

**Testimony of
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**Before the
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**Committee on Natural Resources
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Strategy for the 21st Century Act
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Chairwoman Bordallo, Ranking Member Brown, and distinguished members of the subcommittee, my name is Kathleen Leyden and I am here today on behalf of the Coastal States Organization, usually referred to as CSO. Since 1970, CSO has represented the interests of the Governors of the 35 coastal states and territories in Washington, DC on legislative and policy issues relating to the sound management of coastal, Great Lakes, and ocean resources. Thank you for the opportunity to testify to the issues of improved ocean governance and please include my written testimony in the record.

I would like to begin by thanking Representative Farr and Representatives Allen, Gilchrest and Saxton for taking up the charge of improved ocean and coastal governance and for their leadership putting forward the comprehensive approach reflected in Oceans 21. Ocean governance reform is critically needed and I commend you all for your hard work. CSO's Chair, Brian Baird from California, could not be here today, but he wanted to acknowledge the long-standing commitment of Congressman Farr on this issue. As a state Assemblyman, Mr. Farr authored the California Ocean Resources Management Act, which launched comprehensive management in California. Thank you for your ongoing commitment to the oceans.

As you are well aware, there is a crisis in health of our nations' coastal and ocean waters and the sustainability of the species they support. Experts around the country agree that aggressive actions, including reforms in governance, can help solve the complex coastal and ocean challenges before us.

Our current management of our nation's coast and oceans, is characterized as (1) fragmented - dominated by sector-by-sector management authorities, (2) reactive in its response to ocean development, and (3) largely lacking in opportunity for federal-state cooperative resource management. A national framework for improved governance, as envisioned by Oceans 21, will allow both federal and state partners to be better positioned to respond to the numerous emerging uses of our public trust resources.

The coastal states have been actively discussing opportunities for improved ocean and coastal management, and these discussions continue. In addition, the nations' Governors are on record as supporting reforms in ocean and coastal governance, including a strengthened and reauthorized Coastal Zone Management Act, renewed attention to coastal non point pollution, implementation of an ocean science strategy, development of a robust ocean observing system, and targeted support for ocean literacy.

In my time this morning, I'll highlight areas where coastal states have reached consensus on Oceans 21's approach, and touch on areas where states have recommendations that they believe will make the legislation stronger. Some themes you will hear throughout my testimony are the need for flexibility, the desire to build on work that has already been done, and acknowledgment that ocean management should include all of the relevant government agencies and stakeholders.

The coastal states believe that Oceans 21 has the components needed to reform ocean governance and improve the health of our oceans and coasts, namely a structure for regional ocean governance, a statement of national ocean policy, improved coordination of federal action, a NOAA Organic Act, a coordinated management regime for our federal waters, and a much-needed ocean and coastal trust fund. Also, overall, the bill would help reorient government to formalize the practice of ecosystem-based management. The specific issues I will address today include regional ocean governance, a trust fund, a statement of national ocean policy, and improved coordination of federal action.

I. Regional Ocean Governance

Over the last number of months, the coastal states have been working to develop a proposal for regional ocean governance legislation; this work is grounded on a series of principles agreed to by the National Governors Association in their February 2007 policy statement on Ocean and Coastal Zone Management (NR - 10) which I've attached to my testimony and request to be put into the public record.

The states agree with much of Title IV of Oceans 21, the regional governance section of the bill. We agree that:

- A national framework is needed to advance and support regional efforts by the state and federal governments to develop and implement integrated ecosystem-based plans;
- Regionally-based plans should be action-oriented and directed toward achieving shared goals and priorities;
- There should be significant opportunities for public input and involvement;
- More information is needed to improve management of our oceans and coasts, and
- A mechanism is needed to develop, fund and implement regional plans.

There are areas, however, where we would like to work together to craft changes that we think will improve the legislation -- these include seven broad categories of comments as follows:

A. Acknowledge and Support Existing Efforts

As acknowledged by the recent Policy Report Card issued by the Joint Ocean Commission Initiative, states are leading the way in regional ocean governance. According to a recent accounting, twenty states have launched state initiatives or participated in regional alliances to protect the significant economic and natural resources of coasts, oceans and Great Lakes. Across the nation, states have been fostering collaborative relationships to tackle transboundary issues, such as the long-standing Gulf of Maine Council, Chesapeake Bay and Long Island Sound efforts, as well as the recent efforts of the Northeast Regional Ocean Council, the Gulf of Mexico Alliance, Great Lakes Regional Collaboration Strategy, and the West Coast Governors' Agreement on Ocean Health.

- Oceans 21 can add value to these existing efforts by building off of their successes, creating a national framework that supports them and by creating long-term, consistent funding for them. It should be noted that some of these efforts, although they are subregional in scope, contribute to broader management goals for large marine ecosystems.

B. Establish Stronger State Involvement

Both the states and the federal government share sovereignty for our ocean and coastal resources, and we are responsible for the wise management of this public trust. The states believe that management will best be accomplished through a partnership between the states and federal agencies using processes that provide for stakeholder input and involvement.

- Ocean's 21 should articulate a strong and meaningful partnership with states, acknowledging states as owners of submerged lands and managers of the public trust.

C. Support Voluntary Partnerships

We believe regional ocean partnerships should be voluntary, flexible and state-driven. We do not believe you can “mandate” collaborative partnerships, and we do not believe a uniform, one-size-fits-all approach to regional governance is the best way to proceed. We think that it is best to enable robust partnerships around common goals and then let them flourish, each in its own way.

- Ocean’s 21 should include a voluntary, rather than mandatory approach to establishment of regional partnerships and should clarify that these partnerships will not supplant existing legal authorities.

D. Avoid Creation of New Bureaucracy When Establishing Regional Partnerships

We believe regional ocean partnerships should perform primarily a coordination function and not create a new large bureaucracy. Each member of the partnership should be enabled to pursue the common goals of the region under existing legal authorities.

- Ocean’s 21 should increase the flexibility for the membership and the formation of partnerships. While some structure is key, existing regional efforts have demonstrated that new bureaucracy may drain resources. Regional Ocean Partnerships should facilitate, not unnecessarily burden, federal, state and other players.

F. Avoid Overly Prescribing the Requirements for Regional Strategic Plans

The purpose of the regional ocean planning processes should be to: reach agreement on regional priorities; create strategic plans to solve priority problems; develop implementation plans that identify specific steps to be taken to address those priorities; and assign responsibility for action.

- Ocean’s 21 should utilize a less prescriptive approach to establishment of regional strategic plans, allowing for the early identification of key priority issues, actionable items and a movement towards implementation. As partnerships mature, expectations might be increased.
- While ensuring that federal funds are well spent, the federal approval process for regional plans should be minimized. A partnership approach to the plans’ development, involving both governmental and stakeholders throughout, calls for a streamlined approval process.

G. Provide Funding and Incentives to Reach Goals

While federal agencies have been extremely responsive to new partnerships with regional efforts, these approaches have proceeded with minimal federal resources, relying with a few exceptions, on in-kind support from federal agency staff with no new dedicated funds. In addition to basic support, including targeted in-kind assistance from federal staff and long-term and consistent new funding for regional efforts, other incentives for the state participation in regional ocean councils should be created. Examples of these incentives might include:

- Streamlined federal processes;
- Federal assistance for the development of integrated ecosystem assessments;
- Application of federal research and monitoring capabilities to regional needs;
- Federal-state co-management of resources;
- Advance identification (and resolution) of state/federal conflicts; and
- A new joint approach to siting of energy and other emerging uses.

H. Employ Reasonable Accountability Measures

The States support the inclusion of accountability measures and benchmarks for success in Oceans 21. These accountability measures could include benchmarks for implementation of individual projects as well as overall success of regional partnerships.

- Oceans 21 should recognize the different stages of partnership building, with accountability measurable for each stage and realistic timeframes for each.

II. Ocean and Great Lakes Trust Fund

Oceans 21 proposes to create a trust fund to provide resources for ocean and coastal protection. The coastal states strongly support a trust fund to improve the management of ocean, coastal and Great Lakes resources. The US Commission recognized that we are at a crisis stage for our oceans and fixing these problems will require more resources. We do have a suggestion for improvement of this section of the bill. Many of the threats facing our oceans start on the land, such as nonpoint pollution. We believe the trust fund should recognize this fact. The coastal states, therefore, would recommend changing the title to explicitly include "coastal" in the title and to include coastal management activities as an appropriate use of the funds.

III. Statement of National Ocean Policy

The coastal states believe it is important for Congress to enact a statement of national ocean policy. We do have questions, however, about the intent and impact of the language currently in the bill. For example, requiring that the NOAA Administrator approve all covered federal actions of the agencies (as defined in the bill) has the potential to create a serious bottleneck for government action. The coastal states look forward to working with the sponsors so we can better understand the intent of this section of the bill and offer some potential alternatives.

IV. Improve coordination of the federal government

The coastal states also agree that legislative provisions would be helpful to improve coordination of the federal agencies. As the U.S. Ocean Commission recognized in its final report, the management of our ocean resources is badly fragmented. Currently, the uses of our ocean are all regulated separately, fisheries in one agency, energy in another, sediment management in another, shipping and maritime activities in yet another. No government agency or body is charged with looking across the stovepipes of programs to see how all of the different uses of our oceans fit together. If we want to improve the health of our oceans this needs to change, and Oceans 21 takes this challenge on.

We do have some suggestions for possible improvement for your consideration. Since the US Commission report was released, the federal government has taken steps to improve federal interagency coordination, such as the creation of Subcommittee on Integrated Management of Ocean Resources (SIMOR) and the Interagency Committee on Ocean Science and Resource Management Integration (ICOSRMI). We recommend that federal legislation incorporate and build on this existing structure. As included in Oceans 21, we support the inclusion of a state presence on these interagency bodies.

V. Complement existing legal structures

As you continue to work on improving the management of our oceans, I would like to acknowledge that there are many pieces to the puzzle that currently forms our coastal and ocean management framework. As we reform governance, we need to ensure that these existing laws are well integrated and complementary to any new structure that is established. The primary example I have in mind is the Coastal Zone Management Act. For over 30 years, this Act has been the primary state/federal partnership for managing our country's coastal resources. Ecosystem-based approaches to governance should acknowledge the interrelationship between coastal watersheds and the ocean, which means new ocean governance mechanisms like Oceans 21 need to fit "hand in glove" with existing structures like the CZMA.

Closing

In closing, thank you again for your leadership on these issues and for inviting me to testify today. The coastal states look forward with enthusiasm to continued work with committee staff, nongovernmental partners, federal agencies and others to improve this bill to ensure healthy oceans in the future. I'd be happy to answer any questions you may have.