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June 4, 2004

Admiral James D. Watkins, Chair
United States Commission on Ocean Policy
1120 – 20th Street NW
Suite 200 North
Washington, DC 20036

Dear Admiral Watkins:

Thank you for this opportunity to comment on the Preliminary Report of the U.S. Commission on Ocean Policy (Commission). This long overdue review of national ocean policy provides key recommendations for the future of our oceans. Mr. Chairman, you and the members of the Commission are to be commended for your efforts and for your service to our country.

While the Commission has devoted several years to the production of this report, the hard work still lies ahead in implementing its recommendations. The people of Washington appreciate this study, but also share a sense of exasperation and concern that we are stuck in a cycle of “report and no action.” If we are to improve the condition of our oceans and the marine life within it, we must have clear goals, measured outcomes, and the political commitment to achieve success.

I consider the following points to be fundamental to the success of this endeavor:

1. Any organizational structure for ocean policy governance must promote decisions based on sound science, include regional participation in decision-making, and ensure adequate funding. We must also acknowledge the valuable role that tribes have in the governance, science and management of our ocean resources and include the tribes on a government-to-government basis.
2. It is not adequate for changes in fisheries management policies to merely stop the decline in marine species. These policies must contribute to reversing the trend of this decline. They must also enhance the overall sustainability of marine resources and evaluate the health of our oceans on an ecosystem scale.
3. Our nation must regain its position of global leadership on ocean issues. Here in the Pacific Northwest we know the value of working with our international neighbors. We share issues of mutual concern with Canada, and have successfully negotiated a U.S.-Canada salmon agreement. And because maritime trade is a major economic activity in Washington, we must be mindful of the international competition that exists within this industry.

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Five primary areas of interest have emerged from the high volume of comments I have received from state agencies, tribes, and stakeholders. I expand upon each of these areas in the enclosed document, but briefly these include:

Governance Structure – Establish national goals and standards, with benchmarks that measure success; begin with a National Ocean Council for immediate action, and pass a National Ocean Policy Act; I support establishing regional ocean councils, and improving the relationship between watershed planning and ecosystem-based management approaches.

Science in Decisions – Scientific understanding must form the foundation for ecosystem-based management and sustainable fisheries, and we must fully fund our scientific needs.

Build Sustainable Fisheries – Allow for regional flexibility on fisheries management, consistent with national goals for sustainable fisheries; fully fund regional science initiatives for ecosystem-based assessments; I also support the use of Marine Protected Areas.

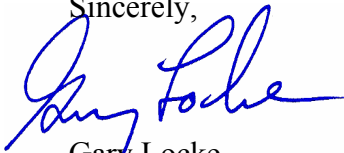
Protect Marine Ecosystems – The federal Clean Water Act must be updated and more funding for local implementation of the act is needed; the report does not address solutions for the problem of contaminated sediments; and the Coastal Zone Management Act must be reauthorized.

Education – I support the Commission's recommendations with respect to strengthening our promotion of ocean research, collaboration among various institutions, and the goal of lifelong ocean education.

I also am providing you with a representative sampling of the wide range of feedback I have gotten to date.

Again, thank you for this opportunity to respond. I look forward to the Commission's final report and to the full implementation of its recommendations.

Sincerely,



Gary Locke
Governor

Enclosures

**Specific Comments of Governor Gary Locke
To the U.S. Commission on Ocean Policy, Preliminary Report
June 4, 2004**

GOVERNANCE STRUCTURE

The overall governance structure should establish national goals and standards, with benchmarks that measure success – or failure. Only through such clear standards and the responsibility for meeting measurable targets can we set the path for success. Once the national standards have been established, regions should be allowed to craft the pathways for achieving the targets. The national goals and standards should be the floor upon which regional flexibility and variation can build.

The legal structure for this approach should begin with a National Ocean Policy Act to set clear goals and policies for our nation's actions on ocean issues. Included in such an Act should be provisions clarifying and strengthening the mission of the National Oceanic and Atmospheric Administration (NOAA). However, the Congressional process can take time to complete, and existing agencies have the authority necessary to implement many of the recommendations of the Preliminary Report. So as Congress considers the Commission's recommendations, **I support more immediate action to create a National Ocean Council by Executive Order.** Such a Council could begin immediately to identify recommendations that could be acted upon sooner, rather than later. The Council should also coordinate existing agency actions on ocean policy matters, and identify areas for improvement. Should a Council be created, it should include two coastal state governors representing the east and west coasts.

I support the recommendations of the Report relating to regional ocean councils (ROC). In the Pacific Northwest we have found that, although there are international and national standards and protocols for a variety of marine issues, there are certain issues that benefit from a regional response. Examples include vessel ballast water management, invasive species management, oil spill prevention, and vessel wastewater discharge. Due to the economic considerations of marine trade and transportation, it is critical that international and national systems are the first place to address these issues. However, in those instances where there are gaps in standards or protections, or where unique regional variations require a response, there should be a regional structure that provides the forum for addressing regional needs. For this reason, I support the recommendations of the Report relating to regional ocean councils (ROCs). Such councils should avoid overlaps of authority with federal agencies and should identify opportunities to coordinate multi-federal and state agency activities. ROCs would be particularly advantageous for states such as Washington and Oregon, with a border along a mutual water body. Also, the federal government must assist states bordering Canada and Mexico by working with their governments to involve them in ROCs.

Regional councils should also recognize, and not interfere with, successful initiatives such as the National Estuary Program and, here in Washington, the Northwest Straits Marine Conservation Initiative. Regional councils should include a diverse representation of federal, state, and local governments, Tribes, and key stakeholders. The ROCs should consider regional ecosystem functions, and should take specific and effective actions to achieve national as well as regional goals. Regional Councils should also acknowledge the value of the marine environment for local communities, and decisions and strategies should consider the needs of these communities, their businesses, and the diversity of economic activities and infrastructure needs at small and large ports.

I support the Commission's emphasis on watershed and ecosystem approaches. Too often we have made management decisions in isolation: land use decisions are made along artificial political boundaries; fisheries allocations are on a species-by-species basis; pollution prevention strategies may differ between bordering states or nations even though pollution knows no boundary. Lasting and effective change will only come when we address these and other issues on a watershed and ecosystem scale. Our fundamental goal must be the sustainable health of the ecosystem as a whole, rather than a limited focus on individual species or narrow political boundaries.

SCIENCE IN DECISIONS

Scientific understanding must form the foundation for ecosystem-based management and sustainable fisheries. For this reason, I support the recommendation that we should have a national strategy for ocean and coastal research, exploration, and marine life sciences. Such a strategy should coordinate federal ocean research activities as well as coordinating data collection, monitoring, and ecosystem assessments. And through ROCs, a national strategy should incorporate state, local and Tribal government science, as well as science from non-profit organizations and the private sector. Science used in decision making should be transparent as to the source of the science and the scientists performing the research to avoid any conflict of interest.

We must show our commitment to sound science by funding our scientific needs.

This funding would provide an increased capacity in:

- Acquiring new information, knowledge and understanding.
- Directing monitoring programs to evaluate impacts and guide research.
- Integrating and synthesizing existing and new information.
- Sharing information and knowledge with decision makers and the public.

As a part of enhancing our science infrastructure, I support the Commission's recommendations relating to the development and implementation of the Integrated Ocean Observing System (IOOS).

A national strategy on ocean science must include an adaptive management process, and should, where possible, utilize the precautionary approach for scientific

recommendations. Once the science is developed, it must be used to inform decision makers. We must also monitor and evaluate our actions to determine whether we are achieving our goals. This process should then provide feedback to the scientific/management processes to ensure that our strategies for ocean management adapt to the best available scientific information.

BUILD SUSTAINABLE FISHERIES

The Commission accurately notes in the Report that the overexploitation of the ocean's fish populations has led to degradation of habitats, and damaged ecosystems and coastal communities. Our nation must provide the global leadership to reverse this trend and build sustainable fisheries that provide for diverse and healthy ecosystems, as well as providing long-term jobs for coastal communities. Fortunately, in the North Pacific regional, the fisheries councils have relied upon the Scientific and Statistical Committee's (SSC) recommendations, as well as close cooperation from stakeholders and the fishing community to effectively manage the fishery in the region. However, improvements could be made.

We support many of the recommendations found in Chapter 19 of the Report – “Achieving Sustainable Fisheries”. There are a few recommendations in which we do not concur. I would direct your attention to the comments submitted by the Director of the Washington Department of Fish and Wildlife for specific comment on the recommendations.

We need to provide state, tribal, and federal agencies the resources to improve the science base relative to ocean bottom habitats and marine fish resources and their productivity. Currently the Pacific Fisheries Management Council (PFMC) which sets harvest allocations has strictly followed the recommendations provided by the Scientific and Statistical Committee (SSC). Unfortunately, the SSC has been forced to base its recommendations on stock assessments that rely on incomplete data and information and that are not robust in terms of quantifying changes due to dynamic ocean conditions. This creates a situation in which harvest decisions are made looking back in time, rather than projecting the future.

We support, and recommend the Commission support, the creation of a Marine Fisheries Oversight Commission, or periodic reviews by the National Academy of Sciences, as a mechanism for independent scientific oversight. This would be complementary to an approach that has national goals and benchmarks, but allows for local implementation. This is also consistent with the Commission's recommendations regarding the need for independent review of scientific information.

We oppose the proposed National Standard Guidelines (recommendation 19-10) as these would unnecessarily restrain the flexibility of states to manage their fisheries. Instead, we should continue to rely on interstate management plans as the mechanism to manage stocks on a regional basis. NOAA Fisheries currently reviews these plans and

regions should be measured by the sustainability of the fishery rather than by a national standard that does not account for regional species and stock variations.

We strongly support Commission's recommendations relating to ecosystem-based management. Regional councils should be directed to develop ecosystem management plans that assess the health of the ecosystem and provide information into the harvest allocation process so that decisions are made in an ecosystem context rather than a species specific context. With this, we also support the Commission's call for changing existing Essential Fish Habitat (EFH) designations from specific species, to a multi-species approach, and ultimately an ecosystem approach. An extensive research and development program should be developed as a means to identify habitats critical to sustainability and biodiversity goals.

We support the recommendations relating to Marine Protected Areas. However, any national strategy for Marine Protected Areas (MPAs) needs clear goals and guidelines. The process and authority for MPAs should remain with NOAA, and there must be enough flexibility to incorporate regional differences. When MPAs are used to address fisheries, designation decisions should consider the recommendations of regional fisheries councils. MPAs can be an effective tool for restoring fish populations and protecting sensitive habitats. Designation of these areas should be based on best available science and have local support. We should build on the ecosystem-based management principles by applying networks of MPAs that reflect true marine habitat characteristics.

PROTECT MARINE ECOSYSTEMS

The Commission accurately states the problem when in the Report it states: "Coastal waters...are being bombarded with pollution from all directions". Since the late 1960's and early 1970's there have been a number of federal and state laws enacted to address this issue. However, greater coordination is now needed among these various legal authorities to ensure that the problem is being addressed.

The U.S. Environmental Protection Agency (EPA) should engage in an evaluation of the federal Clean Water Act (CWA). Such an evaluation should assess the weaknesses of the CWA and recommend updates for Congressional action to address nutrient removal, household and industrial chemicals, on-site septic systems, and non-point sources of pollution. Regardless of any changes to the CWA, Congress must provide more funding for states and local governments to implement the current obligations of the CWA. Limited resources and technical ability prevent state and local governments from fully implementing the requirements of the CWA. In some cases, this lack of resources fosters local political opposition to improvements that would address pollution issues. Funding would help us work with local governments to build the necessary infrastructure.

I would support, and call for, the development of a financing strategy for the long-term funding of improvements to the nation's current aging and inadequate wastewater, drinking water and on-site treatment infrastructure.

The report fails to address solutions for contaminated sediments. Although the Report does identify the concerns relating to contaminated sediments, it stops short of recommendations for solving the problem. The Commission should support the renewed funding of the federal Superfund program for cleanup of contaminated sediment sites.

We support the Commission's recommendation that the Coastal Zone Management Act (CZMA) be reauthorized to strengthen the planning and coordination capabilities of coastal states.

Congress should also provide more funding for coastal communities to implement the CZMA. As noted in the Report, funding has been capped at \$2 million per year per state since 1992. This amount is insufficient for a state such as Washington to meet the needs identified in the Report – needs with which we concur.

The recommendation to establish a National Ocean Policy Trust Fund, must not create incentives for inappropriate offshore development, and must not take funds from the Land and Water Conservation Fund. The Report proposes to fund many of the recommendations by establishing a National Ocean Policy Trust Fund. We are concerned that this approach may put undue pressure on states such as Washington where we have a moratorium on coastal oil development. This funding mechanism may also short-change states without coastal resource development, but also could jeopardize programs currently funded from this source such as the Land and Water Conservation Fund. Caution should also be exercised with the proposal to utilize “resource rents” as a funding source. The Report points to the current system of rents and leases charged on public lands for grazing, oil and mineral extraction, and other natural resource extractive activities. However, these examples also have problems that should be examined before being duplicated in the marine context.

EDUCATION

The early years of the space program and a national commitment to science education instilled in a generation of Americans a lifelong interest in space exploration and science. Its time that we spark that same interest and excitement in our oceans.

I strongly support the recommendations of the Commission relating to promoting lifelong ocean education, strengthening the nation's ocean awareness, building a collaborative ocean education network, and incorporating oceans into K-12 education.

Letters included as attachments:

Washington Department of Natural Resources

Washington Department of Fish and Wildlife

Washington Department of Community Trade and Economic Development

Lummi Nation and the National Indian Center for Marine Environmental Research and Education

People for Puget Sound

At Sea Processors

Pacific Coast Shellfish Growers

Port of Ilwaco

Columbia River Crab Fishermen's Association