



CALIFORNIA OCEAN PROTECTION COUNCIL

Mike Chrisman, Secretary for Natural Resources, Council Chair
John Garamendi, Lieutenant Governor, State Lands Commission Chair
Linda Adams, Secretary for Environmental Protection
Susan Golding, Public Member
Geraldine Knatz, Public Member
Fran Pavley, State Senator
Pedro Nava, State Assemblymember

Suggested OPC comments to the Ocean Policy Task Force

NOTE: staff had hoped to provide specific comments on the Ocean Policy Task Force draft strategy, but the timing of the document's release made that unfeasible. Instead, staff presents the following general comments, derived from Secretary Chrisman's Aug. 25, 2009 letter, for consideration and adoption by the council.

INTRODUCTION

President Obama's June 12, 2009 memorandum that called for the creation of a national ocean policy reinforces many of California's current ocean and coastal initiatives – a majority of which are being completed in partnership with federal agencies. Our oceans and coasts have significantly benefited from these productive state-federal partnerships. California and the Ocean Protection Council look forward to enhancing existing partnerships and developing new opportunities to advance our shared interests in protecting and managing ocean and coastal resources. Given California's consistent and pioneering record of coastal and ocean stewardship, we would be happy to assist you as you develop this plan to address issues at the national, regional, state, and local levels.

COMPELLING NEED FOR NATIONAL OCEAN POLICY

Our ocean and coastal communities and ecosystems are experiencing increasing pressure from population growth, pollution, invasive species, depleted fisheries, and climate change. It is only through a coordinated vision and implementation plan that we can successfully tackle the challenges facing our oceans. Therefore, the OPC's recommendations to the Ocean Policy Task Force address:

- **A national ocean policy** that prioritizes, clarifies, and strengthens the critical roles of states in ocean and coastal management and that also promotes ecosystem-based management, the use of the precautionary principle, cumulative impact assessments, public trust responsibilities of federal and state governments, and regional coordination.
- **An ocean policy coordination framework** that clearly recognizes the critical role of coastal states in ocean management and provides mechanisms for states to directly integrate into the national system.
- **An implementation strategy** that sets bold, achievable goals for programs and data that improve ocean and coastal management and focuses on developing adequate funding, effective legislation, and support for the continued development of state-federal coordination and partnerships.
- **A framework for marine spatial planning** that is needs driven and science-based.

NATIONAL OCEAN POLICY RECOMMENDATIONS

We strongly support the development of a National Ocean Policy that prioritizes, clarifies, and strengthens the critical roles of states and territories on ocean and coastal management. We recommend that you implement a policy that captures the intent of the U.S. Commission on Ocean Policy and adds specific language about the key role of state governments in ocean management.

The National Ocean Policy should also promote:

- **Ecosystem-based management decisions.** An ecosystem-based approach to management sets goals based on conserving ecosystem services in support of sustainable economic benefits; organizes management around ecosystem boundaries rather than political boundaries; considers cumulative impacts and evaluates trade-offs among various activities; is adaptive and applies the precautionary principle; and coordinates across sectors.

Ecosystem-based management relies on setting priorities for research based on management needs and commits to the use of sound science in decision making. Where information is lacking, state and federal agencies should partner to conduct regional ecosystem assessments that take stock of existing conditions, identify major ecosystem threats, and establish quantifiable and measurable goals as well as indicators with which to monitor progress.

- **The public trust responsibilities of federal and state governments.** California's jurisdiction extends seaward to encompass significant ocean areas, resources, and uses. Under the Public Trust Doctrine, California has responsibility for these resources. A National Policy should clearly state that it is the policy of the United States that the programs and authorities of coastal states for managing ocean and coastal resources are and will be principal components of a federal framework for stewarding the nation's ocean and coastal assets for the benefit of society. Key to this policy will be the ongoing support for the federal consistency provisions of the Coastal Zone Management Act, a successful partnership between coastal states and the federal government for over 35 years.
- **Regional coordination.** The new policy should recognize and support the regional ocean partnerships that have been established, or are under development, throughout the country. These partnerships are action oriented and address issues important to their respective regions and nationally.

OCEAN POLICY COORDINATION FRAMEWORK RECOMMENDATION

We recommend that the task force thoroughly evaluate the effectiveness and efficiency of the current interagency coordination structure – particularly as it relates to including coastal states in the national system. The new policy should establish a mechanism to directly engage states by establishing a new state advisory council that is made up of representatives from coastal states and tribes (or potentially representatives of each of the regional ocean partnerships). This new council's role would be similar to Ocean Research and Resources Advisory Panel, but would focus on issues of importance to state and tribal governments. States and tribes are not

stakeholders akin to non-governmental organizations and academia due to their specific legal and regulatory responsibilities, a framework is needed that provides targeted engagement at the federal level.

IMPLEMENTATION STRATEGY RECOMMENDATIONS

The implementation strategy should set bold, achievable goals for programs and data collection that improve ocean and coastal management, including:

- **A fully operational and continuously funded ocean observing system.** Real-time ocean physical and biological data are essential to assessing management effectiveness, understanding changing ocean conditions, tracking and predicting harmful algal blooms, and saving lives. Investments in new technologies are vital, but so is continued support of staff to maintain these systems and deliver information useful to managers, rescue personnel, and the public.
- **Comprehensive high-resolution seafloor and coastal maps.** High-resolution substrate and habitat data have provided the foundation for pioneering projects, such as the Marine Life Protection Act process to establish a network of marine protected areas along California's coast. Pursuing regular data collection efforts will allow managers to track changes over time, which is essential for adapting to climate change, restoring coastal habitats, and other management actions.
- **A National Climate Services Center.** In the spirit of the National Weather Service, the administration should create a Climate Services Center that can provide data and analytical tools related to sea level rise, acidification, and other climate-related impacts. New information and tools are needed by federal, state, and local jurisdiction to change the way they make resource and land-use decisions, and significant resources could be saved by coordinating the development of these products nationwide.
- **Innovative fisheries management approaches and cooperative research.** California is committed to preserving our fishing heritage and is pursuing this by supporting fishermen willing to examine new management approaches, improving local harbor infrastructure, and promoting cooperative research to bring fishermen more into the decision-making process. Federal support and coordination among regions will benefit all states pursuing these types of data collection efforts and management reform.
- **Specific coastal and ocean restoration goals.** The administration should set specific restoration targets for coastal wetlands or other resources in partnership with regional, state and local governments. California has developed approaches such as the highly successful Southern California Wetlands Recovery Project that harness the expertise and resources of federal, state, and local governments, as well as the public and private sectors, to prioritize wetland acquisition and restoration. This process could serve as a national model for setting and achieving restoration priorities. Specific goals set the stage for better coordination between federal and state agencies to jointly develop needed projects and would coordinate and prioritize restoration projects across federal agencies budgets.

In addition to specific goals, we believe the implementation strategy should also include the following three key components:

(1) Funding

Ocean and coastal trust fund: It is time for the federal government to follow the recommendations of both national ocean commissions and establish an ocean trust fund dedicated to providing financial support for federal agencies, regional partnerships, and state and local programs related to understanding and managing our oceans, coasts, and Great Lakes.

Integrated ocean and coastal budget: The administration should develop an integrated federal coastal and ocean budget that identifies current funding levels for science and management programs and evaluates the actual needs for these programs, including the potential to significantly increase the NOAA budget and the budgets of other federal agencies such as DOI, EPA, and U.S. Army Corps as they relate to ocean and coastal protection. This initial integrated budget should be used moving forward as an evaluation tool for assessing funding trends and needs.

Budget coordination: Require the Office of Management and Budget to review NOAA's budget under the Natural Resources, Energy, and Science Program along with other environmental agencies, such as EPA and DOI, to ensure coordination.

(2) Legislation

We support legislation that enhances mechanisms and incentives for coordination among federal agencies of jurisdiction. We specifically support legislation that strengthens and reauthorizes the Coastal Zone Management Act, which has been providing rational management and protection for our coastlines for over 35 years. Finally, we continue to support the U.S. accession to the U.N. Convention on the Law of the Sea.

(3) Coordination

We hope the policy will identify additional mechanisms and incentives to drive interagency collaboration, including funding mechanisms, public-private partnerships, and agency staff exchanges to bring together agency missions.

FRAMEWORK FOR MARINE SPATIAL PLANNING

California has been a key participant in the national discussion about marine spatial planning (MSP) for the ocean. We are delighted that the President's memorandum provides a focus on this emerging tool for management. We hope that you will work closely with California and other coastal states as you develop MSP recommendations.

We view MSP as a helpful tool to address pressing management challenges on our coast. There are numerous efforts focused on the development, management, and sharing of geospatial information (such as mapped jurisdictional boundaries, habitats, and human activities) in California that will provide the backbone of successful marine spatial planning. For example, the design and implementation of a network of marine protected areas through the Marine Life Protection Act and the development of a human uses atlas that details existing ocean and coastal based activities. Furthermore, our Ocean Protection Council staff is working in coordination with the NOAA Coastal Services Center to identify methods that will improve geospatial data collection, interagency data sharing, and tools for visualizing and analyzing these data. We hope that this joint state-federal effort will become a model for other states.