

March 27, 2002

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

Dear Admiral Watkins:

I am writing in response to your letter of March 7, 2002. After my testimony during the southern states regional meeting, several Commissioners had additional questions and time restraints limited my response. You provided those follow up questions in your letter. The questions and my response follow.

- 1. You mentioned "conflicting regulations." To which do you refer? You mentioned dredging permits were handled inconsistently within NMFS, please explain further.*

As the Commission is aware, different federal agencies have different federal responsibilities. For example, part of the Army Corps of Engineers mission is "To provide quality, responsive engineering services to the nation including: Planning, designing, building and operating water resources and other civil works projects (Navigation, Flood Control, Environmental Protection, Disaster Response, etc.)" and the National Marine Fisheries mission is to Rebuild and Maintain Sustainable Fisheries, Promote the Recovery of Protected Species and Protect and Maintain the Health of Coastal Habitats. Occasionally these two missions are congruent, but that is seldom the case. Hence my comment about "conflicting regulations".

In many of these situations, the federal agencies at best are only able to execute their responsibilities to the maximum extent practicable, because they must implement programs that are inherently opposite. Dredging is necessary for navigation, yet often destroys habitat that is important to sustainable fisheries. As state coastal managers, we are often required to determine whether projects are balanced in their approach. However, in my experience the federal agencies treat themselves differently that they treat others. My experience reviewing the

proposed deepening of the Delaware River Main Channel found that federal agencies (NMFS and EPA) seemed more lenient in their interpretation of their own regulations than they are when a private entity is an applicant for federal consistency. Perhaps this is an anomaly due to the size of the deepening project, but you might expect federal agencies to hold a higher standard when reviewing a federal action. Hence my comment about inconsistent review standards.

- 2. Please provide additional information on your view of the problems with the current fisheries management structure.*

I do not have a problem with the structure, it seems very inclusive and provides many opportunities and mechanisms for collaboration. My comment pertained to the need to recognize the importance of an ecosystem approach when determining limits. The horse shoe crab fishery management plan is based upon the best available science known to sustain horse shoe crabs, but shorebirds need a certain (as yet unknown) level of crabs to provide the eggs they eat on their hemispheric journey. Our management issues are getting more and more complex and states need better information on how to make decisions in times of scientific uncertainty.

- 3. Please comment on the appropriateness of expanding the coastal zone management apparatus to increase the capacity for using federal research to develop a more comprehensive fabric at the state level.*

I am not sure if I understand the question. I remember the Commission Members asking me for what changes I would make, and since I know that Coastal Zone Management has been successful, I suggested looking at that as a model for Ocean Management. The challenge will be that the issues are so much more complex today that thirty years ago when the CZMA was first authorized. In regards to the need for coastal and ocean research, we need to ensure that federal agencies are working collaboratively internally and externally as they set their research agenda.

Admiral James D. Watkins
Page 3

4. *Are the states in the Southeastern region on record as to their position on the Farm Bill? If so, what is that position?*

The Southern Governors Association has a "Resolution Regarding Reauthorization of the 2002 Farm Bill". I have attached a copy of the resolution [available online at <http://www.southerngovernors.org>]. Gary Kubiak from the SGA may be reached at 202-624-5897.

Thank you for the opportunity to respond to the Commissioners additional questions. I look forward to continued interaction with the Commissioners as you continue your dialogue around the country. Please call me at 302/739-3451 or e-mail me at scooksey@state.de.us if you have any other questions.

Sincerely,

Sarah W. Cooksey, Administrator
Delaware Coastal Programs

Cc: Nicholas A. DiPasquale, Secretary, DNREC
Kate Finnerty, Governors Office

Attachment