

RECOMMENDATIONS FOR THE ADOPTION AND IMPLEMENTATION OF AN OCEANS, COASTS, AND GREAT LAKES NATIONAL POLICY

On behalf of the organizations listed below, we thank the Interagency Ocean Policy Task Force for their commitment and work to implement President Obama's visionary June 12th Presidential Memorandum. We commend President Obama for addressing the critical need for a unifying oceans, coasts, and Great Lakes national policy, as well as for an effective marine spatial planning framework for implementing ecosystem-based management.

As you well know, our oceans, coasts, and Great Lakes are currently governed by more than 140 laws and 20 different agencies, each with different goals and often conflicting mandates. We cannot continue to let chaos rule the way we manage our seas and Great Lakes if we intend to restore and protect these resources for the future. Just as we have a Clean Water Act for our water and a Clean Air Act for our air, we desperately need a policy to guide the management of our oceans, coasts, and Great Lakes, which are so vital to our economic and environmental well-being.

This document highlights the importance of setting a protective national policy for our oceans, coasts, and Great Lakes and recommends key actions that the Interagency Ocean Policy Task Force can take to advance this policy. The document presents key consensus items and is meant to complement, and not replace, individual organizations' recommendations.¹

Our ocean, coastal, and Great Lakes resources are an important driver of the national economy and a fundamental part of American life. We appreciate the Task Force's time and commitment to taking the critical steps to protect and restore our ocean, coastal, and Great Lakes health and heritage for the benefit of current and future generations. We look forward to continuing to work with you during this exciting time and welcome your thoughts on the recommendations presented in this document.

ALASKA WILDERNESS LEAGUE – AMERICAN BIRD CONSERVANCY
BLUE FRONTIER CAMPAIGN – BOARD OF ISLAND COUNTY COMMISSIONERS
CALIFORNIA COASTKEEPER ALLIANCE – CENTER FOR BIOLOGICAL DIVERSITY
CITIZENS CAMPAIGN FOR THE ENVIRONMENT – CLEAN WISCONSIN
COASTAL ENVIRONMENTAL RIGHTS FOUNDATION
CONNECTICUT FUND FOR THE ENVIRONMENT/SAVE THE SOUND
CONSERVATION LAW FOUNDATION – DEFENDERS OF WILDLIFE – EARTH MINISTRY
ENDANGERED SPECIES COALITION – ENVIRONMENTAL DEFENSE FUND
FRESHWATER FUTURE – FRIENDS OF THE EARTH – GALVESTON BAY FOUNDATION
GLOBAL CORAL REEF ALLIANCE – GREENPEACE – GULF RESTORATION NETWORK
HEAL THE BAY – INTERNATIONAL FUND FOR ANIMAL WELFARE
THE LANDS COUNCIL – MANGROVE ACTION PROJECT
MARINE CONSERVATION BIOLOGY INSTITUTE

¹ The organizations listed here do not necessarily endorse or have expertise on every recommendation in this document. This endorsement list is current as of September 3, 2009.

MARINE FISH CONSERVATION NETWORK – MIAMI 2 MAINE
NATIONAL WILDLIFE FEDERATION – NATIVE AMERICAN LAND CONSERVANCY
NATURAL RESOURCES DEFENSE COUNCIL – NW ENERGY COALITION
OCEAN CHAMPIONS – OCEAN CONSERVANCY – THE OCEAN PROJECT – OCEANA
OLYMPIC ENVIRONMENTAL COUNCIL – ORCA NETWORK
OUTDOOR ODYSSEYS, INC. – PACIFIC ENVIRONMENT – PACIFIC MARINE RESEARCH
PECONIC BAYKEEPER – PEOPLE FOR PUGET SOUND – PEW ENVIRONMENT GROUP
REEF RELIEF – RESTORE AMERICA’S ESTUARIES – SAN JUAN SAFARIS
SAVE THE BAY – SEATTLE AUDUBON SOCIETY – SEAWEB
SIERRA CLUB, LONG ISLAND GROUP – SKAGIT AUDUBON SOCIETY
SURFRIDER FOUNDATION – TURTLE ISLAND RESTORATION NETWORK
WATERKEEPER ALLIANCE – WILD FISH CONSERVANCY – WORLD WILDLIFE FUND

The Fragile State of Our Oceans, Coasts, and Great Lakes

Our oceans and Great Lakes are not just places of wonder and beauty – they provide important services that we rely on. Covering over 70 percent of the earth’s surface, oceans are a central part of the global climate system and are a vital food source for a growing world population. The United States has jurisdiction over 3.4 million square nautical miles of ocean territory in its exclusive economic zone (EEZ), an area larger than the combined land area of all fifty states.² Our nation is also blessed with a significant portion of the Great Lakes’ ecosystem, which contains 90 percent of the United States’ – and 20 percent of the world’s – surface freshwater.³

Our oceans and Great Lakes are economic engines providing valuable jobs, food, energy resources, and recreation and tourism opportunities. The U.S. ocean economy alone provides more jobs and more economic output than the entire farm sector.⁴ The latest data on U.S. ocean sector industries reveals that more than 2 million jobs and over \$128 billion in GDP annually results from just ocean tourism, recreation, and living resources.⁵ The Brookings Institution noted that if the state and federal governments would invest the full \$26 billion called for in the Great Lakes Regional Collaboration Strategy, between \$50 and \$80 billion in long-term economic benefits and \$30 and \$50 billion in short-term economic gains would be realized.⁶ Protecting these resources means protecting our national economy.

But our ocean, coastal, and Great Lakes resources are under enormous strain as a result of overexploitation, habitat degradation, coastal pollution and climate change. Globally, 80 percent of the world’s fish stocks are either fully or overexploited and highly migratory species of large tunas, marlin and sharks have declined by as much as 90 percent in some regions.⁷ In U.S. waters, roughly 20 percent of the 230 major fishery stocks that have been assessed are currently subject to overfishing and 25 percent are overfished.⁸ The number of coastal hypoxic “dead zones” – oxygen-depleted regions devoid of fish, shrimp and crabs – has increased exponentially since the 1970s, including a dead zone roughly the size of Massachusetts that returns every summer in the Gulf of Mexico.⁹ Ocean waters are turning increasingly acidic from their intake of carbon dioxide: average surface ocean pH has already decreased by about 0.1 units in seawater pH compared to preindustrial levels, equivalent to a 30 percent increase in acidity.¹⁰ A third of all shallow-water corals –

² U.S. Commission on Ocean Policy (USCOP). 2004. An Ocean Blueprint for the 21st Century: Final Report. Washington, D.C. Available at: <http://www.oceancommission.gov>.

³ Austin, J. C., S. Anderson, P. N. Courant, & R. E. Litan. 2007. Healthy Waters, Strong Economy: The Benefits of Restoring the Great Lakes Ecosystem. Washington D.C.: The Brookings Institution. p. 1.

⁴ U.S. Commission on Ocean Policy (USCOP). 2004. An Ocean Blueprint for the 21st Century: Final Report. Washington, D.C. p. 31. Available at: <http://www.oceancommission.gov>.

⁵ National Ocean Economics Program. 2004. “Market Data: Ocean Economy Data.” Accessed 30 July 2009. Available at: <http://www.oceaneconomics.org/Market/ocean/oceanEcon.asp>. Note: GDP and employment statistics include multipliers.

⁶ Austin, J. C., S. Anderson, P. N. Courant, & R. E. Litan. 2007. Healthy Waters, Strong Economy: The Benefits of Restoring the Great Lakes Ecosystem. Washington D.C.: The Brookings Institution. pp. 5, 10.

⁷ Food and Agriculture Organization of the United Nations (FAO) Fisheries and Aquaculture Department. 2008. The State of World Fisheries and Aquaculture: 2008. Rome. p. 7. Available at: <ftp://ftp.fao.org/docrep/fao/011/i0250e/i0250e.pdf>; Myers, R. & B. Worm. 2003. “Rapid Worldwide Depletion of Predatory Fish Communities.” Nature. 423: 280-283.

⁸ National Marine Fisheries Service. 2008. 2008 Report to Congress: The Status of U.S. Fisheries. Silver Spring, MD. Appendices 1-3. Available at: <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>.

⁹ PEW Oceans Commission. 2003. America’s Living Oceans: Charting a Course for Sea Change. Arlington, VA. p. 62. Available at:

http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Protecting_ocean_life/env_pew_oceans_final_report.pdf.

¹⁰ O. Hoegh-Guldberg, *et al.* 2007. “Coral Reefs Under Rapid Climate Change and Ocean Acidification.” Science. 318 (2007): 1737-1742.

storehouses of marine biological diversity that provide essential habitat to thousands of species – are at risk of extinction.¹¹ The legacy of toxic contaminants and aquatic invasive species, among other serious issues, continue to undermine the health of the Great Lakes and estuarine and coastal areas.

The Critical Importance of a Protective National Policy

It is our shared hope that the oceans, coasts, and Great Lakes policy that the Interagency Ocean Policy Task Force is developing will provide the coordinated vision we need to successfully tackle the many challenges facing these important resources. *It is essential that protecting, maintaining and restoring the health of ocean, coastal and Great Lakes systems be the core focus of a national policy if we intend to meet the needs of present and future generations.* Healthy, functioning, and resilient marine ecosystems are critical to the success of other efforts in the marine environment, such as climate change adaptation, rebuilding of fisheries stocks, and protection of endangered species. Only healthy ecosystems can provide the resources and services humans want and need, now and in the future.

To accomplish this purpose, the national policy must be grounded in ecosystem-based management (EBM) which moves beyond species-by-species, problem-by-problem solutions to consider the interplay between species and their habitats, and the combined impact of human activities on the natural ecosystem. Both the congressionally-established U.S. Commission on Ocean Policy and the independent Pew Oceans Commission supported EBM as the foundation of ocean and Great Lakes protection and restoration. The commissions also recognized that the national policy should be guided by the principles of sustainability; recognition of the interconnectedness of our oceans and Great Lakes with actions we take on land and in the atmosphere; stewardship responsibilities for public trust resources; robust public participation; and a global leadership role for the United States on ocean, coasts, and Great Lakes issues.

Recommendations for Implementing the Policy

We respectfully recommend the following actions that the Administration can take to advance a strong national oceans, coasts, and Great Lakes policy. *For each of the five overarching needs noted below, we have identified two categories of solutions: actions which can be executed immediately by the Administration under existing authority to foster the national policy; and priority actions that the Administration should promote with other nations, Congress, or coastal states in order to advance the national policy.* We look forward to providing additional detail on any of these items.

1. Establish an Oceans, Coasts, and Great Lakes Governance System to Implement a National Ocean Policy for the 21st Century

Challenge: America's oceans, coasts, and Great Lakes are currently managed in haphazard fashion under numerous laws and Federal agency jurisdictions and without a mandate to ensure the long-term sustainability of these valuable ecosystems. *We desperately need a unifying national policy that ensures the overall health and productivity of these ecosystems and the services they provide and a*

¹¹ Carpenter, Kent E., et al. 2008. "One-Third of Reef-Building Corals Face Elevated Extinction Risk from Climate Change and Local Impacts." *Science*. 321(2008): 560-563.

mechanism to ensure systematic, consistent implementation of that policy across the Federal government. This policy should recognize, complement, and build upon those effective ecosystem-specific policies that are already in place.

Solutions:

Immediate Actions That Can Be Executed Under Existing Authority:

- Establish the national oceans, coasts, and Great Lakes policy and an implementing framework in an Executive Order. The order should state that it shall be the policy of the United States to protect, maintain, and restore marine, estuarine, and Great Lakes ecosystem health in order to fulfill the ecological, economic, social, nutritional, recreational, and other requirements of current and future generations of Americans. The policy should be based upon and implemented in conformity with the public trust duties of the United States in the EEZ; be founded on an ecosystem-based management approach; consider cumulative impacts; acknowledge regional differences that may exist; and not allow scientific uncertainty to postpone protection of the resources. In order to ensure that the policy is implemented systematically and consistently across the Federal government, the executive order should also:
 - Direct CEQ to issue guidance, within a year, to federal agencies regarding policy implementation;
 - Direct each Federal agency whose activities significantly affect marine or Great Lakes waters to, within two years:
 - issue new or revised regulations that ensure agency actions are in accordance with the policy and the CEQ guidance; and
 - identify for CEQ any legal impediments that prevent full compliance; and
 - Establish a permanent Federal interagency oceans council in the Executive Office of the President to recommend actions to implement the policy and advance international, national and state cooperative efforts to better protect, maintain, and restore marine health.
- Direct the National Oceanic and Atmospheric Administration (NOAA) and/or the Environmental Protection Agency (EPA) to work with other agencies and non-Federal partners to identify implementation, funding and enforcement gaps in existing regional plans to improve the health of estuaries, coastal and ocean ecosystems, and recommend the action steps necessary to fill those gaps and carry out those plans.
- Where plans are lacking, direct NOAA and, where appropriate, EPA to conduct regional ecosystem assessments that take stock of existing conditions, identify major ecosystem threats, and establish quantifiable and measurable goals, as well as milestones and indicators with which to monitor progress.
- Partner with the existing regional ocean and Great Lakes councils/efforts to develop and implement regional strategic ocean and Great Lakes protection and restoration plans that are consistent with the national policy and are based on NOAA's, and where applicable EPA's, regional ecosystem assessments.
- Recognize and highlight the unique circumstances in the Arctic Ocean, including rapid climate change, ocean acidification and likely industrialization in the Arctic Ocean, which are

impacting the people who live in the region and ultimately all of us. The Administration and Congress should:

- Conduct or require, as appropriate, the scientific research necessary to make informed decisions in the Arctic Ocean, including through the development and implementation of a comprehensive Arctic Ocean plan;
- Establish a coordinated management structure for the Arctic to lead development and implementation of a comprehensive Arctic Ocean plan that ensures industrial activities will not harm the health of marine ecosystems or opportunities for the subsistence way of life and forms the basis for international discussions about a complementary international initiative; and
- Defer offshore industrial activities in the Arctic until such a plan is in place.

Priority Actions That the Administration Should Lend Support to:

- Support legislation, such as Oceans 21 and the National Oceans Protection Act, to codify the national oceans, coasts, and Great Lakes policy, and the interagency structure and regional planning and management process to implement it.
- Support U.S. accession to the United Nations Convention on the Law of the Sea (UNCLOS).

2. Restore Our Marine and Great Lakes Fish and Wildlife

Challenge: Numerous fish and shellfish resources are overfished or experiencing overfishing. We continue to use destructive fishing practices that result in damage to habitat and the wasteful deaths of juvenile fish, seabirds, sea turtles, and other marine life. Many marine species are listed by the Federal government as threatened or endangered, including iconic species like orca and blue whales, Hawaiian monk seals, and Chinook salmon, but effective recovery strategies have yet to be implemented and many additional species are headed for listing. We must quickly bring ourselves into compliance with the essential requirements found in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Endangered Species Act (ESA) so that these important laws achieve their missions of ensuring sustainable populations of marine and Great Lakes wildlife for current and future generations.

Solutions:

Immediate Actions That Can Be Executed Under Existing Authority:

- Full and vigorous implementation of the Magnuson-Stevens Act. The Obama Administration should focus on the long-term goal of healthy oceans and fully restored fisheries. The interim goal of ending overfishing, as required by law, is a critical – and achievable – step during this Administration, and can only be met by putting in place science-based catch limits and ensuring that those limits are being met consistently. Pursuant to statutory deadlines, dozens of fishery management plans are currently being amended to include new management measures in order to end and prevent overfishing, so now is the time to act. In doing so, NOAA should:

- Move quickly to issue policy guidance to the regional fishery management councils that supplements the National Standard One guidelines on key issues, so as to ensure that the required plan amendments are adequate and timely-completed. The guidance should:
 - ensure that catch levels are set sufficiently below the overfishing level to fully account for the scientific and management uncertainty that exists in the fishery;
 - ensure that catch, including bycatch, is fully and accurately accounted for;
 - ensure consistent compliance with catch limits, including by use of bycatch caps;
 - result in the rebuilding of stocks in as short as time period as possible; and
 - ensure that councils consider catch shares and any other approaches that may meet performance standards;

- Approve only those fishery management plans and plan amendments in which the mechanism for specifying the annual catch levels is described in sufficient detail to ensure that it will result in an end to overfishing, result in catch levels set below overfishing levels, taking proper account of scientific and management uncertainty, and that use effective accountability measures to ensure those catch levels (including bycatch) are in fact not exceeded; and

- Implement the Magnuson-Stevens Act's illegal, unregulated, and unreported (IUU) fishing provisions and require all executive offices that represent the United States internationally to support NOAA's efforts and recommendations on management, enforcement, and coordinated technical assistance for nations engaging in IUU fishing.

- Increase fishery observers to a level that provides precise and accurate estimates of catch and bycatch for all fish species, marine mammals, seabirds, and corals. In addition, for state fisheries that interact with species protected under the Endangered Species Act or the Marine Mammal Protection Act, observers must be placed in those fisheries to monitor compliance with take authorizations.

- Direct NOAA to assist the regional fishery management councils in integrating ecological considerations into fishery management. Although optimum yield is to be set at a level which factors in ecosystems protection, fishery managers have not consistently or fully taken these considerations into account. NOAA should: (1) provide the necessary technical information for factoring ecosystem considerations into the calculation of optimum yield in each fishery in stock assessment and Stock Assessment and Fishery Evaluation reports; (2) work together with the councils to develop a fisheries ecosystem plan (FEP) for each marine ecosystem; and (3) develop technical guidance on how councils should integrate the ecological considerations into the establishment of optimum yield and the information contained in FEPs into management plans and actions.

- Direct NOAA and the Fish and Wildlife Service (FWS) to strengthen recovery plans for all threatened and endangered marine and anadromous species like orca whales, Chinook salmon and marbled murrelets, by building metrics and milestones into ESA recovery plans so that they become actionable, accountable efforts rather than open-ended research, monitoring and voluntary programs. In addition, review and expedite consideration of species that have been proposed for listing under the Endangered Species Act, such as herring and several species of rockfish.

Priority Actions That the Administration Should Lend Support to:

- Oppose legislation to weaken the Magnuson-Stevens Act's requirements to end overfishing and rebuild depleted fisheries.
- Support legislation to strengthen the existing authorities to crack down on IUU fishing provided in the Magnuson-Stevens Act, including amendments that would address the asynchronicity in current law between review of bycatch activities and reporting; more directly prohibit import of IUU seafood products and aim sanctions at private entities engaged in, involved with, or benefitting from IUU fishing; establish a coordinated international enforcement program; and expand the scope of the bycatch provisions to include turtles, sharks, and seabirds.
- Develop and promote a new national marine aquaculture policy that embraces the precautionary approach as its operating principle and establishes a priority for the protection of wild fish (including forage fish), marine habitats and healthy, functioning ecosystems and coastal communities. This national framework shall include rigorous environmental, socioeconomic, public health, and liability standards to guide federal rulemaking and subsequent facility siting, permitting, monitoring, and enforcement. In so doing, it shall be integrated with other national, regional, or state-based laws and regulations, as well as be closely integrated with ongoing and future marine spatial planning efforts.
- Support U.S. ratification of the United Nations Convention on Biological Diversity.
- Implement the United Nations Resolution 61/105, which calls on nations to ensure the long-term sustainable management of high seas bottom fisheries and prevent significant adverse effects from these fisheries on vulnerable high seas marine ecosystems, including seamounts, deep sea corals, and other sensitive habitats.
- Support ongoing U.S. efforts in the World Trade Organization negotiations calling for an end to fishing subsidies that promote overcapitalization and global depletion of fish stocks.
- Work with the international community, including through regional fishery management organizations and other international agreements in which the U.S. participates, to advance sustainable fisheries management policies and tools, in international waters and foreign EEZ waters. Priority should be placed on setting and encouraging adherence to science-based catch limits, including through economic tools.
- Utilize, where possible, other international environmental instruments, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to regulate trade in key fishery species, such as Atlantic bluefin tuna, in situations where regional fishery management organizations have failed to provide effective enforcement or have disregarded scientific advice in setting management measures.

3. Protect and Restore Key Coastal, Ocean, and Great Lakes Habitats

Challenge: Over the last century, demands on our seas and Great Lakes – from fishing and coastal development, to shipping and energy development – have degraded or simply removed important

biological habitats. The cumulative pressure has destabilized ecosystems, threatening the future of the services we rely on our oceans and Great Lakes to provide. Protecting and restoring marine and coastal habitats is a highly effective means for maintaining biological diversity, recovering populations of exploited species, enhancing ecosystem resiliency (including to pervasive threats like climate change), and restoring the resources' overall health. We need to safeguard ecologically connected networks of habitat reserves and conservation areas in each region of our nation's oceans and Great Lakes to provide important areas for fish and wildlife to rebound and flourish. We must protect, maintain and restore key coastal features that offer important natural protection and ecosystem services, such as estuaries, dunes, coastal wetlands, and vegetated stream buffers.

Solutions:

Immediate Actions That Can Be Executed Under Existing Authority:

- With input from leading ocean scientists and the public, identify and protect through appropriate legal mechanisms, including the National Marine Sanctuaries Act, the Magnuson-Stevens Act and the Antiquities Act, a network of ocean heritage areas to preserve unique and sensitive ocean habitats, such as the canyons and seamounts of the Atlantic seaboard, thus ensuring that a representative sample of habitats as well as unique areas are protected from damaging activities. These networks must be developed on a scale that supports ecosystem functions.
- Announce a new proactive goal of net wetland gains of 5 million acres in 10 years through restoration (e.g., of the Everglades, San Francisco Bay Delta, Great Lakes, the Mississippi River Delta) while significantly reducing the rate of destruction of existing wetlands. Progress towards achieving this new target should be measured through a science-based accounting of total wetland acres and the functions performed by different kinds of wetlands.
- Increase funding available for shovel-ready coastal habitat restoration projects. There is a demonstrated need for this funding: for the roughly \$170 million in stimulus funds available for such projects, NOAA received \$3 billion in applications for ready-to-go coastal restoration projects.
- Prevent harmful bottom trawl fishing in areas with deep water corals and other slow-growing, highly vulnerable marine organisms and direct NOAA to aggressively implement the deep sea coral research and technology program by locating, mapping and referring to the fishery management councils areas that should be protected from bottom tending gears.
- Increase protections for Habitat Areas of Particular Concern (HAPCs) and improve requirements to minimize fishing related impacts on habitat.
- Direct the Estuary Habitat Restoration Council, under the authority of the Estuary Restoration Act, to update the national estuary habitat restoration strategy, develop and execute a two-year plan of action for its full implementation, and submit a report to Congress on the results of the activities of the Act.
- Mandate the State Department and NOAA to negotiate in support of establishing a global network of marine reserves in areas beyond national jurisdiction. This includes supporting the high seas "donut hole" closures proposed by small island states through the Western and Central Pacific Fisheries Commission, and playing a leadership role in establishing marine

reserves in the Arctic, the Ross Sea, and other high seas through the Regional Fishery Management Organizations.

Priority Actions That the Administration Should Lend Support to:

- Support reauthorization of the National Marine Sanctuaries Act with a strong conservation ethos, including changes such as: clarification that conservation is the main purpose of the sanctuaries system and that uses incompatible with this purpose are not allowed; removal of the legislative limitation on establishment of additional sanctuaries; primacy of authority for management of all activities inside sanctuaries to sanctuary managers not other line offices; prohibition of additional harmful activities such as noise; creation of a marine ecosystem classification and inventory which will lead to a system with both representative and special areas protected in future designations; and streamlining the sanctuary designation, planning and review processes.
- Support reauthorization of the Coastal Zone Management Act. Ensure that the act strengthens the existing partnerships with states through their coastal management programs and provides meaningful support and adequate funding for actions that advance national goals by addressing sea level rise and other impacts from climate change, protection of coastal habitat, public access to the coast, and protection of marine and Great Lakes areas through marine spatial planning and management.

4. Clean Our Marine and Great Lakes Waters

Challenge: Sewage overflows and runoff from farms and city streets cause tens of thousands of beach closings and advisories each year and impair our food supply and drinking water. Nutrients from lawns, fields and sewage treatment plants, along with coastal development runoff, mix together in water to create massive algal blooms and “dead zones” where decomposing algae strip oxygen from the water, killing any underwater life unable to swim away. Ships bring more than cargo into port – they stow rapidly-proliferating invasive species, which are able to take advantage of ecosystems that have no evolved capacity to deal with them. The legacy of toxic contamination from industry prevents new, green development in coastal cities. We must coordinate our Federal efforts and finally put a stop to this unnecessary and costly marine and Great Lakes pollution.

Solutions:

Immediate Actions That Can Be Executed Under Existing Authority:

- Develop and implement a strategy to achieve the water quality standards already established in law and regulation. This action should direct EPA to address states’ failures to enforce water quality standards, and direct EPA, NOAA, the Department of Transportation, and the Department of Agriculture to coordinate their nonpoint programs and enhance nutrient reduction strategies to reduce dead zones and harmful algal blooms in coastal and ocean waters. EPA should greatly accelerate the use of low impact development (LID) approaches, such as pervious surfaces, rain gardens and green roofs to stormwater control by: (1) requiring directly-connected impervious surfaces in new development and re-development projects to be less than 10 percent, as a condition of municipal stormwater permits; (2) requiring LID in long-term control plans for combined sewer systems and in remedies in related enforcement actions; (3) ensuring that federally-funded transportation projects utilize LID and otherwise are built to maintain predevelopment hydrology and meet water quality standards; and (4) providing

funding to coastal states and municipalities to retrofit developed areas using LID (this will also stimulate jobs and the economy).

- Direct EPA and the Coast Guard to adopt national limitations on discharge of invasive species in vessels' ballast water that are at least as protective of the Great Lakes and coastal waters as "natural invasion rate" discharge standards adopted by California and New York.
- Direct EPA, FWS, and the U.S. Army Corps of Engineers to determine the best methods of reducing and ultimately stopping new introductions of aquatic invasive species via canals, connecting channels and waterways, and then to implement those methods.
- Direct EPA, FWS, and NOAA to work with states to develop strategies and methods for reducing the populations and impacts of invasive species that are already established in coastal waters and the Great Lakes.
- Direct EPA to identify barriers to completing toxic site cleanups in marine waters and Great Lakes Areas of Concern, adopt aggressive timelines to complete all cleanups, close the "mixing zone" loophole in pollution permits, which allows the continued discharge of persistent, bio-accumulative toxins into the aquatic environment, and implement other preventative strategies to prevent new contamination problems from occurring.
- Direct EPA to revise effluent limitation guidelines and water quality standards to address current and emerging water contaminants like pharmaceuticals and personal care products and enforce these revised guidelines and standards to ensure that water and seafood contamination does not threaten the health of vulnerable populations, like children.
- Direct EPA to develop and implement strategies to prevent further exposure of marine mammals to PCBs, PBDEs and the other persistent chemicals most toxic to whales, seals and other marine mammals.
- Direct the Coast Guard to implement a zero-tolerance oil spill policy by strategic placement of oil spill prevention rescue tugs around the nation's coasts and strengthening spill prevention requirements for tankers, other ships and barges.
- Direct NOAA, EPA, and the Coast Guard to develop an assessment of the amount, sources and impacts of marine debris, and a strategy for reducing marine debris.

Priority Actions That the Administration Should Lend Support to:

- Implement Great Lakes Legacy Act to clean up and de-list Great Lakes Areas of Concern.
- Support the inclusion of emergent issues, such as invasive species and climate change, in the renegotiation of the Great Lakes Water Quality Agreement with Canada.
- Support legislation to establish Regional Citizens Oil Spill Advisory Committees around all the nation's coasts, modeled after the Prince William Sound Regional Citizens Advisory Committee.
- Require cargo vessels to pay into the Oil Spill Liability Trust Fund.

- Sign and urge Congress to ratify MARPOL Annex IV: Regulations for the Prevention of Pollution by Sewage from Ships, which prohibits the discharge of raw sewage into the sea within twelve nautical miles of land, and prohibits the discharge of treated sewage within three nautical miles of land.
- Support the Clean Water Restoration Act and, in the meantime, act to protect headwater areas and “isolated” wetlands to the maximum extent possible under current case law and regulations.
- Support legislation to increase funding via the Clean Water State Revolving Loan Fund and the Safe Drinking Water Act and other mechanisms to repair, modernize and green again sewage infrastructure.
- Support the inclusion of language of the highway bill that would require that any new or reconstructed highways using federal money install state-of-the-art stormwater controls to protect waterways, estuaries, coasts, and marine environments. Six Governors and 33 Members of Congress have signed letters calling for this mandate in the highway bill.

5. Safeguard Oceans, Coasts, and Great Lakes from Climate Change and Ocean Acidification

Challenge: From rising sea levels and declining lakes levels, to warmer ocean and Great Lakes water temperatures, extreme weather events and ocean acidification, greenhouse gas pollution is further overwhelming our already-stressed oceans and Great Lakes. We must move expeditiously to reduce greenhouse gas pollution, at home and around the world, and build ecosystem resilience and redundancy in our ocean, coasts, and Great Lakes systems. It is critical that we have effective legislation this year to avert the worst impacts of climate change and ocean acidification.

Solutions:

Immediate Actions that Can Be Executed Under Existing Authority:

- Direct the CEQ, Office of Science and Technology Policy, and NOAA-led interagency task force on climate adaptation to develop and implement an ocean, coastal, and Great Lakes adaptation plan.
- Support NOAA’s establishment of a National Climate Service that will be the leader in conducting credible climate forecasting and assessments to inform decision-making. As part of this effort, NOAA should: (1) educate decision-makers and the public on ocean acidification and ocean warming; (2) provide data and analysis of the potential impacts of climate change on oceans and estuaries, including fisheries and key ocean habitats that support productive fish populations (e.g., coral reefs); and (3) develop measures to reduce these impacts and build ecosystem resilience.
- Direct NOAA, EPA, the Department of Interior, the Department of Agriculture, and other departments and independent agencies to build climate science into resource management decisions. NOAA should play a leadership role in helping federal agencies consider the impacts of climate change and variability in resource management decisions.

- Direct all federal agencies to identify opportunities to reduce each agency's direct contribution to climate change, in addition to considering impacts to climate when authorizing activities.
- Redirect government subsidies away from coastal development and toward protection and restoration of coastal, estuarine and ocean natural habitats (e.g., reefs, barrier islands and beaches, dunes, wetlands) that act as natural buffers to storms, sea level rise or lake level decline and erosion, yet may be increasingly susceptible to these impacts.
- Ensure that EPA expeditiously revises the marine pH criterion to account for ocean acidification, including to require measurement of calcium carbonate saturation, standards that protect keystone species (such as reef-building corals) and account for variability between ocean and coastal environments, and the immediate collection of comprehensive baseline information.

Priority Actions That the Administration Should Lend Support to:

- Support legislation to reduce greenhouse gas pollution that takes into account and mitigates impacts on our oceans, coasts, and Great Lakes, including strong provisions for the development, implementation, and funding of natural resource adaptation strategies to strengthen marine and Great Lakes ecosystems resilience at the state/regional, national, and international levels, and a carbon cap look back provision that specifically factors in these impacts in the setting of future cap levels.
- Support international efforts to secure a global deal to reduce greenhouse gas pollution and develop and implement adaptation strategies, consistent with environmental standards.
- Support legislative reforms to the National Flood Insurance Program (NFIP) to update and improve coastal-area flood insurance rate maps to recognize sea-level rise, potential coastal storm surge increases, coastal erosion zones, identify and implement erosion setback requirements for new construction, and reduce and eliminate flood insurance subsidies that promote construction and reconstruction in high risk, flood-prone coastal and estuarine zones, and strengthen standards and incentives and disincentives to protect critical coastal natural resources. The NFIP is expected to undergo major overhaul and reform during the 111th Congress.
- Support legislative expansion of the Coastal Barrier Resources System (CBRS) to include additional undeveloped coastal barrier areas along the nation's coasts and Great Lakes. Given increasing risks from global warming and sea-level rise, it is increasingly important to protect the buffering qualities of our coastal barriers. The CBRS assures that federal development subsidies do not work to promote unwise development on barrier islands.

Increase Funding for Our Oceans, Coasts, and Great Lakes Resources

To meet all the above challenges and effectively implement the needed actions, we must have a budget that ensures that the agencies working to implement the abovementioned national policy items receive the necessary financial and staffing support. In many cases, good programs already exist to address these issues, but are drastically underfunded. In other instances, funding will be

needed to help agencies implement new activities like climate change mitigation and adaptation and marine spatial planning responsibilities. We recommend the Administration:

- Support significant funding increases for NOAA and other federal agencies' existing ocean, coastal and Great Lakes science, management, and education programs and for broadening their ability to address emerging threats to coasts and oceans from climate change.
- Urge Congress to appropriate the full \$475 million proposed by President Obama for the Great Lakes Restoration Initiative, which accelerates implementation of comprehensive, science-based restoration plan consistent with the Great Lakes Regional Collaboration Strategy.
- Support establishment of an Ocean Investment Fund, using a portion of the resource rents generated by private commercial activities occurring in federal waters on the Outer Continental Shelf. This fund should be dedicated to providing financial support for national, regional, and coastal state programs related to understanding and protecting and restoring our oceans, coasts, and Great Lakes.
- Support establishment of a Fisheries Trust Fund with its own funding source outside of the federal budget process. Such a fund is sorely needed to provide adequate and long-term reliable support to meet the nation's fisheries research and management needs, including the development of sustainable fishing and aquaculture technologies, and support for international efforts to combat IUU fisheries.
- Require OMB to review NOAA's budget under the Program Associate Director for Natural Resources, Energy and Science instead of the Program Associate Director for General Government as part of the Department of Commerce. The current placement of the NOAA budget under the General Government division discourages the scientific work, regulatory policies and other activities in NOAA from being closely integrated with other environmental agencies such as DOI and EPA, and from being considered by staff with expertise in natural resources-based programs.

The Need for Marine Spatial Planning

Our organizations also applaud President Obama's call for a marine spatial planning process to manage the industrial pressure on our seas and avoid "ocean sprawl". Marine spatial planning – the process of planning ahead by allocating separate spaces in the ocean for its various uses, identifying places where industrial uses make sense and areas that should be set off limits – should be guided sound scientific assessment and the need to:

- Protect, maintain and restore the health of ocean and coastal ecosystems;
- Address the direct, indirect, and cumulative impacts of all activities on ocean health;
- Incorporate the precautionary principle in the face of uncertainty; and
- Allow for regional collaboration and partnerships.

A commitment to marine spatial planning is particularly critical as our country moves forward in developing the clean, renewable energy off our coasts. Marine spatial planning can help us develop offshore renewable energy the right way the first time, allowing us to protect ocean resources and repower America with energy that can't spill or run out. The Great Lakes would also benefit from the

same sort of spatial planning as interest in developing offshore renewable resources like wind power increases. Our organizations are in the process of developing recommendations for a comprehensive marine spatial planning framework and look forward to sharing this with you shortly.