean councils established for the Gulf must recognize these ecosystem differences.

Conservation of Coastal Resources (Part IV)

Conserving and restoring coastal habitats must be a focus of effective management. Texas and others coastal states have lost as much as one-half of their wetland resources. All important coastal commercial and recreational fisheries species depend upon these habitat resources. Erosion is a significant contributor to the loss of wetlands. Erosion control efforts should focus on wetlands protection. Further losses will negate the effectiveness of many of the Commission's recommendations regarding coordinated management.

Water Resources (Part V)

The Report devotes Part V to water quality and provides an appropriate and insightful framework for addressing this important issue. One significant omission of great importance to the Gulf of Mexico and of growing concern to other coastal regions is apparent. Freshwater inflows create our coastal estuaries and are the key element in maintaining their health and productivity. As overall population grows, the demands on our water resources expand. Diversion of inflows to meet these needs has already manifested in the Mississippi River delta and the Everglades. Ignoring the water quantity needs of these systems will cost us up to twenty billion dollars to restore. In Texas, the Rio Grande River which is the southern border of our country has periodically stopped flowing into the Gulf of Mexico. The once-productive estuary at the mouth of the western Colorado River no longer exists. Water quality can be improved but not if the water is missing. The Commission should add a chapter on this topic in Part V.

Translating Principles into Policy (Part VI)

The emphasis on “dedicated access privileges” is appreciated. This market-based approach, which often incorporates individual transferable quota systems, is a key element in fisheries management that is responsive and supportive of sustainable fisheries in the Gulf of Mexico. It has application in both finfish (red snapper) and shellfish (shrimp) fisheries. Texas has led the movement toward this goal by establishing limited entry programs and license buy-back efforts.

One key component in the Report that should be expanded is the concept that a market-based approach which, for example, acknowledges the importance of property rights, is not just a tool

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for solving specific problems but can be a basis for a broad framework for ocean policy. The Commission should consider including a new section titled "Market-based Management," where the Commission explores how a market-based approach to stewardship can be comprehensively applied to ocean and coastal issues.

Enhancing the Science Base for Management Decisions (Part VII)

Wise and effective management of ocean and coastal resources must be based on sound science, and the Commission's focus on that goal is appreciated. TPWD's fisheries monitoring program includes 30 years of continuous data collection for Texas' key commercial, recreational, and ecologically significant species. It is a powerful management tool that exemplifies the Commission's goals and could provide a model for others.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY COMMENTS

General Comments

In the past ten years, Texas has established estuary programs for the Galveston Bay system and for the Coastal Bend bays and estuaries. The guiding principle for these programs has been the protection and management of the coastal systems to provide for the sustainable use of their resources while maintaining the quality of their assets. The success of these programs is based on partnering efforts by state and federal agencies, local governments, business and industry, academia, environmental organizations, and commercial and recreational users, as well as the general public. Multi-disciplined regional advisory committees that actively participate in program implementation and the establishment of program policies guide each of the programs.

The CMP is a networked-approach to the management of the states' Coastal Natural Resource Areas. The program has emphasized the need to sustain the coastal economy while maintaining the productive natural resources which, in part, feed that economy. Improved coordination among the protectors and users of these resources has contributed to a balanced approach for management of these vital coastal resources.

Texas has been an active partner in the Gulf of Mexico Program since its establishment in 1988. The health of the Gulf is influenced by human activities that occur in watersheds that contribute runoff to the Gulf. The Gulf of Mexico Program has provided a forum for federal and state agencies, local governments, non-governmental organizations, and citizens to identify key issues and to develop and implement voluntary strategies, programs, and actions to protect public health and the living resources of the Gulf ecosystem.

The Commission's recommendation for the establishment of regional ocean councils should focus on incorporation of existing federal, state, and local programs and infrastructure, such as those established under the federal Coastal Zone Management Act, the Clean Water Act, and through the non-regulatory efforts of the Gulf of Mexico Program. The grass roots support of the Texas' two estuary programs and the many successes for these young programs demonstrates

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a sound approach to coastal management and could serve as the foundation for addressing more global issues facing the Gulf of Mexico.

Texas supports the need for new and improved science to better understand the complex nature and interactions of our Coastal Natural Resource Areas. As the economy and population grow, additional stress will be placed on the natural resources that sustain our coastal communities. The information and science need to keep pace with this growth in order to assist decision-makers.

The recommendations contained in the Report do not come without a price tag. Texas would encourage the establishment of the Ocean Policy Trust Fund to assist with the implementation of recommendations contained in the Report.

The need for improved communication and coordination among federal, state, and local entities is essential in order to facilitate the scientific understanding of our nation's complex ocean systems and to streamline the decision-making process.

The Gulf of Mexico states continue to lose vital coastal wetlands at an unacceptable rate. There is a need to establish a funding source for wetlands acquisition, restoration, and creation, as well as, for improvements to our water quality protection programs for waters flowing to our coastal ecosystems.

The Texas coastline is constantly changing as a result of sea level rise, loss of sediments reaching the coast, and natural hydrological conditions and circulation patterns inherent to the Gulf of Mexico. Coastal erosion has a significant effect on the coastal economy and threatens the very livelihood of many coastal residents. Texas has launched the Coastal Texas 2020 effort to help address this issue and others that impact the natural resources within the coastal region. The protection and preservation of beach resources in Texas is an essential component of a healthy coastal ecosystem.

TEXAS A & M UNIVERSITY SEA GRANT COLLEGE PROGRAM
COMMENTS

General Comments

The scope and breadth of this Report is inspiring and the vision of the President and the Congress in implementing this Commission as well as the wisdom and dedication on the part of the Commission exceeds the highest standards. As we move to discover new worlds in the universe, this Report gives us pause to consider the mystery of our own and the oceans that gave and now sustain its life. Whether in the water we drink, the air we breathe, the food we eat or the climate we experience, the oceans are the sacred trust of humankind and the physical link with all life on our planet.

The magnitude of the Report and the far-reaching ramifications do not yield to a critical evaluation in such a short review period, therefore, these comments are directed toward the

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robust nature of the Report wherein complex issues are analyzed and recommendations made. The Report provides insight on which the states can consider what is in their best interest as well as that of the nation.

CHAPTER 5

Enhancing Regional Research and Information (Page 59)

Sea Grant supports the need for education and training of decision makers so that they might use the available research and data products to make wise judgments. As noted in these comments, Sea Grant is substantially engaged in meeting the challenges of an informed body of decision-makers.

CHAPTER 8

Incorporating Oceans into K-12 Education (Page 91)

As mentioned in Recommendation 8-7, a stronger and more effective relationship should be established between the research and educational community to strengthen professional development opportunities for teachers and teacher educators.

CHAPTER 13

Supporting Maritime Commerce and Transportation (Page 145)

Recommendations 13-1 and 13-4 are both very important. The port industry needs a lead agency in the federal government. It is the only transportation mode that does not have one. The result is an extremely fragmented and confusing approach on the part of federal agencies. Also, the information needs in 13-4 are critically needed and useful.

CHAPTER 16

Limiting Vessel Pollution and Improving Vessel Safety (Page 183)

The discussion on Air Emissions (page 190) addresses establishing incentive-based measures to encourage voluntary reductions in vessel air emissions. What is missing from the discussion is the need to develop more cost-effective technological innovations that reduce air emissions and to encourage the transfer of that technology to industry.

CHAPTER 17

Preventing the Spread of Invasive Species (Page 199)

The Report states that a major source of invasive species is the discharge of ballast water from ocean-going ships. No information is introduced to support this statement. While ballasts are an

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important source, they may not be the “major” source of invasive species that survive and cause problems.

CHAPTER 25

Advancing Ocean and Coastal Research (Page 307)

While many demands on federal funds are being made, Recommendation 25-1 calls on Congress to appreciably increase the federal ocean and coastal research budget of the next five years. While ambitious, this is a noble goal that should be enacted as soon as possible.

CHAPTER 26

Achieving a Sustained, Integrated Ocean Observing System (Page 319)

As technology is identified, developed, and utilized in achieving increased monitoring of coastal and oceanic physical, chemical, and biological parameters, it is critical that a method of integrating these observations into a user-friendly, real-time, web-based depository is achieved. Whether for research or basic data on which private or public interests can add value, the IOOS, as described in Chapter 26 of the Report, provides the critical link to a robust, information-based, decision-making process for the future. Broad public support, however, is necessary for IOOS to generate the required financial resources in order to become a reality. A successful IOOS program must include an education program that demonstrates how IOOS can provide valuable information to everyone living, working, and recreating along our coast and in the ocean.

