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November 3, 2004

The Honorable James L. Connaughton
Interagency Ocean Policy Group
White House Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

RE: Public Comment on Final Report of the U.S. Commission on Ocean Policy

Dear Chairman Connaughton:

The Nature Conservancy appreciates this opportunity to present our comments on the final report of the U.S. Commission on Ocean Policy (“the Commission”) along with our recommendations for priority issues that the interagency group should consider.

The Nature Conservancy is an international, non-profit organization dedicated to the conservation of biological diversity. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Conservancy has more than 1,000,000 individual members and 1,900 corporate associates. We have programs in all 50 states and in 28 foreign countries. We have protected more than 15 million acres in the United States and Canada and more than 83 million acres with local partner organizations globally. The Conservancy owns and manages 1,400 preserves throughout the United States – the largest private system of nature sanctuaries in the world.

In the sea as on land, The Nature Conservancy identifies important sites for the conservation of biodiversity through marine ecoregional plans. The identification of these priority sites makes no presumption about the best strategies for conservation at individual sites. The Nature Conservancy identifies the present and likely future threats to marine diversity at these sites before identifying appropriate strategies for conservation. At over a hundred marine sites around the world, The Nature Conservancy has used a variety of strategies for marine conservation including habitat restoration of important nursery and spawning areas, removal of invasive species, coastal land acquisition, private acquisition of submerged lands, elimination of destructive practices, management of extractive marine resources activities and reduction of nutrient and pollutant inflow to estuaries and marine protected areas. No single strategy works everywhere and at every site, multiple conservation strategies are needed. The selection of appropriate strategies depends on biological, socioeconomic and political circumstances at each site.

Regional Scale, Ecosystem Approach to Coastal and Ocean Management (Chapters 4 and 5)

The Conservancy supports the multiple recommendations in Chapters 4 and 5 and believes that they can, when taken with the Guiding Principles, serve to improve stewardship and sustainable management of the coastal and marine environment. We also support the rapid initiation of Regional Ecosystem Assessments to serve as a foundation for this process.

In particular, we are pleased that the Commission in the final report strengthened its approach to ecosystem-based management at the regional level by including a role for private, nonprofit organizations in the process; enhancing federal agency coordination in support of a regional approach; tasking the Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration (NOAA) with development of regional ecosystem assessments to support governance; and identifying the National Environmental Policy Act (NEPA) process as one way to incorporate ecosystem assessments into decision-making. Taken together, these actions can make the regional councils effective entities for enhancing coastal management in the United States.

Unfortunately, the report failed to directly address linkages across land, freshwater, and the marine environment. The collection and integration of terrestrial, freshwater, nearshore and offshore information will be necessary to produce Regional Ecosystem Assessments that provide a meaningful guide for managers. In addition, the report failed to address, or even highlight, freshwater inflows as a significant crosscutting threat to estuaries and nearshore systems. Many of the example locations cited by the Commission (Chesapeake Bay, Gulf of Mexico, Everglades, CALFED Bay-Delta) are confronting the problem of freshwater flow management as an ever-increasing threat that requires significant commitment and attention to mitigate.

Federal programs for the conservation and management of ocean and coastal resources should be place-based—designed to carry out goals and objectives that are defined regionally. Efforts are underway currently to carry out ecoregional assessments and implement a regional approach. The Administration should accelerate these efforts and increase support for them. Sufficiently funded demonstration projects (at least 3) should begin within the next fiscal year. It is essential that these demonstration programs:

- Support the development and implementation of regional ocean and coastal plans on a scale sufficient to protect ecosystems including consideration of all threats and governmental authorities;
 - It is important that this mechanism serve not only to enhance NOAA's capacity, but that it bring all of the expertise and resources of the federal family to bear on these pressing problems, including the Environmental Protection Agency, the Army Corps of Engineers, and Department of Interior.
- Assure a role for nongovernmental organizations in design and implementation of regional programs;
- Assure that regional activities (funding, research, and observation systems) address the real world needs of on-the-ground managers.

Protection and restoration of high biodiversity areas (Principles and Chapter 11)

The final report recognizes that the greatest problems and loss of habitats and ecosystem services is in the near shore environment. To manage these systems well, we need information, an expanded and strengthened set of conservation and restoration tools and sufficient resources for their full implementation. The Nature Conservancy supports the Commission's call for increased funding for coastal land conservation (including fee and easement acquisition) that is specifically targeted at land conservation in coastal and nearshore areas, redirecting existing funding programs to support coastal conservation goals; and increased support for restoration activities, science and monitoring.

We want to highlight the importance of early implementation of the report's several recommendations to improve conservation of coastal and nearshore areas:

- Support funding for the Coastal and Estuarine Land Conservation program, including:
 - support for legislation to change the cost-share to 75% federal/25% nonfederal to increase flexibility and make this a more viable tool in poorer states seeking to protect costly coastal lands;

- incentives to encourage states to develop spatially explicit plans to guide use of CELCP on the ground, and to ensure that those plans guide implementation of the program.
- Expand support for the National Estuarine Research Reserves as a land protection program. The role of the NERRS necessarily includes protection of the resources in their boundaries, and dedicated funding to support that activity is critical.
- Create incentives to encourage the use of tools such as tradeable permits and other market mechanisms to address nutrient pollution, fisheries overcapacity, and other pressing threats to coastal and marine habitats

Coral Reef Conservation and International Leadership (Chapters 21 and 29)

The Nature Conservancy commends the Commission for its recognition in the final report of the values of and threats to coral reef ecosystems both in the United States and globally. We are pleased to see several important strengthening changes from the preliminary report. The Commission made specific recommendations for enactment of a Coral Reef Protection and Management Act (CRPMA) (recommendations 21-1 and 21-4) that includes marine reserves as a conservation tool, codifies the Coral Reef Task Force, and supports U.S. participation in international coral reef conservation programs. Additionally, the Commission recognized the importance of deepwater coral communities and recommended steps for increasing understanding and conservation of these ecosystems. The Conservancy also supports the call for expanded assistance to coastal nations of more limited means for human resource development, technology transfer, information sharing, and other science-based advisory and consultative services in recommendation 29-8.

We were disappointed that the final report failed to make several recommendations to improve coral management. While the Commission recommended review of the Convention on Biological Diversity for benefits to coastal and marine systems, we feel that the value is clear and warranted a more affirmative recommendation. The work program of the Convention on Biological Diversity on marine and coastal biodiversity is highly compatible with a large number of the Commission's conclusions and recommendations. Additionally, while we appreciate the recommendation to codify the Coral Reef Task Force – which has been an effective vehicle – the Commission failed to recognize and describe a specific role for nongovernmental organizations in task force activities. Finally, the report includes an incomplete recognition of broad scale threats to coral reefs – the report focused primarily on incompatible harvest activity. Known global threats to corals include sedimentation, bleaching and diseases and strategies to address these threats must be included in any action plan to conserve coral reef ecosystems.

As the Administration moves forward with its response, we suggest you consider the following actions:

- Identify and implement a role for nongovernmental organizations on the U.S. Coral Reef Task Force;
- Make passage of a strong Coral Reef Protection and Management Act a priority for the Administration in 109th Congress;
- Enactment of a debt-reduction program similar to the Tropical Forest Conservation Act focused on coral reef ecosystems, as discussed in Chapter 21.
- An expansion of funding in the FY2006 budget request for the following purposes:
 - research, monitoring, technical assistance and capacity building in the FY2006 budget request;
 - expanded future replenishments of the Global Environment Facility to provide increased financial support for marine biodiversity and small island developing states;
 - grants (\$5 million) for states, territories, and freely associated states for implementation of Local Action Strategies to address locally-identified threats to corals;
 - an expansion of the existing funding available through NOAA for international marine conservation work, especially for coral reefs;

- additional resources to allow the U.S. Agency for International Development to place greater emphasis on marine conservation;
- an explicit commitment to support the implementation of a key target agreed upon at the World Summit on Sustainable Development – creation of representative networks of marine protected areas around the globe by 2012;

These areas and others provide excellent opportunities for U.S. leadership and sharing of experience, as well as a framework of national and international commitments on which the U.S. could base the increased collaboration called for by the Commission in Recommendation 29-8.

Finally, it is important to also consider two elements of the Commission's report that are essential to effectively addressing any of the items discussed in these comments – increased science and funding. Relative to the terrestrial environment, the marine environment is poorly understood. The Conservancy is proud to be part of the scientific community seeking to better understand complex marine environments and linkages across the land-sea interface. We are all too acutely aware of the need for biological inventory information, mapping of the near shore environment, observations of physical, chemical, biological variables in the coastal and marine environment. Improved integrated observations, mapping, and data management are essential to support effective ecosystem-based management and should be a priority for us all as we consider how to move forward with the Commission's recommendation.

Second, U.S. oceans – from the nearshore areas to the extent of the exclusive economic zone – occupies an area 23% again the size of our land base. More than half the population of the U.S. lives in coastal watersheds and the coasts and oceans drive an economic engine that produces anywhere from \$117 billion to \$4.5 trillion toward the U.S. economy – depending on where one draws the line. This is of course to say nothing of ecosystem services to climate control and life support, aesthetic and cultural values, and the importance of securing the ocean's vast resources for future generations. Yet despite its size, importance, and complexity of the management challenges before us the current level of federal investment is insufficient. The Commission has made strong recommendations for increasing federal investments in the coasts and oceans and has taken the added step of proposing a dedicated funding source. While there is room to disagree about individual funding levels, the overall recommendation is critical. The Conservancy urges the Administration to develop a strategy for meeting the funding targets outlined in the Commission report over the next five years.

The Nature Conservancy is fully committed to being a partner as we move forward to take needed action on the ground and in the water. As a science-based nonprofit organization, we work in collaboration with local residents, partner organizations, government agencies and other stakeholders to identify, protect, and manage significant habitats and natural systems. We employ pragmatic, non-confrontational strategies to reduce threats to biodiversity and ensure the long-term health and function of ecosystems.

Please do not hesitate to contact me or Erika Feller of the Conservancy's Government Relations staff with any questions regarding our comments. We look forward to working with you.

Sincerely,

Jimmie Powell
Director of Government Relations