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Testimony of

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U.S. All Islands Coral Reef Committee**

**To the
Subcommittee on Insular Affairs, Oceans and Wildlife
House Natural Resources Committee
U.S. House of Representatives**

**Hearing on H.R. 860, *Coral Reef Conservation Act Reauthorization and
Enhancement Amendments of 2009***

To Reauthorize the Coral Reef Conservation Act of 2000

February 23, 2009

Hafa adai, Talofa, Aloha, Hola, and Hello

Chairwoman Bordallo, Ranking Member Henry Brown, and Distinguished Members of the Subcommittee: My name is Evangeline Lujan, and I would like to thank you for this opportunity to provide testimony on behalf of the U.S. All Islands Coral Reef Committee (AIC), in support of the reauthorization of the Coral Reef Conservation Act of 2000. We also thank you for continuing to move this reauthorization process forward.

The seven jurisdictions who are members of the AIC include the Pacific Ocean islands of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the State of Hawai'i. In the Caribbean and Atlantic oceans, members include the State of Florida, Commonwealth of Puerto Rico and Territory of the U.S. Virgin Islands. Affiliate members of the Committee are the Federated States of Micronesia, Republic of the Marshall Islands and the Republic of Palau. Representative jurisdictions of the AIC include large marine areas in the Pacific and the Caribbean and Atlantic oceans and they have direct responsibility for managing most of the coral reefs in this country.

About the U.S. All Islands Coral Reef Committee (AIC)

The Committee was formed by island Governors in 1994 to provide a unified voice on coral reef concerns and to develop locally-grown initiatives to ensure long-term sustainable use of coral reefs.

We provide collaborative sharing amongst jurisdictions to improve management and protection of coral reef ecosystems, and work collaboratively with the USCRF in implementing the Coral Reef National Action Plan and through

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partnerships with federal agencies and community organizations to conserve and protect coral reefs.

The AIC assists with implementation of the Local Action Strategies (LAS) in each jurisdiction and assists NOAA's Coral Reef Conservation Program in the implementation of NOAA's Roadmap for the Future, addressing coral reef management needs. The Committee also develops policy and provides advocacy for coral reef conservation, outreach and public awareness of coral reef issues.

Our coral reefs are very important resources for each of our jurisdictions. Our primary consideration is to restore and protect our coral reef ecosystems for the benefit of the people who depend on these precious resources economically, ecologically and culturally.

The Importance of Coral Reefs

Coral reefs are among the most diverse, biologically complex and valuable ecosystems on Earth. Often called rainforests of the sea, coral reefs provide economic and environmental services to millions of people as valuable areas of natural beauty, sources of food, jobs and revenues, recreation and tourism, medicine, cultural activities and shoreline protection.

The United States has a significant national interest in protecting its coral reef ecosystems. The area of coral ecosystems within 10 fathom and 100 fathom depth contours respectively, in tropical and subtropical waters of the United States, is 36,813 square kilometers (km²) and 143,059 km² (Rohmann et al, 2005). The vast majority of U.S. coral reefs making up the referenced areas are within State, territorial and commonwealth waters. Fifty percent of all species in managed federal fisheries depend on coral reef ecosystems, and coral reefs provide economic goods and services worth about \$375 billion each year to millions of people.

However, coral reefs are in peril. The world's coral reefs are seriously threatened by over-exploitation, pollution, habitat destruction, invasive species, disease, bleaching, over population and global climate change. The rapid decline of these ancient, complex and biologically diverse marine ecosystems is well documented and has significant social, economic and ecological impacts in our jurisdictions, nationally and globally.

By 2005, an estimated 30 per cent of the world's reefs had been severely degraded due to a variety of human activities. The growing number of anthropogenic threats that have been identified include: shoreline development, polluted runoff from agricultural and land-use practices, over-fishing and over-exploitation of resources, destructive fishing practices, dredging and shoreline modification, vessel groundings and anchoring, disease outbreaks, population pressure, aquatic invasive species and global climate change. These threats

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have been compounded by a lack of awareness and appreciation for coral reefs at local, national and international levels. In addition to the 30 per cent of reefs at risk of being lost within the next two decades, it is estimated that an additional 30 per cent of the world's coral reefs are now seriously threatened.

Marine National Monuments

We are very pleased that late last year, President Bush designated three remote Pacific Ocean regions as marine national monuments: the Rose Atoll Marine National Monument in American Samoa, the Marianas Trench Marine National Monument, and the Pacific Remote Islands Marine National Monument. The designation has added federal protection to nearly 200,000 (195,280) square miles of high seas. Combined with the Papahānaumokuākea Marine National Monument in Hawai'i designated in 2006, these designations represent the largest fully protected area in the world.

The Pacific Remote Islands Marine National Monument area consists of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, which lie to the south and west of Hawai'i. With the exception of Wake Island, these islands are administered as National Wildlife Refuges by the U.S. Fish and Wildlife Service (USFWS) of the U.S. Department of the Interior (DOI). These refuges are an important part of the most widespread collection of marine- and terrestrial-life protected areas on the planet under a single country's jurisdiction. They sustain many endemic species including corals, fish, shellfish, marine mammals, seabirds, water birds, land birds, insects, and vegetation not found elsewhere.

In the U.S. Virgin Islands, the Buck Island Reef National Monument was established by Presidential proclamation in 1961, and expanded in 2001, in order to preserve "one of the finest marine gardens in the Caribbean Sea." The 176-acre island and surrounding coral reef ecosystem support a large variety of native flora and fauna, including several endangered and threatened species such as hawksbill turtles and brown pelicans. The elkhorn coral barrier reef that surrounds two-thirds of the island has extraordinary coral formations, deep grottoes, abundant reef fishes, sea fans and gorgonians. The 12,708 acre Virgin Islands Coral reef national monument was also established in 2001, in recognition of its highly diverse and inter-related habitats.

Regional Initiatives

The U.S. Jurisdictions which include the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau and U.S. Territories of Guam and the Northern Marianas have recently embarked on a new initiative, the Micronesia Challenge (MC), which aims at effective conservation of at least 30 per cent of nearshore marine and 20 per cent of terrestrial resources by 2020. The MC will support the long-term protection of areas of highest biodiversity significance within the Micronesian region, spanning over 6.7 million km² of

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islands and ocean. This area includes combined exclusive economic zones covering approximately one sixth of the world's surface and well over half of its marine biodiversity. Thus, this initiative can be an avenue for communities in building resilience to climate change, ensuring a sustained environment while addressing our communities' livelihoods.

In addition, support for the Samoa Initiative for coral reef ecosystem protection is growing with the engagement of the governments of both American Samoa and Samoa.

Also, the Caribbean Challenge was initiated by Grenada in 2006, when the Grenadan Government committed to protect 25 per cent of its marine and terrestrial regions by 2020. The Bahamas have also pledged to protect 20 per cent of its marine resources and have challenged other Caribbean nations to follow suit. The Challenge is gaining broad support throughout the Caribbean with Grenada, The Bahamas, Dominican Republic, Jamaica, St. Vincent and the Grenadines all involved with the initiative. Antigua and Barbuda, St. Lucia, St. Kitts and Nevis and Dominica are considering the initiative and are reported to be likely to commit. While the USVI has not yet committed to this initiative, we recognize that the objectives of the Caribbean Challenge are consistent with those of the USCRTF and that there are significant benefits to be derived from this initiative because of the USVI's location and proximity to the other Caribbean islands.

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Role of the Department of the Interior (DOI)

While we are pleased with these recent marine national monument designations, we are concerned that the DOI's role in the current Act is very minimal. We believe the Act should be amended to expand DOI's role to enable the Department to carry out their increased management activities. DOI has the largest coral reef conservation role in the U.S. government through their management responsibility for coral reef holdings on behalf of the Nation. The DOI Office of Insular Affairs (OIA), National Park Service, USGS, and USFWS all have coral reef conservation responsibilities that their current level of funding does not nearly support. The DOI needs additional funding for their coral reef programs through OIA, which should also benefit the jurisdictions.

Removal of limitations on liability.

Limitations on liability can be a significant barrier to the successful completion of restoration activities for coral reef injuries. There is no applicable section or language in the current bill.

We recommend that specific language pertaining to the removal of limitations on liability, regardless of vessel and cargo value, be included in this Bill. Additionally, we recommend that the House conduct a review of other federal Acts for

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additional limitations on liability that may also be applicable to coral reef injuries (i.e., Oil Pollution Act of 1990 (OPA 90), Water Pollution Prevention and Control Act (Clean Water Act), and nullify any limitations on liability that the Acts may contain.

Section 103. Emergency Response

This section authorizes the Administrator to “undertake or authorize action necessary....to minimize the destruction of or injury to a coral reef, or loss of an ecosystem function of a coral reef, from....vessel impacts, derelict fishing gear, vessel anchors, and anchor chains;.....”.

In order to enforce any action that may be taken by the Administrator, significant additional enforcement action will be required on behalf of state and local law enforcement agencies. Enforcement of such standards require site specific law enforcement, specialized training, and potentially specialized equipment which places a tremendous burden on already stretched state and local law enforcement resources.

This section addresses very real threats to coral reef resources and we are supportive of these conservation measures, but we do consider these provisions to be unfunded liabilities in 2 key ways. At the response level there is no obligation, the legal approach is providing permission. Since no funding is provided, it will be hard for a federal agency to provide assistance. In addition,. funding is needed for enforcement of the destruction, loss, taking or injury of coral reefs, this capacity is not presently available and will require a local presence and the capacity to implement such a response. The AIC recommends that federal agencies be given a response obligation and the funds necessary to implement such capability.

Section 104. National Program

It is important to recognize the need to enhance management capabilities of the resource management agencies in the jurisdictions and we recommend adding the word “management” in parts of this section to reflect this.

Section 105. Report to Congress, Subsection (5)

The assessment of the condition of coral reefs and the effectiveness of management actions to address critical threats requires at least 2 years to fully prepare and publish. We recommend that a more realistic alternative for the report on the Status of the Coral Reef of the United States and Pacific Freely associated States should be every 5 years. This also aligns well with NOAA’s Cora Reef Conservation Program’s 5 year and 20 year goals for the priority threats.

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Section 107. Clarification of Definitions, Section 218, as re-designated by section 106 (a), (3) Coral and (4) Coral Reef.

The definition of the terms “coral” and “coral reef” in this section need to be improved by expanding them to include definitions applied by States, Territories and Commonwealth proprietary and regulatory authorities. In particular, this would support implementation of emergency response actions in partnership with other agencies, as described in Sections 103 and 206, as amended.

Section 108. Authorization of Appropriations

We support Section 108 which authorizes increases in appropriations to \$35 million (by 2013) for the Secretary of Commerce (NOAA), \$8 million for community-based planning grants, and \$5 million for the Department of the Interior. However, we request that the authorization for DOI, Office of Insular Affairs (OIA) be increased to \$10 million, which provides an administrative mechanism for getting support to the island territories and commonwealths in an efficient manner, and is also effective in getting funds to International partners, including the Freely Associated States in the Pacific. These appropriations will provide much needed resources for the agencies, states, territories and commonwealths to implement the national coral reef action plan developed under the Act and to support implementation of local action strategies to conserve coral reefs. Considering coral reefs are some of the most biologically important and most endangered marine ecosystems, this is an important investment to make to protect not only our nation’s coral reefs, but the associated economic and cultural benefits as well

Adequate financial support needs to be provided for the Federal agencies and local jurisdictions to insure key programs and projects can continue for coral reef protection and management. We also emphasize the need to build local capacity to manage the coral reef resources of the jurisdictions. The AIC has been able to provide a 2:1 match for funds received through this program, with valuable outputs and outcomes.

Section 213. International Coral Reef Conservation Program

We have some concerns with this section which authorizes NOAA to establish an International Coral Reef Conservation Program to carry out activities with respect to coral reef ecosystems in waters outside U.S. jurisdiction. The international program is a worthwhile concept. Notwithstanding that, the seven U.S. coral jurisdictions and three Freely Associated States still have pressing coral reef conservation and management needs and priorities which have not been funded.

In addition, the newly designated marine national monuments and the United States Insular possessions (Baker, Howland, and Jarvis Islands; Johnston,

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Midway, Palmyra, and Wake Atolls; and Kingman Reef) all have unmet fiscal capacity needs to address critical coral reef ecosystem restoration, education, protection, and management priorities. The existing Buck Island Reef National Monument and the Virgin Islands Coral Reef National Monument in the U.S. Virgin Islands also have unmet fiscal capacity. However, links must also be made, where possible, for mutual benefit on international collaboration.

International support is needed to ensure a legacy of viable coral reefs of economic, ecological and cultural value, as coral reef organisms and their larvae do not consider political boundaries, but rather, reefs in foreign jurisdictions often replenish U.S. reefs. We have previously mentioned several good examples of regional initiatives that would benefit from international funding.

We encourage the federal government to ensure that the U.S. jurisdictions are considered for adequate funding to ensure that the funding needs of our states and territories are met. We also support efforts that enhance international collaboration for mutual benefit and encourage cooperation amongst existing entities.

Title II, Section 201 – United States Coral Reef Task Force

We fully support this section which establishes the Task Force to lead, coordinate and strengthen Federal Government actions to better preserve and protect coral reef ecosystems. We recognize the significant work that is being carried out by the Task Force and strongly support the continuation of this important initiative.

However, we request that a specific reference to the U.S. All Islands Coral Reef Committee be added to the bill, in Title II, Section 201, similar to the reference in the Executive Order 13089 which established the Task Force in 2000. This is essential in recognizing that the highest management needs for US coral reefs are in state and territorial waters.

Section 214. (Permits) and Section 215. (Regulations)

These sections change the orientation of the CRCA and elevate and expand the regulatory role NOAA plays. This will require a significant amount of staff time and effort to first develop a permitting system and then to administer it and the islands would like to see this become part of NOAA's base budget, reflecting a long term commitment and allowing coral funds to be focused on local efforts. In addition, the proposed permit system is not coordinated with the reviews already required by federal agencies for U.S. Army Corps of Engineers permits, or the Endangered Species Act.

As regulatory authority and associated enforcement capabilities are the most important tools managers have at their disposal, this bill provides new

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opportunities to address some of the key causes of coral reef decline. Additional language to address gaps in the areas of over-fishing and land-based sources of pollution should be considered.

Given the importance of coral reefs, the growing threats, and the work yet to be done to protect these magnificent ecosystems, it is imperative that Congress reauthorize and strengthen the Coral Reef Conservation Act.

We encourage more active engagement by ALL federal agencies in the implementation of each jurisdiction's coral reef management priorities and in the development of their own coral reef conservation implementation plans.

We appreciate the quick action taken by Chairwoman Bordallo, Congressman Faleomavaega, Congresswoman Christensen, Congressman Abercrombie and Congresswoman Hirono to introduce and sponsor H.R. 860, "*Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009.*" In particular, we thank the Representatives for including appropriations for the Office of Insular Affairs in the DOI and for authorizing the NOAA Administrator to take action to prevent or minimize impacts from vessel groundings.

Recommendations

The AIC believes that this bill (H.R. 860) does strengthen the current Act, and that with the following recommendations could be improved to achieve the intended objectives:

- Amend Section 103 to provide the fiscal resources necessary to enforce the provisions of the Act by providing funding directly to state and local law enforcement agencies.
- Amend Section 104, National Program, page 8, lines 21-22 to read: "*support and enhance management and research capabilities at local management agencies and local research and academic institutions.*"
- Amend Section 104, to add "ocean acidification" after "climate change" (page 8, line 19)
- Amend Section 104, page 9, lines 21-22 to read: "*cooperative management, research and conservation.*"
- Amend Section 104, page 9, line 8 to provide a requirement that the National Coral Reef Action Strategy be reviewed and updated every 5 years to reflect changes in climatic conditions, incorporate new technology and consider new scientific findings and data.

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- Amend Section 107 in the definition of (3) (A), following the words, “of the class Anthozoa” insert the text, “(including subclass *Octocorallia* [gorgonians, soft corals, and telestaceans])” before the semi-colon.
- Amend Section 107 in the definition of (4), following the text, “The term ‘coral reef’ means a limestone structure composed in whole or in part of living zooxanthellate stony corals (Class Anthozoa, Order Scleractinia), their skeletal remains, or both.”, replace the period with a comma, and insert the text, “and hosting other coral, associated benthic invertebrates and plants; or hard-bottom communities, also known as live bottom habitat or colonized pavement, characterized by the presence of stony coral and associated reef organisms or worm reef created by species of the Genus *Phragmatopoma*.” before the semi-colon.
- Amend Section 107, Clarification of Definitions (D), page 29, line7 to read: “assistance in the development and *implementation* of management strategies for marine protected areas or networks thereof and marine resources consistent with the NMSA” etc.
- Amend Section 108 to increase the authorization for DOI, Office of Insular Affairs (OIA) to \$10 million, which provides an administrative mechanism for getting support to the island territories and commonwealths in an efficient manner.
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- Amend Title II, Section 201, page 32, line 18, “(1) to coordinate, in cooperation with State and local government partners, *the U.S. All Islands Coral Reef Committee*, academic,” etc.
- Amend Section 213 (International Coral Reef Conservation Program) to give priority to the coral programs of the U.S. jurisdictions, the Freely Associated States and the U.S. Insular Possessions to fund their coral reef ecosystem restoration, education, protection and management priorities.
- Amend Sections 214 and 215 so that the permitting process will primarily apply to reefs at risk and then if needed could be expanded to all reefs. The reefs at risk can be identified through existing inventories and analysis provided for in Section 210 (b).
- Amend the Act so that the Department of the Interior (DOI) has a more prominent role in the Act, and increase the appropriation to DOI for an authorization of no less than \$10 million per year to implement it’s coral reef ecosystem management responsibilities.

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In conclusion, the U.S. All Islands Coral Reef Committee hopes that this testimony will be useful to assist with the re-authorization of the Coral Reef Conservation Act. We appreciate this opportunity to provide testimony on this important bill and look forward to continue working with the Subcommittee on H.R.860. We appreciate the Subcommittee's support to help us stop the decline of these magnificent resources and to achieve the goal of sustainable coral reef management. Our people, communities, cultures and economies are depending on it.

I would be pleased to answer any questions that you, or others on the Subcommittee, may have.