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STATE OF ALASKA
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JUNEAU

October 21, 2004

Chairman James L. Connaughton
Public Comment on Final Report
Interagency Ocean Policy Group
White House Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Dear Chairman Connaughton:

Thank you very much for the invitation to comment on *An Ocean Blueprint for the 21st Century* report by the United States Commission on Ocean Policy. It is my understanding that the Council on Environmental Quality (CEQ) is currently leading the effort to formulate an administration response to the report as required by the Oceans Act of 2000.

With this in mind, I am enclosing with this letter the State of Alaska's comments on the preliminary report by the commission. I would like to draw your attention particularly to the executive summary, which presents a concise explanation of the state's position. Alaska took particular interest in the report, as we are truly America's ocean state. With half of the nation's waters and two-thirds of its coastline, Alaska is determined to play a key role in developing any new oceans policy.

I was encouraged by some of the changes made to the commission's report before the release of the final version. Many of these changes enhanced the role of states in the proposed new ocean policy framework. For instance, states are now directed to be central in the formation of regional ocean councils, and governors are given a more prominent role in other areas. I hope that CEQ's comments will recommend an even stronger role for states in federal oceans policy.

If you have any questions about these comments, please contact me or Alan Austerman, my fisheries policy advisor.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosures

June 3, 2004

State of Alaska Comments and Recommendations to the U.S. Commission on Ocean Policy Preliminary Report

DETAILED COMMENTS

The State of Alaska has reviewed each of the recommendations in the U.S. Commission on Ocean Policy Preliminary Report and offers the following comments for the commission's consideration.

The State of Alaska views a new ocean policy governance framework (Parts II and VIII), sustainable management (Part VI), coastal development (Part IV), degraded waters (Part V), and science-based decisions (VII) as the key ocean management issues for which improvements are needed. The state's detailed comments are limited to specific recommendations relating to the five key ocean management issues. The state is not commenting on a number of recommendations that have minimal application to Alaska or that should be the subject of more in-depth review and debate by the national and regional governance councils which the state supports.

Part II - Blueprint for Change: A New National Ocean Policy Framework

The State of Alaska supports the report's advocacy of an improved national/regional governance structure to resolve ocean and coastal related problems. The report emphasizes the need for a presidential priority to address national ocean issues, improve federal agency coordination at the national level, and establishes a system of regional councils to manage ocean and coastal-related issues that cross federal, state, and local jurisdictions. The State of Alaska agrees that these are areas warranting special attention.

The greatest shortcoming of the commission's Preliminary Report is its failure to fully acknowledge the critical role played by state governments with the sovereign authority to control access to ocean and watershed resources, whether by limited entry fisheries or upland land use requirements and prohibitions. Of the 197 recommendations in the commission's report, only one references the role of state governments "to begin the establishment of

regional ocean councils." Even in this single recommendation, state sovereignty is given the same deference as "territorial, tribal, and local governments and nongovernmental participants."

It is not acceptable that states be relegated to a backseat in the national oceans plan through a system of regional councils whose jurisdiction, responsibility, role, authority, and mission are largely undefined. As a sovereign entity responsible for management of natural resources, states must play the lead role in any new regional scheme for ocean and coastal management.

There is an important difference between the roles and responsibilities between governmental and non-governmental organizations that is blurred in the commission's report and must be clarified. Unlike non-governmental organizations, governmental agencies have the responsibility to implement ocean and watershed resource management policies established in law by elected officials. Treating governmental interests on an equal par with non-governmental interests is unacceptable.

If actions called for in the report to improve the nation's governance of oceans and watersheds are to succeed, it is critical that jurisdictional authority be appropriately matched with resource management authority. Agencies at all levels of government that are responsible for ocean and watershed management and decision-making must be correctly identified and given corresponding responsibility in any new resource governance structure. The state is particularly concerned that the jurisdiction of state governments be recognized and upheld in any federal government restructuring.

The commission's Preliminary Report includes important recommendations to reorganize the nation's oceans and coastal watersheds governance structure. The creation of a National Oceans Council, Presidential Council of Advisors on Ocean Policy, and Regional Oceans Councils are major elements in the recommended governance structure and warrant special attention. Each of these cornerstones to a new oceans and watersheds governance framework will have to acknowledge and build on the existing jurisdiction of constituted governments.

In a number of areas, the commission has recommended the creation of new federal organizations to administer newly-created programs to accomplish results which the State of Alaska believes could be more efficiently achieved by coordinating and funding existing federal agencies and programs. Alaska has successfully implemented existing federal, state, and local programs to manage fisheries, regulate coastal development and control pollution. The state's implementation strategies operate consistent with existing federal law in collaboration with the same federal agencies that will be members of the National Ocean Council recommended by the commission. When properly funded and coordinated with federal agencies, the environmental objectives

and results sought by the commission can be achieved using existing state and federal organizations. More federal agencies, committees, offices, boards, task forces, centers, and teams are an unnecessary expense that would divert limited resources away from the nation's core environmental protection and resource management programs.

Recommendation 4–1. Congress should establish a National Ocean Council, and a nonfederal Presidential Council of Advisors on Ocean Policy, within the Executive Office of the President to provide enhanced federal leadership and coordination for the ocean and coasts. While Congress works to establish these components in law, the President should begin immediately to implement an integrated national ocean policy by creating them through an Executive Order, and by appointing an Assistant to the President to chair the Council.

This recommendation **should be amended** to provide a clear distinction between governmental organizations with the responsibility, authority, and accountability for natural resource management and pollution control, and nongovernmental organizations that have no jurisdiction for managing ocean and coastal-related resources. Relegating sovereign states that have jurisdiction over many ocean and coastal watershed-related decisions to the same advisory position as non-governmental and interest groups is inappropriate. The State of Alaska recommends that governors be offered periodic review of NOC policy and goals with the voluntary opportunity to submit comments on NOC activities. While such a dialogue must be limited as to not be burdensome or inefficient to any of the parties involved, it must take into account the role of states in the decision-making and policy-implementation processes.

The State of Alaska supports the commission's proposal to have a national level group of governmental and non-governmental ocean policy advisors to the President. The mission of these bodies should be restricted to national ocean policy and federal coordination issues and not be allowed to creep into specific regional, state, or local management decisions or implementation issues.

Recommendation 4–2. The National Ocean Council (NOC) should provide high-level attention to ocean and coastal issues, develop and guide the implementation of appropriate national goals and policies, and coordinate the many federal departments and agencies with ocean and coastal responsibilities. The NOC should be chaired by an Assistant to the President and composed of cabinet secretaries of departments and directors of independent agencies with relevant ocean- and coastal-related responsibilities.

This recommendation **should be amended** to delete any reference to implementation that might confuse the NOC role as a policy coordination body

with no regulatory or resource allocation responsibilities. A cabinet-level body within the federal executive branch to advise the President is the appropriate level of authority for developing and coordinating the federal government's oceans and watersheds policies. It is appropriate for this policy-making body to be comprised of federal representatives with jurisdiction over federal ocean and watershed management under existing core programs like the Clean Water Act, Coastal Zone Management Act, Magnuson-Stevens Act, and other legislation that specifically addresses environmental protection and resource management for oceans and watersheds.

The State of Alaska supports the recommendation for a Presidential assistant to chair the NOC. It is important that the NOC chair be agency-neutral with direct access to the President on national ocean policy.

Recommendation 4–3. The National Ocean Council (NOC) should adopt the principle of ecosystem-based management and assist federal agencies in moving toward an ecosystem-based management approach.

The State of Alaska cautiously **supports** this recommendation. The state appreciates the fact that activities in the area from the inland extent of coastal watersheds can affect oceans out to the offshore boundary of the nation's exclusive economic zone. However, it is important to acknowledge that limited scientific data challenges our ability to fully implement "ecosystem management."

Political borders must not be a barrier to restoring and protecting ocean and watershed resources that function within environmental borders. At the same time, the different jurisdictional authorities within political units must be respected and consulted. It is particularly important that states and their political subdivisions have well-defined unambiguous roles in an ecosystem-based approach to management since their land use designations and controls will frequently be key components of ocean-protection solutions.

The science is still developing to define "ecosystem management." However, continuing to move towards an ecosystem approach is an appropriate goal. The North Pacific Fisheries Management Council has developed a practical working definition for an ecosystem-based approach for fisheries management: "An ecosystem-based management strategy for marine fisheries would be to minimize potential impacts, while allowing for extraction of fish resources at levels sustainable for both the fish stock and the ecosystem." It may not, however, be appropriate to manage living marine resources based upon theoretical assumptions about other potentially distant impacts (e.g. setting salmon harvest levels based on models of the impacts of urban run-off).

Recommendation 4–4. A designated Assistant to the President should provide leadership and support for national ocean and coastal policy. The

Assistant to the President should chair the National Ocean Council (NOC), co-chair the Presidential Council of Advisors on Ocean Policy, and lead NOC efforts to coordinate federal agency actions and involve regional, state, and local stakeholders.

The State of Alaska **supports** this recommendation. Such an assistant would be very useful in coordinating formal communication between the NOC and the governors as advocated in the state's comments on recommendation 4-1. An agency-neutral Assistant to the President could serve as a useful bridge between federal, state, and non-governmental interests in the nation's ocean policies. To facilitate federal coordination on regional issues, the NOC should include a formal avenue for receiving advice from Regional Ocean Councils (ROCs) that is not provided for in the report or recommendations. The reference to "regional" stakeholder in recommendation 4-4 should be more clearly stated if the commission's intent is to have the assistant to the President also serve as a bridge between the proposed ROCs and the NOC and/or the President.

Recommendation 4–5. The Presidential Council of Advisors on Ocean Policy, a formal structure for input from individuals and organizations outside the federal government, should advise the President on ocean and coastal policy matters. The President should appoint to the council a representative selection of nonfederal individuals who are knowledgeable about, and experienced in, ocean and coastal issues.

This recommendation **should be amended** to remove state governments from the proposed list of members. Membership on the Presidential Council of Advisors should be limited to non-governmental individuals and organizations. A non-governmental advisory body is not an appropriate vehicle for conveying the views of state governments. As stated previously, the State of Alaska supports formal communication between the NOC and the governors that correctly reflects the role of the states in policy-making and implementation.

Recommendation 4–6. Congress should establish an Office of Ocean Policy to support the Assistant to the President, the National Ocean Council (NOC), and the Presidential Council of Advisors on Ocean Policy. To provide immediate staff support, the President should include an Office of Ocean Policy in the Executive Order that creates the Council.

The State of Alaska **opposes** this recommendation. The commission's recommendation to establish the NOC has great merit. How the council conducts its proceedings or decides to organize committees, task forces, offices, boards, or work groups should be left to the discretion of the NOC.

Recommendation 4-7. Congress, working with the National Ocean Council (NOC), should amend the National Oceanographic Partnership Act

to integrate ocean observing, operations, and education into its marine research mission. A strengthened and enhanced National Ocean Research Leadership Council (NORLC) should be redesignated as the Committee on Ocean Science, Education, Technology, and Operations (COSETO), under the oversight of the NOC.

The State of Alaska **opposes** this recommendation. It is premature to recommend legislative amendments without further review and evaluation by the National Ocean Council, coastal states, and a non-governmental Advisory Council proposed in the previous recommendations (4-1; 4-5). There is insufficient information or analysis provided in the commission's report to justify the recommended congressional action.

Recommendation 4–8. The National Ocean Council (NOC) should establish a Committee on Ocean Resource Management to better integrate the resource management activities of ocean-related agencies. This committee should oversee and coordinate the work of existing ocean and coastal interagency efforts, recommend the creation of new topical task forces as needed, and coordinate with government-wide environmental and natural resource efforts that have important ocean components. The Committee on Ocean Resource Management should be chaired by the chair of the Council on Environmental Quality and should include undersecretaries and assistant secretaries of departments and agencies that are members of the NOC.

The State of Alaska **opposes** this recommendation. The commission's recommendation to establish the NOC has great merit. How the council conducts its proceedings or decides to organize committees, task forces, offices, boards, or work groups should be left to the discretion of the NOC.

Recommendation 4–9. The National Ocean Council should review all existing ocean-related councils and commissions and make recommendations about their ongoing utility and reporting structure.

The State of Alaska **supports** this recommendation provided this process includes review by coastal states and a non-governmental advisory council. The review of all existing ocean-related councils and commissions should also be expanded to include federal ocean, coastal, and atmospheric programs referred to in recommendation 7-3.

Recommendation 4-10. The National Ocean Council should work with Congress, the Presidential Council of Advisors on Ocean Policy, and state, territorial, tribal, and local leaders, including representatives from the private sector, non-governmental organizations and academia, to develop a flexible and voluntary process for the creation of regional ocean councils.

The State of Alaska **supports** this recommendation. The state agrees that government decision-makers need to collaborate in a formal governance framework to resolve regional ocean and watershed issues that cross jurisdictional lines at the federal, state and local levels. The commission carefully distinguished between jurisdictional and advisory roles at the national policy level. Similarly, the regional governance structure must also not confuse the decision-making roles and responsibilities of state and local government jurisdictions with the advisory role of non-jurisdictional individuals and organizations.

We strongly support and see great benefit in a flexible and voluntary process for the creation of regional ocean councils. However, our support is predicated on limiting Regional Ocean Council membership to governments with ocean and watershed jurisdiction. By including non-governmental entities with governments in the membership for ROCs, the commission's recommendation diminishes state sovereignty and blurs the critical distinction between decision-makers and policy-advisors. Consistent with the governance structure recommended for enhancing ocean leadership and coordination at the national level, the State of Alaska is a strong advocate for advancing a regional governance structure that establishes ROCs composed of state governors with ocean- and watershed-related jurisdiction in the region.

State governors should have the authority and discretion to establish ROCs including the membership, mission, and operating procedures. In addition, the states should have the discretion to establish Regional Policy Advisory Councils with members from non-governmental organizations.

Recommendation 4–11. The President, through an Executive Order, should direct federal agencies with ocean- and coastal-related functions to immediately improve their regional coordination, as a precursor to federal reorganization around common regional boundaries and the eventual establishment of regional ocean councils. As part of this process, federal agencies should collaborate with regional, state, territorial, tribal, and local governments and non-governmental parties to identify major issues of concern in each region.

This recommendation **should be amended** to acknowledge the difference between states and non-governmental organizations. Like federal agencies, states have the jurisdictional authority to develop and implement resource management decisions, whereas non-governmental parties do not. This recommendation should be revised to have federal agencies collaborate directly with states through a ROC governance structure. Non-governmental policy advice would be provided to federal agencies at the national level by the Presidential Council of Advisors on Ocean Policy and could be provided at the regional level by non-governmental regional advisory councils.

The State of Alaska also supports the recommendation for federal agencies to better align their office jurisdictions with common regional boundaries. With the exception of the Environmental Protection Agency, virtually all federal ocean and coastal-related resource agencies recognize Alaska as a distinct region and have aligned their regional office boundaries consistent with the state's. The Forest Service, Fish and Wildlife Service, National Park Service, Coast Guard, National Oceanic and Atmospheric Association, Corps of Engineers, Geological Survey, Bureau of Indian Affairs, Bureau of Land Management, and the Minerals Management Service all have regional offices in Alaska.

Recommendation 5–1. State, territorial, tribal, and local governments and non-governmental participants should use the broad, flexible process developed through the National Ocean Council to begin the establishment of regional ocean councils.

This recommendation **should be amended** to recognize the jurisdiction of states over ocean and watershed issues and, consequently, the necessity of states to take the lead in establishing ROCs and non-governmental Regional Advisory Councils. As states have jurisdiction over many of the issues that would be brought before the ROCs, it is appropriate to make the states the lead agents in the establishment of the ROCs. State governors should bear the responsibility to establish ROCs. State leadership at the regional level is consistent with the commission's recommendation at the national level, which gives the President and Congress the responsibility to establish an NOC separate from a non-governmental Advisory Council.

Recommendation 5–2. Congress should establish regional ocean information programs throughout the nation to improve coordination and set regional priorities for research, data collection, science-based information products, and outreach activities in support of improved ocean and coastal management. The regional ocean information programs should be established immediately, independent of the voluntary, and potentially more complicated, process of establishing regional ocean councils.

The State of Alaska **opposes** this recommendation. Regional information programs must serve and be a part of the ROC framework. Creating an independent regional information program that would set priorities for the research, data collection, and information products that are essential to state resource managers is counterproductive to the commission's goals for improved governance coordination and efficiency.

Recommendation 5–3. Each regional ocean information program, with guidance from the National Ocean Council, should coordinate the

development of a regional ecosystem assessment, to be updated periodically.

The State of Alaska **opposes** this recommendation. Regional information programs and regional ecosystem assessments must be an integral part of the Regional Ocean Council framework, not an independent regional information and assessment program managed by an entirely separate bureaucracy.

Recommendation 5–4. The Council on Environmental Quality should revise its National Environmental Policy Act guidelines to require that environmental impact statements for proposed ocean- and coastal-related activities take into account any available regional ecosystem assessments developed under the oversight of the regional ocean information programs.

The State of Alaska **opposes** this recommendation. The National Environmental Policy Act currently requires the use of the best scientific information available. Recommending the Council on Environmental Quality to amend existing federal requirements to utilize undefined assessments prepared by yet-to-be-created federal programs is premature.

Recommendation 5–5. Congress should establish regional boards to administer the regional ocean information programs. Each regional board should include a broad range of stakeholders, develop a regional plan to be submitted to the National Ocean Council, and oversee the regional ocean observing systems. Program priorities should be carried out primarily through a grants process.

The State of Alaska **opposes** this recommendation. Regional information programs and regional ecosystem assessments must be an integral part of the ROC framework, not an independent program managed by an entirely separate bureaucracy. We do not need another layer of bureaucracy or proliferation of regional oceans programs and boards in addition to the Regional Ocean Councils. The Regional Ocean Councils should be established to address all ocean and coastal-related issues including environmental information and assessment needs.

Recommendation 5-6. The National Ocean Council (NOC) should ensure that adequate support is provided for the operation of regional ocean information programs.

Alaska **opposes** this recommendation. The proposal to separate the regional information program from the ROC is unacceptable. Funding for ocean information programs should be considered by the NOC and ROCs in the context of all ocean issues. It is inappropriate for the commission to single out information programs over other important ocean management needs.

Recommendation 6–1. Congress, working with the National Ocean Council (NOC), should ensure that each current and foreseeable use of federal waters is administered by a lead federal agency. The lead agency should coordinate with other federal agencies with applicable authorities and ensure full consideration of the public interest. Pending congressional action, the NOC should designate interim lead agencies to oversee new offshore activities.

This recommendation **should be amended** to remove Congress from the duty to assign lead federal agencies to specific ocean and watershed topics. The State of Alaska strongly supports the NOC as an administrative vehicle within the executive branch to coordinate the many diverse federal jurisdictions for ocean and watershed management. Assigning a lead federal agency to coordinate the efforts of multiple federal agencies with overlapping authorities for a specific issue or area is an appropriate decision for the executive branch, not Congress.

Recommendation 6–2. Congress, working with the National Ocean Council and regional ocean councils, should establish an ecosystem-based offshore management regime that sets forth guiding principles for the balanced coordination of all offshore uses. It should recognize the need, where appropriate, for comprehensive single-purpose ocean governance structures that are fully integrated with, and based on the principles of the new offshore management regime. The regime should include a process for incorporating new and emerging activities and a policy that a reasonable portion of the resource rent derived from such activities is returned to the public.

The State of Alaska **opposes** this recommendation. It is premature to recommend that Congress establish an offshore management regime until the NOC and ROCs have been established and are operational. Any regime should be driven by the advice of these councils created for this purpose.

Recommendation 6–3. The National Ocean Council should develop national goals and guidelines leading to a uniform process for the effective design and implementation of marine protected areas. Marine protected area designations should be based on the best available scientific information and these areas should be periodically assessed, monitored, and modified to ensure continuing ecological and socioeconomic effectiveness.

The State of Alaska **opposes** this recommendation. The federal framework currently exists to establish policies for marine protected areas (MPAs) through the Marine Protected Area Federal Advisory Committee (MPAFAC). The MPAFAC is working to develop a uniform process for consideration of MPAs.

Any incursion into implementation dilutes and diminishes the authorities of the states and the Regional Fisheries Management Councils and is not acceptable. Further, upon periodic review, any MPAs found not to ensure ecological and socioeconomic effectiveness should sunset.

Recommendation 6–4. Regional ocean councils, or other appropriate regional entities, should actively solicit stakeholder participation and lead the design and implementation of marine protected areas. The design and implementation should be conducted pursuant to the goals, guidelines, and uniform process developed by the National Ocean Council.

The State of Alaska **opposes** this recommendation. ROCs should be established to address all ocean and coastal related issues. Absent ROCs, state governments or individual federal agencies with ocean and coastal related authorities are the appropriate regional entities.

Recommendation 7–1. Congress should pass an organic act that codifies the establishment and missions of the National Oceanic and Atmospheric Administration (NOAA). The act should ensure that NOAA's structure is consistent with the principles of ecosystem-based management and with its three primary functions: assessment, prediction, and operations; resource management; and research and education.

The State of Alaska **supports** this recommendation. The history of NOAA in oceans research and management policy makes it particularly worthy to serve a leadership role on federal ocean-related policies. The State of Alaska has long shared expertise and resources with NOAA to reach common goals. We recommend that NOAA be relied on to coordinate the federal interaction with state governments, as the lead federal agency on ocean and watershed issues.

During Alaska's long association with NOAA, responsiveness to state concerns has become a problem at times. The complicated structure of the agency can lead to both internal and external communication difficulties. We recommend that reorganization of NOAA be conducted in a manner that streamlines internal communication within the agency while making external communication with states more accessible. An organic act should be written in a way so that it does not erode the management system in place under the Magnuson-Stevens Fishery Conservation and Management Act, or give NOAA jurisdiction over responsibilities that have traditionally been held by states.

Recommendation 7–2. The President should instruct the Office of Management and Budget (OMB) to review the National Oceanic and Atmospheric Administration budget within OMB's Natural Resources Programs, along with the budgets of the U.S. Departments of Agriculture, Energy, and the Interior, the U.S. Environmental Protection Agency, the National Science Foundation, the National Aeronautics and Space

Administration, and the U.S. Army Corps of Engineers' Directorate of Civil Works.

This recommendation **should be amended** to explain that the OMB budget review is conducted to understand the relationship of the federal financial investment in ocean and watershed management programs and the environmental results from that investment. Any OMB review of NOAA's budget, along with the budgets of other relevant agencies, should take note of under-funded programs and unfunded mandates. The existence of underfunded programs hampers effective ocean policy today and would continue to do so in any restructured NOAA.

Recommendation 7–3. The Assistant to the President, with advice from the National Ocean Council and the Presidential Council of Advisors on Ocean Policy, should review federal ocean, coastal, and atmospheric programs, and recommend opportunities for consolidation of similar functions.

As noted in the State of Alaska's earlier comments, this recommendation should be combined with recommendation 4-9.

Recommendation 7–5. Following the establishment of the National Ocean Council and the Presidential Council of Advisors on Ocean Policy, strengthening of the National Oceanic and Atmospheric Administration, and consolidation of similar federal ocean and coastal programs, the President should propose to Congress a reorganization of the federal government that recognizes the links among all the resources of the sea, land, and air and establishes a structure for more unified, ecosystem-based management of natural resources.

The State of Alaska **opposes** this recommendation. Until the commission's recommended new National Ocean Policy Framework is in place and results tested, it is premature to recommend that the President completely reorganize the federal government.

Part VIII – The Global Ocean: U.S. Participation in International Policy

The State of Alaska agrees with the report's conclusions that the United States should become more engaged in international agreements that are vital to the health of the world's oceans and coasts. We have much to lose or gain in this arena with the huge fishing fleets of the Pacific Ocean and Bering Sea. Alaska's ports are world-famous for their seafood commerce.

Large treaties such as the Law of the Sea and other United Nations conventions could have a significant impact on the global health of the oceans and its resources. We do not, however, want the United States to be in a

disadvantageous economic position by "enacting and enforcing exemplary policies at home" (page 357) while other countries are not bound by the same management policies.

In a chapter on international aspects of ocean policy, we were disappointed in the lack of discussion of the bilateral and regional treaties that are so vital for proper resource management in U.S. waters. A number of bilateral treaties with Canada and multilateral agreements within the North Pacific region merit mention in this report if it is to be considered comprehensive. These agreements include:

- Pacific Salmon Treaty
- Yukon River Treaty
- International Halibut Commission
- U.S./Russia Intergovernmental Coordinating Committee
- Central Bering Sea Pollock Convention
- North Pacific Anadromous Fish Commission
- North Pacific Marine Science Organization
- International Whaling Commission

States can also offer an important perspective in international organizations that affect ocean policy. Alaska has been active in the Arctic Council. Through its participation with the Department of State, Alaska has strengthened the U.S. position on a number of ocean-related policies, including environmental issues like the Arctic Monitoring and Assessment Programme.

The report also fails to mention that state governments have been active with other local governments in addressing ocean issues. For example, Alaska is a member of the Northern Forum, an association of regional governments from around the arctic region that has investigated some ocean issues.

Recommendation 29–1. The United States should accede to the United Nations Convention on the Law of the Sea.

The State of Alaska **supports** this recommendation and U.S. accession to the Law of the Sea. The convention provides a necessary and useful framework for management of resources outside the jurisdiction of national boundaries.

Recommendation 29–2. The National Ocean Council should coordinate an expedited review and analysis of the ocean-related components of the United Nations Convention on Biological Diversity and recommend to the U.S. Department of State whether, from an ocean perspective, ratification of this treaty would be beneficial to U.S. interests.

The State of Alaska **supports** this recommendation only if the NOC has the composition and the authority as noted in our previous comments.

Recommendation 29–3. The National Ocean Council (NOC) should establish and oversee an interagency committee to support the development and implementation of ocean-related international policy. This committee should be chaired by the U.S. Department of State, make recommendations to the Assistant to the President and the Secretary of State on international ocean policy, and provide technical assistance to the NOC on international ocean issues.

This recommendation **should be amended.** Any committee that oversees implementation of ocean-related international policy should be committed to providing the adequate financial resources for maintaining international obligations. International agreements already affecting states such as Alaska are subject to cuts in federal budgets. Also, states such as Alaska have large stakes in international agreements and have already built up considerable expertise on many international topics. Any committee should include state representatives.

Recommendation 29–4. The National Ocean Council's international committee should assess emerging international ocean-related management challenges and make recommendations for either incorporating these activities under existing management regimes or developing appropriate new ones. The U.S. Department of State should work with the international community to implement these recommendations.

This recommendation **should be amended.** As states also have a role to play in international agreements on the oceans, the State Department must coordinate activities in this arena with states affected by the agreements. Coordination between the State Department and the State of Alaska, as demonstrated by involvement in the Arctic Council, is an example of how state governments can be consulted and take an appropriate part in international discussions.

Recommendation 29–6. The United States should continue to support and actively participate in major international ocean science organizations and programs.

The State of Alaska **supports** this recommendation. It is in our national interest that the information collected be accurate and complete because it will likely have a substantial impact on policy. We should continue to insist that the international programs and cooperative research be scientifically based with accurate data, and without political bias.

Recommendation 29–7. The U.S. Department of State should offer strong support for U.S. scientists conducting research programs around the world. Existing international partnerships should be strengthened and new partnerships promoted to facilitate the conduct of international research.

The State of Alaska **supports** this recommendation. Alaska has been involved in a number of research and policy initiatives transcending borders, including the North Pacific Anadromous Fish Commission. We are concerned that multi-year research efforts could be impacted or undermined by the funding of new research. We recommend that funding for needed existing efforts not be sacrificed for future projects.

Recommendation 29-8. The United States should increase its efforts to enhance long-term ocean science and management capacity in other nations through funding, education and training, technical assistance, and sharing best practices, management techniques, and lessons learned.

The State of Alaska cautiously **supports** this recommendation. There is frequently much to be gained from international research efforts. However, a tradeoff is often required for funding new projects, and the state recommends that funding for needed existing efforts not be sacrificed for expanded or new projects.

Part VI – Ocean Value and Vitality: Enhancing the Use and Protection of Ocean Resources

The State of Alaska agrees that successful fisheries management depends upon strong, credible science and clear separation between resource assessment and allocation. The North Pacific Fisheries Management Council (NPFMC) and their Scientific and Statistical Committee (SSC) exemplify the efficacy of this management model. The SSC meets prior to and during every NPFMC meeting in order to provide the Council with the best available scientific analyses and the expertise of SSC members. The SSC establishes the Acceptable Biological Catch (ABC) for all of the fisheries resources of the North Pacific; the Council allocates the resources at or below ABC limits. This distinct separation between assessment and allocation is the key to sustainable fisheries management of the North Pacific.

The State of Alaska supports expanded utilization of Dedicated Access Privileges (DAPs). DAPs are an important tool for addressing many pressing fishery management issues: safety, economic efficiency, environmental responsiveness, quality, bycatch reduction, community protection, gear conflicts, and more. Through the North Pacific Fisheries Management Council, Alaska has been combining economic development with environmental

leadership through its adoption of several quota based management systems. With the Community Development Quota (CDQ) program, western Alaskans have access to valuable Bering Sea fisheries that lead to self-sustaining fisheries-related economies. Halibut and sablefish fisheries are managed under the Individual Fishing Quota (IFQ) regime that avoids derby-style fisheries, reduces harvesting capacity, and greatly increases the value of both due to improvements in quality and by making them available fresh nearly year around to the marketplace. Community Quota Entities (CQE) allows remote Gulf and Southeast rural communities to invest in shares of halibut and sablefish IFQ. The American Fisheries Act permitted the formation of harvesting cooperatives amongst Bering Sea factory trawlers, leading to significant improvements in efficiencies, bycatch reduction, and better fisheries data. Alaska believes there is merit to continue consideration of DAPs.

The State of Alaska considers ecosystem management an appropriate and desirable goal for all U.S. fisheries resources. Ultimately, our resource science base will expand sufficiently to support ecosystem management. Until that time, the NPFMC already adopted an ecosystem-based approach for fisheries management, defined as follows: "An ecosystem-based management strategy for marine fisheries would be to minimize potential impacts, while allowing for extraction of fish resources at levels for both the fish stock and the ecosystem." The NPFMC also incorporates its detailed analyses of the impacts of its actions on fishing communities and those dependent upon them into its decision-making processes, thereby providing for an ecosystem-based management approach embracing both the human and biological impacts.

The State of Alaska remains cautious in its approach to marine aquaculture and recommends a five-year moratorium on all Exclusive Economic Zone (EEZ) permitting, leasing, or development of ocean pen-reared shell and finfish. We support conducting scientific research until such time as the serious environmental concerns of marine aquaculture are addressed, as well as research into the related socio-economic impacts to fisheries-dependent communities. The State of Alaska recommends that any aquaculture permitting process ultimately implemented be expressly authorized only by the RFMCs.

In 1988, the Alaska Legislature banned finfish farming in Alaska. The reasons for this state policy ranged from protectionism to concerns about contamination of our natural stocks. The Alaska Department of Fish and Game has a genetics policy that forbids the importation of live fish that might ruin our wild stocks. While the economic motivation is not strong enough to merit reconsideration of this ban at this time, the contamination potential remains of utmost concern.

Looking only at salmon, Alaska has several user groups comprised of commercial, subsistence, and sport (commercial and recreational) fishermen.

Pen-rearing aquaculture benefits none of these existing groups and to the extent pen-rearing aquaculture threatens existing stocks, it is unlikely Alaska will lift its ban on finfish farming.

Alaska currently has an active invasive species program at the Alaska Department of Fish and Game. Atlantic salmon, as the name suggests, are not native to our waters, yet have been found as far north as the Bering Sea. The ability of this engineered species to disrupt the natural cycle of our Pacific salmon species is a big threat to the State: we will actively fight any challenge.

A section in the report is titled "Addressing Environmental Impacts of Aquaculture." There should also be sections dealing with the economic and social implications of aquaculture. The report should address whether domestic and international aquaculture competes with or complements wild catch fish harvests and other economic activities. The prevalence of imported farmed salmon is causing significant negative impacts to the Alaska wild salmon fisheries and coastal communities.

The Report notes that farmed Atlantic salmon differs genetically from wild Atlantic salmon, which has ramifications for escapement and the spread of disease. It should also be noted that there is an even larger genetic difference between farmed Atlantic salmon and wild Pacific salmon. Escapements on the West Coast endanger wild Pacific salmon stocks and have the potential to introduce new diseases to the population.

Recommendation 19–1. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act and related statutes to require Regional Fishery Management Councils (RFMCs) and interstate fisheries commissions to rely on their Scientific and Statistical Committees (SSCs), incorporating SSC findings and advice into the decision-making process. In keeping with this stronger role, SSC members should meet more stringent scientific and conflict of interest requirements, and receive compensation.

To ensure a strengthened SSC:

- ***each RFMC should nominate candidates for service on its SSC. Nominees will typically be scientists with strong technical credentials and experience, selected from federal or state governments or academia. Private sector scientists who are technically qualified may also be nominated if they meet the conflict of interest requirements.***
- ***no individual should be allowed to serve on an SSC if he or she is formally or financially affiliated with any harvesting or processing sector.***
- ***the National Oceanic and Atmospheric Administration (NOAA) should evaluate the qualifications and potential conflicts of***

interest of SSC nominees through an independent review process designed by a credible, scientific organization. Ultimately, SSC appointments should be approved by the NOAA administrator.

- ***SSC members should serve for fixed terms to allow for rotation and new members over time.***
- ***like RFMC members, participants in the SSC (or their home institutions) should be compensated for time spent on RFMC business.***

This recommendation **should be amended** to read: "Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act and related statutes to require Regional Fishery Management Councils (RFMC) and interstate fisheries commissions to rely on their Scientific and Statistical Committees (SSC), incorporating SSC findings and information into the decision-making process. In keeping with this stronger role, SSC members should meet more stringent scientific and conflict of interest requirements."

The NPFMC utilizes a strong, independent SSC and never sets the Total Allowable Catch (TAC) above the ABCs set by the SSC. The council accords the scientists a great deal of respect and specifically schedules the SSC to meet immediately prior to and during NPFMC meetings so that council members have access to the most recent scientific deliberations to advise their decision-making.

Alaska supports bullets one and four as written. If conflict of interest is a concern, the second bullet can be modified and expanded so that no individual would be allowed to serve on the SSC if that individual is formally or financially affiliated with any stakeholder group (including NGOs) and not just the harvesting and processing sectors. However, in order to assure maximum accountability and functioning, SSC members should continue to be appointed by the RFMCs and not NOAA administrators (bullet three). Finally, Alaska does not support bullet five, but rather believes that compensation should be limited to travel and per diem costs only.

Recommendation 19–2. Scientific and Statistical Committees (SSCs) should be required to supply Regional Fishery Management Councils with the scientific information necessary to make fishery management decisions. Such information could include reports on stock status and health, socioeconomic impacts of management measures, sustainability of fishing practices, and habitat status. In particular, the SSCs should determine allowable biological catch based on the best scientific information available to them.

The State of Alaska **supports** this recommendation. The NPFMC already functions this way; we attribute much of its success to utilization of this

process. We anticipate improvement in the SSCs' abilities to more thoroughly advise the NPFMC on the socioeconomic impacts of management measures in the future. The NPFMC's Crab Rationalization program—for example—requires mandatory submission of economic data by sectors as part of the program in order to advise the council in its allocation and distribution decision-making.

Recommendation 19–3. Each Regional Fishery Management Council should be required to set harvest limits at or below the allowable biological catch determined by its Scientific and Statistical Committee. The councils should begin immediately to follow this practice, which need to be codified at the next opportunity in amendments to the Magnuson–Stevens Fishery Conservation and Management Act.

The State of Alaska **supports** this recommendation if codification is specifically tied to the process that the NPFMC applies to ABC/TAC-setting process. The separation of assessment and allocation is very distinct and somewhat unique to the ABC/TAC-setting process. However, in numerous other issues, assessment and allocation issues are inextricably intertwined. In the issues where, for example, the RFMC may have to apportion the burden of conservation, the RFMCs must have the flexibility to consider the input of the Advisory Panel, stakeholder concerns, and the public in conjunction with that of the SSC. Therefore, Alaska supports the codification as long as it is limited to the ABC/TAC process.

Recommendation 19–4. The National Marine Fisheries Service, working with the Regional Fishery Management Councils and the interstate fisheries commissions, should develop a process for independent review of the scientific information generated by the Scientific and Statistical Committees in all regions. This process should include three procedures: a standard review, an enhanced review, and an expedited review.
The process should include three distinct procedures:

- ***a standard review, undertaken annually by regional scientists, to ensure that the correct data and models are being used.***
- ***an enhanced review to evaluate the models and assessment procedures. To ensure that these reviews are independent, a significant proportion of the reviewers should come from outside the region and be selected by a group such as the Center for Independent Experts. These types of reviews would be conducted on a three- to five-year cycle, or as needed, to help ensure that the latest methods and approaches are being used.***
- ***an expedited review to be used when results are extremely controversial or when the normal review process would be too slow. In these cases, all reviewers should be selected by a group such as the Center for Independent Experts.***

This recommendation **should be amended** in order to be as successfully utilized by other RFMCs as it is in Alaska. The "standard review" (bullet one) seems to mandate an unnecessary additional layer of review. Currently, the SSC and the Plan Team already conduct internal reviews of the stock assessment models and data provided by the stock assessment authors in the course of establishing ABC/OFL (Overfishing Limit).

The "enhanced review" (bullet two) is problematic and should not be institutionalized, but rather, utilized as needed for specific issues as needed (as cited below).

In regards to the "expedited review," the NPFMC has generated independent scientific peer review on numerous occasions, as needed (Steller sea lion, F40 Current Harvest Strategy Review, rockfish, etc.). As a general comment, we have concerns about identifying and subsequently codifying specific institutions that may be funded by industry or environmental interests with a stake in the outcome. In order for process to be truly independent, the reviews should go out as RFPs, and an entity should not be specified. Further, such reviews should only apply to the fisheries over which the interstate fisheries managers have authority.

Recommendation 19–5. Each Regional Fishery Management Council should set a deadline for its Scientific and Statistical Committee (SSC) to determine allowable biological catch. If the SSC does not meet that deadline, the National Marine Fisheries Service Regional Science Director should set the allowable biological catch for that fishery.

This recommendation **should be amended**. The state agrees that a deadline is necessary for the SSC to determine the ABC. However, Alaska's experience with a strong SSC in the NPFMC process leads us to believe that forcing mechanism to establish ABC would be unnecessary if recommendations 19-1 through 19-4 are implemented.

Recommendation 19–6. Once allowable biological catch is determined, whether by the Scientific and Statistical Committee or the National Marine Fisheries Service (NMFS) Regional Science Director, the Regional Fishery Management Council should propose a fishery management plan in time for adequate review and approval by NMFS. If the plan is not presented in a timely fashion, all fishing on that stock should be suspended until NMFS can review the adequacy of the management plan.

The State of Alaska **opposes** this recommendation. This recommendation delays fishing on stocks until a fishery management plan (FMP) is proposed, reviewed, and approved by NMFS. Under current practice, harvest limits are set annually as part of the TAC-setting process under the existing FMP. This recommendation would require creating a new FMP each time harvest limits

are adjusted or set in response to scientific data. It often takes NMFS over a year to review and approve an FMP, and by that time the data most likely will be superseded by new survey data and the process starts all over again. This approach penalizes fishermen for the inaction of the regulators without any repercussions for the bureaucracy. Fishermen should not be punished for failings of the bureaucratic process. An alternate means of putting pressure on the Regional Fisheries Management Councils and NMFS to design and approve a fishery management plan in a timely fashion should be found.

Recommendation 19–7. The Regional Fishery Management Councils and their Scientific and Statistical Committees should develop an annual, prioritized list of management information needs and provide it to the National Marine Fisheries Service (NMFS). NMFS should incorporate these needs to the maximum extent possible in designing its research, analysis, and data collection programs.

The State of Alaska **supports** this recommendation. The NPFMC provides an example of successful implementation. The incorporation of RFMC management information needs into NMFS research, analysis, and data collection programs would be a positive step towards allowing regionally-identified needs to drive national policy.

Recommendation 19–8. The National Marine Fisheries Service, working with states and interstate fisheries commissions, should require all saltwater anglers to purchase licenses to improve in-season data collection on recreational fishing. Priority should be given to fisheries in which recreational fishing is responsible for a large part of the catch, or in which recreational fishermen regularly exceed their allocated quota.

The State of Alaska **supports** this recommendation. We agree that recreational data is important to fisheries management and that data-gathering systems should be implemented for those fisheries. Implicit in the state's support is the recognition that the NMFS will not assert jurisdiction over harvesting activities in state waters. That must remain the responsibility of the state.

Recommendation 19–9. Congress should increase support for an expanded, regionally-based cooperative research program in the National Oceanic and Atmospheric Administration (NOAA) that coordinates and funds collaborative projects among scientists and commercial and recreational fishermen. NOAA should develop a process for external evaluation and ranking of all cooperative research proposals to ensure the most worthwhile projects are funded, the most capable performers are undertaking the research, and the information produced is both scientifically credible and useful to managers.

This recommendation **should be amended**. Increased funding for marine research is important, but should be coordinated through existing regional marine research boards, where possible, rather than by establishment of another layer of federal bureaucracy. The involvement of fishermen in research and regionally-based cooperative research programs would strengthen fisheries management. As they are knowledgeable about regional fishing needs, we suggest that the RFMCs have a role in prioritizing these projects, not the NOAA bureaucracy or Congress.

Recommendation 19–10. Congress should develop new statutory authority, similar to the Atlantic Coastal Fisheries Cooperative Management Act, to support and empower the Gulf States and Pacific States Fisheries Management Commissions. All interstate management plans should adhere to the national standards in the Magnuson–Stevens Fishery Conservation and Management Act and the federal guidelines implementing these standards. States should participate in development of the guidelines to ensure they are relevant to interstate plans.

The State of Alaska **opposes** this recommendation. The state believes that local management control is the best method for managing resources. Part of local control relates to research and information. Alaska supports having its own commission to manage its immense fisheries-related information, and having it located in Alaska.

Recommendation 19–11. Where a fish stock crosses administrative boundaries, Congress should assign clear fishery management jurisdiction and authority. For each fishery management plan, a state, Regional Fishery Management Council, interstate fisheries commission, or the National Oceanic and Atmospheric Administration should be established as the lead authority. That designation should be based primarily on the proportion of catch associated with each management authority. However, once designated, management authority should not shift based on annual changes in landings.

The State of Alaska **opposes** this recommendation. There are several species that cross boundaries between Alaska, Canada, Washington, and Oregon. Some of these species are state-managed and Alaska does not want the federal government asserting jurisdiction over state fisheries. Most of the trans-regional issues in the North Pacific are already addressed through long-term, extensively-negotiated agreements such as the Pacific Salmon Treaty, the International Pacific Halibut Commission, the North Pacific Anadromous Fish Commission, etc. Nothing should alter these treaty arrangements, arrived at with extensive regional involvement and participation. This recommendation would disrupt the existing structure and balance of the Pacific Salmon Treaty, for example, if either the Pacific Fisheries Management Council or the NPFMC was designated as the lead agency over each other.

Recommendation 19–12. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to require governors to submit a broad slate of candidates for each vacancy of an appointed Regional Fishery Management Council seat. The slate should include at least two representatives each from the commercial fishing industry, the recreational fishing sector, and the general public.

The State of Alaska **opposes** this recommendation. User groups differ between regions. The current system, whereby a governor appoints representatives, assures the council of a broad representation of regionally-based stakeholders. The existing appointment process works extremely well in Alaska and has resulted in the successful fisheries management regime noted in this report. The requirement for a certain slate of candidates to fill council positions may not be appropriate in all cases. The state supports preserving the current system.

Recommendation 19–13. Congress should give the Administrator of the National Oceanic and Atmospheric Administration responsibility for appointing Regional Fishery Management Council members with the goal of creating councils that are knowledgeable, fair, and reflect a broad range of interests.

The State of Alaska **opposes** this recommendation. Because of the national importance of fisheries management, it is critical that the best appointees possible be sought and appointed. This recommendation gives too much discretion to NOAA to choose council members. These positions deserve the credibility of Secretarial appointment and ought not be demoted.

Recommendation 19–14. The National Marine Fisheries Service (NMFS) should require all newly appointed Regional Fishery Management Council (RFMC) members to complete a training course within six months of their appointment. NMFS should contract with an external organization to develop and implement this training course. Members who have not completed the training may participate in RFMC meetings, but may not vote.

The State of Alaska **supports** this recommendation as training provides for more effective and efficient leadership.

Recommendation 19–15. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to affirm that fishery managers are authorized to institute dedicated access privileges. Congress should direct the National Marine Fisheries Service to issue national guidelines for dedicated access privileges that allow for regional flexibility in implementation. Every federal, interstate, and state fishery

management entity should consider the potential benefits of adopting such programs.
At a minimum, the national guidelines should require dedicated access programs to:

- ***specify the biological, social, and economic goals of the plan; recipient groups designated for the initial quota shares; and data collection protocols.***
- ***provide for periodic reviews of the plan to determine progress in meeting goals.***
- ***assign quota shares for a limited period of time to reduce confusion concerning public ownership of living marine resources, allow managers flexibility to manage fisheries adaptively, and provide stability to fishermen for investment decisions.***
- ***mandate fees for exclusive access based on a percentage of quota shares held. These user fees should be used to support ecosystem-based management. Fee waivers, reductions or phase-in schedules should be allowed until a fishery is declared recovered or fishermen's profits increase.***
- ***include measures, such as community-based quota shares or quota share ownership caps, to lessen the potential harm to fishing communities during the transition to dedicated access privileges.***
- ***hold a referendum among all permitted commercial fishermen after adequate public discussion and close consultation with all affected stakeholders, to ensure acceptance of a dedicated access plan prior to final Regional Fishery Management Council approval.***

This recommendation **should be amended**. Alaska supports the general recommendation affirming Dedicated Access Privileges (DAPs), but has concerns with the national guideline bullets as presented. Alaska has positive experiences with different types of DAPs. For instance, through the CDQ program, western Alaska gained significant access to the valuable Bering Sea groundfish resource, while working to create self-sufficient fisheries-related economies within their communities. We support reaffirmation that RFMCs are the only entities that can develop DAPs. Though there may be some broad common themes, each region needs to have the ability to develop DAPs appropriate for the circumstances in that particular region. These circumstances will vary widely by region.

Further, we believe that all DAPs must consider the costs and benefits to harvesters, processors, and fishing communities, and that authority should be provided to ensure that all of these interests are addressed in any DAP. Alaska supports the fee program implemented under MSA (up to 3% of the additional costs) for the research on and management and enforcement of Alaska's IFQ halibut and sablefish fisheries. However, such fees must avoid becoming onerous and counterproductive in developing fisheries.

Recommendation 19–16. Congress should repeal the Fisheries Finance Program (formerly the Fishing Vessel Obligation Guarantee Program), the Capital Construction Fund, and other programs that encourage overcapitalization in fisheries. The National Oceanic and Atmospheric Administration should implement programs to permanently reduce fishing capacity to sustainable levels.

This recommendation **should be amended** specifically to address concerns for capacity reduction. However, Alaska believes that it is still appropriate that CCF funds be utilized for quality, technological, survival and safety gear, and fuel efficiency-type upgrades. Decreasing harvest capacity as a goal should not limit our ability to improve existing commercial fishing vessels.

Recommendation 19–17. Congress should increase support for Joint Enforcement Agreements to implement cooperative fisheries enforcement programs between the National Marine Fisheries Service and state marine enforcement agencies. The U.S. Coast Guard should be included as an important participant in such agreements.

The state **supports** this recommendation.

Recommendation 19–18. The National Marine Fisheries Service and the U.S. Coast Guard should strengthen cooperative enforcement efforts at the national level by developing a unified strategic plan for fisheries enforcement that includes significantly increased joint training, and at the regional and local levels, by developing a stronger and more consistent process for sharing information and coordinating enforcement.

The state **supports** this recommendation.

Recommendation 19–19. The National Marine Fisheries Service, working with the Regional Fishery Management Councils, the U.S. Coast Guard, and other appropriate entities, should maximize the use of the Vessel Monitoring System (VMS) for fishery-related activities by: requiring that VMS with two-way communication capability be phased in for all commercial fishing vessels receiving permits under federal fishery plans, including party and charter boats that carry recreational fishermen, incorporating VMS features that assist personnel in monitoring and responding to potential violations, and identifying state fisheries that could significantly benefit from VMS implementation.

This recommendation **should be amended**. Deployment of VMS should not be required on all vessels, but used as necessary, practicable, and feasible. Congress should provide for a cost/benefit analysis to determine such feasibility, including a cumulative impacts examination as to existing,

overlapping, and redundant requirements for commercial fishing vessels relative to maritime safety, monitoring, and enforcement, and a priority established. The federal government should provide required VMS units. It should be noted that some federal fisheries are conducted in our state waters, and hence, that state authority needs to be respected inside those waters. Additionally, the individual confidentiality of VMS data needs to be taken into consideration.

Recommendation 19–20. The U.S. Coast Guard should be the lead organization in managing the integration of a fishery Vessel Monitoring System (VMS) database into the larger maritime operations database and should work with the National Marine Fisheries Service to ensure effective use of VMS data for monitoring and enforcement.

This recommendation **should be amended** to clarify which agency will use the information and how the information will be used. Currently, our contact for VMS use is NMFS, for both enforcement and management, not the USCG. We're uncertain what the justification is in the recommendation for the USCG to assume the lead. However, if the USCG becomes the lead agency, coordination with NMFS will be necessary.

Recommendation 19–21. The National Marine Fisheries Service (NMFS) should change the designation of essential fish habitat from a species-by-species to a multispecies approach and, ultimately, to an ecosystem based approach. The approach should draw upon existing efforts to identify important habitats and locate optimum-sized areas to protect vulnerable life-history stages of commercially important species. NMFS should work with other management entities to protect essential fish habitat when such areas fall outside their jurisdiction.

The State of Alaska **opposes** this recommendation. Designating EFH based on ecosystems at the present time is not practicable due to the current lack of well-documented scientific analysis upon which to base it. A shift from individual to multi-species management should only occur when this consideration can be addressed in a structured and deliberative way that appropriately places individual species within the multi-species construct. Congress and the RFMCs will be required to give careful consideration to EFH and other management actions during MSA reauthorization; that is likely a more appropriate venue for this discussion. There is concern that the recommendation for a larger role for essential fish habitat would be a basis for expanded federal control. Large expansions of essential fish habitat or habitat areas of particular concern could nullify whole fisheries and have significant economic and social impacts. Well-managed fisheries would need to minimize the amount of essential fish habitat and disruption to fishing industry.

Recommendation 19–22. The National Marine Fisheries Service (NMFS) and Regional Fishery Management Councils should develop regional bycatch reduction plans that address broad ecosystem impacts of bycatch. Implementation of these plans will require NMFS to expand current efforts to collect data on bycatch, not only of commercially important species, but on all species captured by commercial and recreational fishermen. The selective use of observers should remain an important component of these efforts.

This recommendation **should be amended**. The recommendation should clarify what "broad ecosystem impacts" means and identify what scientific information is available to evaluate it. NMFS and the RFMCs are already developing bycatch plans, and should include species prioritization. Cost is likely to be a major factor in development of such plans.

Recommendation 19–23. The U.S. Department of State, working with other appropriate entities, should encourage all countries to ratify the Fish Stocks Agreement and the United Nations Food and Agriculture Organization's Compliance Agreement. In particular, the United States should condition other nations' access to fishing resources within the U.S. exclusive economic zone on their ratification of these agreements. Other incentives should be developed by the United States and other signatory nations to encourage all nations to ratify and enforce these agreements.

The State of Alaska **supports** this recommendation. The agreement addressed an outstanding international fisheries management issue and did so in a way that strengthened regional fisheries entities, therefore appropriately supporting fisheries management at its most local level. However, ratification should not be used in the future to justify access to the U.S. EEZ by foreign fishing vessels.

Recommendation 19–24. The U.S. Department of State, working with the National Oceanic and Atmospheric Administration, should review and update regional and bilateral fishery agreements to which the United States is a party, to ensure full incorporation of the latest science and harmonize those agreements with the Fish Stocks Agreement.

This recommendation **should be amended**. Obviously, full funding of existing U.S. commitments to international fisheries management must occur. The recommendation needs to be clarified, however, to assure that "harmonizing" does not disrupt existing international agreements such as the Pacific Salmon Treaty, the International Pacific Halibut Commission, the Central Bering Sea Pollock Convention, etc.

Recommendation 19–25. The National Oceanic and Atmospheric Administration, working with the U.S. Fish and Wildlife Service and the U.S. Department of State, should design a National Plan of Action for the United States that implements, and is consistent with, the International Plans of Action adopted by the United Nations Food and Agriculture Organization and its 1995 Code of Conduct for Responsible Fisheries. This National Plan should stress the importance of reducing bycatch of endangered species and marine mammals.

The State of Alaska **supports** this recommendation. National plans should reinforce the USCOP's recommendations that plans be formulated with the appropriate RFMCs and subsequently reviewed and approved by Congress.

Recommendation 19–26. The National Ocean Council's (NOC's) international committee, which is charged with supporting the development and implementation of ocean-related international policy, should initiate a process to determine the most effective methods of encouraging other nations to implement the United Nations Food and Agriculture Organization's Code of Conduct for Responsible Fisheries and other Plans of Action, and provide its findings to the U.S. Department of State and the NOC.

The State of Alaska **supports** this recommendation.

Recommendation 20–1. Congress should amend the Marine Mammal Protection Act to require the Marine Mammal Commission, while remaining independent, to coordinate with all relevant federal agencies through the National Ocean Council (NOC). The NOC should consider whether there is a need for similar oversight bodies for other marine animals whose populations are at risk.

This recommendation **should be amended**. The State of Alaska is unclear as to why the MMPA needs to be amended in order for this coordination to occur. The MMC should be independent and advisory only, and must coordinate with NMFS.

Recommendation 20–2. Congress should amend the Marine Mammal Protection Act to place the protection of all marine mammals within the jurisdiction of the National Oceanic and Atmospheric Administration.

The State of Alaska **supports** this recommendation. It consolidates management of all marine mammals, including sea otters, polar bears, and walrus within a single agency, NMFS, where all other marine mammals are currently managed.

Recommendation 20–3. The National Ocean Council should improve coordination between the National Marine Fisheries Service and U.S. Fish and Wildlife Service with respect to the implementation of the Endangered Species Act, particularly for anadromous species or when land-based activities have significant impacts on marine species.

This recommendation **should be amended** to include all federal agencies with land management authorities of approval of water quality standards. There needs to be improved coordination between NMFS, USFWS, and other appropriate federal agencies like EPA, Bureau of Land Management, U.S. Forest Service, Army Corps of Engineers, etc. Efforts also must be made to fix the Endangered Species Act and Essential Fish Habitat consultation process conducted by EPA for Clean Water Act activities. Please see comments on recommendation 4-1 on the appropriate composition and authority of the NOC.

Recommendation 20–4. Congress should amend the Marine Mammal Protection Act to require the National Oceanic and Atmospheric Administration to more clearly specify categories of activities that are allowed without a permit, those that require a permit, and those that are prohibited.

This recommendation **should be amended** to clarify the permit process, as well as the rationale utilized in the process. For example, the methodology for determining categories for fisheries uses the Potential Biological Removals (PBR) formula. The inputs to the PBR formula need to be clarified and qualified, particularly when data is lacking and hypothetical proxies are used for minimum population estimates and productivity factors.

Recommendation 20–5. Congress should amend the Marine Mammal Protection Act to revise the definition of harassment to cover only activities that meaningfully disrupt behaviors that are significant to the survival and reproduction of marine mammals.

The State of Alaska **supports** this recommendation. Research and other important activities have been curtailed as a result of the broader definition of harassment now in use. Clarity will be helpful.

Recommendation 20–6. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service should implement programmatic permitting for activities that affect marine mammals, wherever possible. More resource intensive case-by-case permitting should be reserved for unique activities or where circumstances indicate a greater likelihood of harm to marine mammals. The National Ocean Council should create an interagency team to recommend activities appropriate for programmatic permitting, those that are inappropriate, and those that are potentially appropriate pending additional scientific information. Enforcement

efforts should also be strengthened and the adequacy of penalties reviewed.

The State of Alaska **supports** this recommendation. States need to be included in the development of programmatic permitting. Again, please refer to previous comments in recommendation 4-1 on the appropriate role and composition of the NOC.

Recommendation 20–7. The National Oceanic and Atmospheric Administration and the U.S. Department of the Interior should promote an expanded research, technology, and engineering program, coordinated through the National Ocean Council, to examine and mitigate the effects of human activities on marine mammals and endangered species.

This recommendation **should be amended**. The State of Alaska supports expanded research and technology, but believes that mitigation measures should be developed on a regional basis with the RFMCs, states, and other appropriate entities. We question why the Department of Interior is tasked in the recommendation.

Recommendation 20–8. Congress should increase support for research into ocean acoustics and the potential impacts of noise on marine mammals. This funding should be distributed across several agencies, including the National Science Foundation, U.S. Geological Survey, and Minerals Management Service, to decrease the reliance on U.S. Navy research in this area. The research programs should be well coordinated across the government and examine a range of issues relating to noise generated by scientific, commercial, and operational activities.

The State of Alaska **supports** this recommendation. Not all acoustics may be harmful and some may be helpful as deterrents in protecting whales from large vessel strikes or entanglement in fishing gear.

Recommendation 21–1. Congress should pass a Coral Protection and Management Act that covers research, protection, and restoration of coral ecosystems. This legislation should provide support for mapping, monitoring, and research primarily through the National Oceanic and Atmospheric Administration and the U.S. Coral Reef Task Force.

This recommendation **should be amended**. The legislation as described to support mapping, monitoring, and research by NOAA and the U.S. Coral Reef Task Force should acknowledge that management measures for protection and restoration need to remain with the RFMCs or existing state authorities.

Recommendation 21–2. Congress should codify and strengthen the U.S. Coral Reef Task Force, placing it under the National Ocean Council. The

task force should be strengthened by expanding its responsibilities to include both warm and cold water coral communities and by adding the U.S. Department of Energy and the U.S. Army Corps of Engineers as members. The task force should coordinate the development of regional ecosystem-based plans to address the impacts of nonpoint source pollution, fishing, and other activities on coral resources.

The State of Alaska **opposes** this recommendation. The RFMCs should retain their policy and management authorities to address coral reef fishery interaction issues through fisheries management plans and EFH provisions. The task force should not be involved in fisheries management.

Recommendation 21–3. The National Oceanic and Atmospheric Administration should develop national standards—and promote international standards—to ensure that coral reef resources that are collected, imported, or marketed are harvested in a sustainable manner. The U.S. Department of State should implement incentive programs to encourage international compliance with these standards.

The State of Alaska **supports** this recommendation.

Recommendation 21–4. The U.S. Coral Reef Task Force should identify critical research and data needs related to coral reef ecosystems. These needs should guide agency research funding and be incorporated into the design and implementation of the Integrated Ocean Observing System.

The State of Alaska **opposes** this recommendation. The U.S. Coral Reef Task Force was designed to address warm-water coral issues and tropical geographic regions. Though there are some similarities, the issues and geographic regions involving cold water corals are decidedly different than warm-water corals. Any task force that addresses northern deep-water corals should be a separate entity and must include the NPFMC, the North Pacific Research Board, and the State of Alaska in its representation. Research and data needs should be formulated at the regional level.

Recommendation 22-1. Congress should amend the National Aquaculture Act to designate NOAA as the lead federal agency for implementing a national policy for environmentally and economically sustainable marine aquaculture and create an Office of Sustainable Marine Aquaculture in NOAA.

This recommendation **should be amended** to make NOAA the lead agency, but delete creation of an Office of Sustainable Marine Aquaculture at this time. The creation of this office is premature, pending further studies and research. The RFMCs should be directed to evaluate whether or not environmentally and

economically-sustainable marine aquaculture is possible and/or desirable in their respective regions prior to the creation of any such office.

Recommendation 22-2. NOAA's new Office of Sustainable Marine Aquaculture should be responsible for developing a comprehensive, environmentally sound permitting leasing, and regulatory program for marine aquaculture.

The State of Alaska **opposes** this recommendation. We support a five-year moratorium on all EEZ permitting, leasing, or development of ocean pen-reared shell and finfish. We support scientific research being conducted to address the serious environmental concerns of marine pen-rearing aquaculture, as well as research into the related socio-economic impacts to fisheries-dependent communities.

Recommendation 22-3. Congress should increase funding for expanded marine aquaculture research, development, training ,and technology transfer programs in NOAA.

The State of Alaska **supports** the recommendation for increased funding for marine aquaculture research related to the environmental and economic impacts, risk mitigation, and technology transfer related to processing waste streams. However, we **oppose** expanded funding for development, training, and extension until the results of the other research are known and decisions are made by RFMCs to support lifting the proposed moratorium.

Recommendation 22-4. The United States should work with the United Nations Food and Agriculture Organization to encourage and facilitate worldwide adherence to the aquaculture provisions of the Code of Conduct for Responsible Fisheries.

The State of Alaska **supports** this recommendation. We feel that efforts by the United States to encourage and facilitate worldwide adherence to the international Code of Conduct for Responsible Fisheries should emphasize the importance of environmental, health, and labor regulations in aquaculture. Laxity in these standards overseas, particularly in Chile, has led to unfair disadvantages to the Alaska wild salmon industry that respects labor and health regulations while preserving the pristine Alaska environment.

Recommendation 23–3. The National Oceanic and Atmospheric Administration, National Science Foundation, National Institute of Environmental Health Sciences, and other appropriate entities should support the development and implementation of improved methods for monitoring and identifying pathogens and chemical toxins in ocean waters and organisms.

The State of Alaska **supports** this recommendation. Developing national sampling and analysis protocol standards is needed so data is comparable. Identification of sources, including global sources, should be the primary focus for chemical toxin monitoring.

Recommendation 24–1. Congress, with input from the National Ocean Council, should ensure that a portion of the revenues that the federal government receives from the leasing and extraction of outer Continental Shelf (OCS) oil and gas is invested in the sustainable development and conservation of renewable ocean and coastal resources through grants to all coastal states. States off whose coasts OCS oil and gas is produced should receive a larger share of such portion to compensate them for the costs of addressing the environmental and socioeconomic impacts of energy activity in adjacent federal waters.

The State of Alaska **supports** this recommendation. The principal author of the Coastal Impact Assistance Program was Alaska Governor Frank H. Murkowski, then U.S. Senator. This concept has merit and we agree that states that produce OCS oil and gas should receive a proportionally greater amount of funding.

Recommendation 24–2. The U.S. Department of the Interior should reverse recent budgetary trends and increase funding for the Minerals Management Service's Environmental Studies Program.

The State of Alaska **supports** this recommendation. Specifically, we encourage the MMS to work with the state and local communities to develop studies on socio-economic impacts of OCS development on North Slope Borough communities.

Recommendation 24–4. The National Ocean Council (NOC), working with the U.S. Department of Energy and other appropriate entities, should review the status of methane hydrates research and development and seek to determine whether methane hydrates can contribute significantly to meeting the nation's long-term energy needs. If such contribution looks promising, the NOC should determine how much the current investment in methane hydrates research and development efforts should be increased, and whether a comprehensive management regime for private industry access to methane hydrates deposits is needed.

The State of Alaska **supports** this recommendation. Specifically, we support the evaluation of methane hydrates. There is equal interest in investigating Arctic methane hydrates, so this ocean research will also benefit the arctic pursuits.

Part IV- Living on the Edge: Economic Growth and Conservation Along the Coast

The report states that “serious habitat degradation is evident in every region, state…” but, once again, no Alaska examples are given. We do not believe that the situation portrayed applies to Alaska, but we do support an effective program to ensure long-term protection of these resources. In general, Alaska supports funding for habitat conservation programs. We agree that there is a “lack of adequate knowledge about the structure and function of coastal habitats" and agree that there is a need for "better on-going monitoring.”

The commission’s report makes a number of recommendations to improve policies for managing growth and land use in coastal areas and watersheds. The report’s analysis is broadly applicable to management of the nation’s coastal area and is generally applicable to Alaska’s issues. However, the report does not address Alaska’s existing management structure, regulations, and successful federal and local relationships that blend to create effective management of the oceans.

The Coastal Zone Management Act (CZMA) enables a well-established, integrated review process to allow local, state, and federal entities to consider proposed resource development activities. Each level of government manages aspects within their area of expertise and jurisdiction. This shared implementation works well. States are extremely variable and need flexibility in implementing their coastal programs.

The state supports amending the CZMA, the Clean Water Act, and other appropriate federal laws to provide better financial, technical, and institutional support for watershed initiatives, so long as the appropriate incentives and flexibility for local variability are included. Given the extreme difference in topography, climate, population locations, and local governmental maturity and control in Alaska, the need for incentives and flexibility for local variation cannot be understated.

Alaska has numerous natural hazards. The examples given in the report (e.g., mostly hurricanes) don't relate to Alaska circumstances, and don’t acknowledge Alaska’s unique regional character. There is no mention of earthquake or tsunami hazards in the report. These hazards create significant risk to occupants and facilities along Alaska's coastline as well as other regions of the country. The state is wary of “universal hazards mitigation planning.” Natural hazards, and the mitigation and planning measures necessary to decrease their effect, differ dramatically in the various coastal regions of the United States.

It would be appropriate for the commission to explicitly recognize the role of global climate change and associated sea level rise, changes in ice and storm patterns, and similar shifts in environmental dynamics that are exacerbating the hazards to many northern coastal communities. These changes call for additional research, planning, and protection measures, particularly in Arctic regions where change has been, and will continue to be most severe.

The commission's report focuses exclusively on federal roles in sediment management. However, state responsibilities for advising the Corps of Engineers on sediment disposal options and ensuring the attainment of water quality standards are equally important. The report references the value of regional dredge teams to develop local solutions. A regional dredge team exists for Alaska, however, the state is expected to participate and develop sediment quality criteria without federal financial support.

The Outer Continental Shelf oil and gas development program seeks to balance the many competing interests involved in offshore energy activity and requires state and local government input. The current process requires consultation with states and locals during the development of five-year lease programs, individual sales, as well as development-production plans. NEPA and the CZMA federal consistency provisions apply. The State of Alaska agrees with the report that "the current process is, on balance, coherent and reasonably predictable" and that "much of the responsibility for the management of the nation's ocean and coastal resources rests with coastal states and local governments."

Recommendation 9–1. Congress should reauthorize the Coastal Zone Management Act to strengthen the planning and coordination capabilities of coastal states and enable them to incorporate a coastal watershed focus and more effectively manage growth. Amendments should include requirements for resource assessments, the development of measurable goals and performance measures, improved program evaluations, incentives for good performance and disincentives for inaction, and expanded boundaries that include coastal watersheds.

The State of Alaska **supports** this recommendation. Specifically, the state supports reauthorization of the CZMA to strengthen the planning and coordination capabilities of coastal states, and amendments that would improve program evaluations, provide additional funding, and create (non-matched) incentives/disincentives for actions. The state could also support amendments for resource assessment if sufficient funds are provided to develop the comprehensive baseline assessment of the state's natural, cultural, and economic coastal resources. The state could support amendments for the development of measurable goals and performance measures if the state were to retain the ability and authority to develop the specific measurable goals and performance measures by which the Alaska Coastal Management Program

would be judged. Further, any financial disincentive should be based on a state's inaction to implement their approved program, not on national CZMA desires expressed by federal agencies outside of the program approval process that may be unacceptable or inappropriate in Alaska.

Recommendation 9–2. Congress should consolidate area-based coastal management programs in a strengthened National Oceanic and Atmospheric Administration (NOAA), capitalizing on the strengths of each program. At a minimum, this consolidation should include the Coastal Zone Management, National Estuarine Research Reserve System, and National Marine Sanctuary programs currently administered by NOAA and additional programs administered by other agencies, including the Coastal Barrier Resources System, the National Estuary Program, and the U.S. Fish and Wildlife Service Coastal Program.

The State of Alaska cautiously **supports** this recommendation. Specifically, the state supports the consolidation of area-based coastal management programs in a strengthened NOAA. However, it is unclear how that consolidation would affect the existing programs, the individual program missions, and/or the funding sources and requirements that are offered by those programs.

Recommendation 9–3. The National Ocean Council should recommend changes to federal funding and infrastructure programs to discourage inappropriate growth in fragile or hazard-prone coastal areas and ensure consistency with national, regional, and state goals aimed at achieving economically and environmentally sustainable development.

The State of Alaska **opposes** this recommendation. The state has a comprehensive network of laws including the federally-approved Alaska Coastal Management Program that are designed to manage and guide development activities and associated impacts, in fragile and hazard-prone coastal areas. Though it is acceptable for a NOC to recommend changes to the federal funding and infrastructure of such listed programs, it would be unacceptable to subject a state such as Alaska to the same national goals of discouraging growth at the expense of achieving economically and environmentally sustainable development. As proven through existing federal programs such as those administered by the U.S. Army Corps of Engineers and the Environmental Protection Agency, one size does not fit all, and some allowances and unique considerations should be afforded to Alaska given the population, coastal area, and issues of state concern.

Recommendation 9–4. Congress should amend the Coastal Zone Management Act, the Clean Water Act, and other federal laws where appropriate, to provide better financial, technical, and institutional support for watershed initiatives. Amendments should include appropriate incentives and flexibility for local variability. The National

Ocean Council should develop guidance concerning the purposes, structures, stakeholder composition, and performance of watershed initiatives.

The State of Alaska **supports** this recommendation. Specifically, the state supports amending the CZMA, the Clean Water Act (CWA), and other appropriate federal laws to provide better financial, technical, and institutional support for watershed initiatives, so long as the appropriate incentives and flexibility for local variability are included. Given the extreme difference in topography, climate, population locations, and local governmental maturity and control in Alaska, the need for incentives and flexibility for local variation cannot be understated. We need to encourage results-based management at the state and local level. The NOC should defer to the states and ROCs on the appropriate stakeholder composition to address inland watershed issues.

Recommendation 11–1. Congress should amend the Coastal Zone Management Act to authorize a dedicated coastal and estuarine land conservation program. To achieve this, each state coastal zone management program should identify priority coastal habitats and develop a plan for establishing partnerships among willing landowners for conservation purposes.

This recommendation **should be amended** to provide flexibility. Specifically, we believe that each state should independently identify priority coastal habitats and develop plans for establishing partnerships among willing landowners for conservation purposes; states with common borders could work on this effort jointly via a regional approach. Alaska is already doing this type of work as part of several partnership programs that we have with federal and private entities. We also agree that more funding should be identified for this proactive approach to conservation, and support increased funding to states under the CZMA to fund these efforts.

Recommendation 11–2. The National Ocean Council should develop national goals for ocean and coastal habitat conservation and restoration efforts and should ensure coordination among all related federal activities. The regional ocean councils and regional ocean information programs should determine habitat conservation and restoration needs and set regional goals and priorities that are consistent with the national goals.

This recommendation **should be amended** so this effort is driven from the bottom up, not the top down. The State of Alaska agrees that national goals should be identified for ocean and coastal habitat conservation and restoration efforts. However, significant regional differences exist and it is important for the states and ROCs take the lead to develop regional goals that recognize regional differences and needs, and that also provide some flexibility. From

experience, we have learned that all too often national goals can be too inflexible to meet regional needs.

Recommendation 11–3. Congress should amend relevant legislation to allow federal agencies greater discretion in using a portion of habitat conservation and restoration funds for related assessments, monitoring, research, and education.

The State of Alaska **supports** this recommendation. We strongly support this recommendation if it is implemented in conjunction with state input regarding priorities for necessary assessments, monitoring, research, and education, which are all needed components of habitat conservation and restoration efforts. In all facets of restoration science, federal discretion to fund this type of work has been a chronic problem. We need a systematic, pro-active approach under the leadership of states and ROCs for research, project evaluation, and subsequent future designs.

Recommendation 11–4. The National Ocean Council should coordinate development of a comprehensive wetlands protection program that is linked to coastal habitat and watershed management efforts, and should make specific recommendations for the integration of the Clean Water Act Section 404 wetlands permitting process into that broader management approach.

The State of Alaska **opposes** this recommendation. The state has jurisdiction over all lands and waters in the state, regardless of Clean Water Act jurisdiction. In order for the state to establish appropriate wetlands management tools and to pursue wetlands management primacy, it is critical that Clean Water Act jurisdictional wetlands be clearly distinguished from those that are managed solely under state law. Which wetlands are and are not subject to the Clean Water Act must be absolutely clear to the Corps, EPA, the state and the public. In the spring of 2003, EPA and the Corps issued an Advance Notice of Proposed Rulemaking to begin the process of refining, and making clear, CWA jurisdiction over wetlands and other waters. In November 2003, the agencies suspended this rule making. In a January 12, 2004, letter from Alaska Governor Frank H. Murkowski to EPA Administrator Mike Leavitt, the state requested that EPA complete this rulemaking effort clarifying when federal jurisdiction may or may not be claimed. The issue of federal jurisdiction under the Clean Water Act must be resolved on a statewide or regional basis, rather than the current, case-by-case basis.

Part V – Clear Waters Ahead: Coastal and Ocean Water Quality

Federal efforts need to focus on improving implementation of the Clean Water Act's provisions for establishing water quality standards, and managing point

source and nonpoint source pollution control. State implementation should be strengthened with federal funds and federal agency cooperation to focus resources on areas of greatest risk determined by state and regional priorities.

One of Alaska's greatest challenges is federal cooperation in managing the state's freshwater and coastal resources. EPA grant formulas that arbitrarily cap funding available to the state for operating water quality programs, and preventing and controlling nonpoint source pollution are a major obstacle to achieving Alaska's water quality protection goals.

The Clean Water Act programs implemented by EPA must also be flexible and responsive to regional and state issues. Congressional initiatives and EPA must allow states to focus on areas that pose the greatest risk to local water resources. National programs and performance measures that apply a one-size-fits-all do not work across states that face different problems and potential solutions. For example, development of best management practices for nonpoint source pollution control is a greater priority in Alaska than implementing programs to protect swimmers from pathogens at beaches. The reverse may be true in states like Hawaii where exposure to pathogens at beaches could be a higher priority.

Improved coordination between federal agencies and states is needed to achieve the nation's fishable, swimable, and drinkable water quality goals. EPA and federal resource trustee agencies need to improve responsiveness to state efforts to develop rational water quality standards. The Endangered Species Act and Essential Fish Habitat consultation process for water quality standards approval actions in Alaska is broken. Alaska has a long history of federal delay in approving the state's water quality standards due in large part to the poor coordination between the EPA, USFWS, and NOAA/NMFS.

The commission's report references nutrient pollution as the most pervasive and troubling problem facing the nation's waters. Unlike the Missouri and Mississippi watersheds, Alaska has insignificant agricultural runoff from cultivation and animal husbandry. The "dead zones" described in the report are not found in Alaska. Nutrients in Alaska's lakes and rivers are due primarily to the seasonal return, spawning, and death of anadromous fish. The lack of basic information on Alaska's water quality and application of one-size-fits-all solutions to national water quality problems diverts attention away from legitimate priority areas in Alaska such as strategies for controlling storm water pollution.

The state agrees with the report's finding that invasive species are one of the greatest threats facing U.S. coastal environments and supports efforts to highlight this issue. The report provides a good outline of present knowledge and an orderly approach to future marine invasive species work. However, the

state is troubled by the lack of discussion on pen-rearing aquaculture as a source of invasive species. It was equally troubling to see the commission's recommendations to increase the amount of aquaculture activity in federal waters. Alaska has significant concerns regarding the introduction of non-native Atlantic salmon to Alaska waters that have escaped from pen-rearing aquaculture farms in adjacent British Columbia. The state recommends the commission clearly identify pen-rearing aquaculture operations as a source of contamination and develop concrete recommendations to prevent these engineered species from contacting natural stocks.

Recommendation 14–8. The National Ocean Council (NOC) should establish significant reduction of nonpoint source pollution in all impaired coastal watersheds as a national goal, and set specific, measurable objectives focused on meeting human health- and ecosystem-based water quality standards. The NOC should ensure that all federal nonpoint source pollution programs are coordinated to meet those objectives.

The State of Alaska **opposes** this recommendation. The Clean Water Act mandates that states establish nonpoint source pollution reduction objectives, and this law has worked well in Alaska. The state agrees that federal nonpoint source pollution programs should be coordinated to meet state objectives and supported with sufficient funding to achieve the goals of the Clean Water Act.

Recommendation 14–9. To improve and strengthen federal efforts to address nonpoint source pollution, Congress should amend the Clean Water Act to move the National Oceanic and Atmospheric Administration's enforceable nonpoint source pollution program, created under Section 6217 of the Coastal Zone Act Reauthorization Amendments, to become a part of the U.S. Environmental Protection Agency's incentive-based program, created under Section 319 of the Clean Water Act.

The State of Alaska **supports** this recommendation. Merging NOAA's 6217 program with the Clean Water Act Section 319 program will reduce the administrative burden on states for meeting multiple program objectives and will facilitate state efforts to address nonpoint source pollution problems. Adequate federal resources are necessary to enable states to implement best management practices.

Recommendation 14–10. Congress should provide authority under the Clean Water Act and other applicable laws for federal agencies to impose financial disincentives and establish enforceable management measures to ensure action if a state does not make meaningful progress toward meeting water quality standards on its own.

The State of Alaska **opposes** this recommendation. This is the wrong approach. There is currently not adequate funding for Alaska to measure and control nonpoint source pollution. In fact, EPA arbitrarily caps funding provided to Alaska. Alaska must not be placed at risk for losing federal assistance due to inadequate Clean Water Act funding at the national level. In Alaska, there have been far too many examples of failed federal implementation strategies that apply a one-size-fits-all approach to resource management. Results-based management to resolve regional issues at the state and local level should be encouraged. Direct federal implementation or financial disincentives should not be based on a state's failure to implement national desires that are voiced by federal agencies outside the formal program approval process.

Recommendation 14–11. The U.S. Environmental Protection Agency and other appropriate entities should increase outreach programs that provide local land use decision makers with the knowledge and tools needed to make sound land use decisions that protect coastal water quality. State and local governments should revise their codes and ordinances to require land use planning and decision-making to carefully consider the individual and cumulative impacts of development on water quality, including effects on storm water runoff.

The State of Alaska **supports** this recommendation. Outreach and technical assistance programs have value and are appropriate. Mandatory federal land use requirements to address local site-specific water quality problems are often misdirected and fail to achieve positive environmental results.

Recommendation 14–14. The U.S. Environmental Protection Agency, states, and watershed groups should explore regional approaches for managing atmospheric deposition, particularly when it affects water bodies in states far from the source.

The State of Alaska **supports** this recommendation. The report should also acknowledge the role of international transport of pollutants. Long-range transport from Asia and Northern Europe may exceed any local and regional deposition. The majority of regional and local sources are re-entrainment from natural sources such as dust. To date, adequate federal funding has not been available to assess long-range transport in Alaska.

Recommendation 15–1. The National Oceanic and Atmospheric Administration, U.S. Geological Survey, and U.S. Environmental Protection Agency, working with other appropriate entities, should develop a national water quality monitoring network that coordinates existing and planned monitoring efforts, including monitoring of atmospheric deposition. The network should include a federally funded

backbone of critical stations and measurements needed to assess long-term water quality trends and conditions.

The State of Alaska **supports** this recommendation provided state governments are acknowledged as the primary "appropriate entities" the federal agencies should work with. The national water quality monitoring network must be developed in partnership with states which are primarily responsible for the assessment, reporting, protection, and restoration of the nation's waters under the Clean Water Act.

Recommendation 15–2. The National Oceanic and Atmospheric Administration should ensure that the national water quality monitoring network includes adequate coverage in both coastal areas and the upland areas that affect them, and that the network is linked to the Integrated Ocean Observing System, to be incorporated eventually into a comprehensive Earth observing system.

The State of Alaska **opposes** this recommendation. The national water quality monitoring network must be developed in partnership with the states, which are responsible for assessment, reporting, stewardship, and restoration. The Integrated Ocean Observing System and Comprehensive Earth Observing System is currently too poorly defined to justify linking it with more credible and established resource management based environmental monitor systems. It is inappropriate to jump to the conclusion that an extremely expensive ocean and possibly global observing systems are warranted when existing water quality monitoring programs remain underfunded.

Recommendation 15–3. The National Oceanic and Atmospheric Administration, U.S. Geological Survey, and U.S. Environmental Protection Agency, working with other appropriate entities, should ensure that the national water quality monitoring network includes the following elements: clearly defined goals that fulfill user needs and measure management success; a core set of variables to be measured, with regional flexibility to measure additional variables where needed; an overall system design that determines where, how, and when to monitor and includes a mix of time and space scales, probabilistic and fixed stations, and stress or and effects-oriented measurements; technical coordination that establishes standard procedures and techniques; and periodic review of the monitoring network, with modifications as necessary.

This recommendation **should be amended** to explicitly recognize the need to coordinate with states. Once again, the commission's recommendation fails to acknowledge state governments as the "appropriate entity" these federal agencies should work with to develop water quality monitoring goals and priorities.

Recommendation 15–4. The National Oceanic and Atmospheric Administration, U.S. Geological Survey, and U.S. Environmental Protection Agency, working with other appropriate entities, should ensure that water quality monitoring data are translated into timely and useful information products that are easily accessible to the public and linked to output from the Integrated Ocean Observing System.

This recommendation **should be amended** to explicitly recognize the need to coordinate with the states. The commission's recommendation fails to acknowledge state governments as the "appropriate entity" these federal agencies should work with regarding water quality monitoring goals and priorities. Outputs must be regionally relevant and meet regional decision-making needs. They must also not duplicate or supplant any state information management systems.

Recommendation 16–2. Congress should provide the U.S. Coast Guard with the resources necessary to sustain and strengthen the performance-based inspection program for marine safety and environmental protection. Coast Guard resource commitments in these areas should be coordinated with new demands for vessel security inspections and other security requirements.

The State of Alaska **supports** this recommendation. Congress should provide the Coast Guard with the resources to continue their marine safety and environmental protection missions in light of their new homeland security responsibilities.

Recommendation 17–1. The U.S. Coast Guard's national ballast water management program should: apply uniform, mandatory national standards; incorporate sound science in the development of a biologically meaningful and enforceable ballast water treatment standard; include a process for revising the standard to incorporate new technologies; ensure full consultation with the U.S. Environmental Protection Agency, both during and after the program's development; and include an interagency review, through the National Ocean Council, of the policy for ships that declare they have no ballast on board.

The State of Alaska **supports** this recommendation. Current USCG rulemaking is not uniformly applicable and we believe that it must be. Alaska believes ballast water from interstate shipments can and should be regulated to limit or prevent future invasive species. Other major issues not mentioned in this recommendation are the existing problem with ballast water report data and the inability to effectively enforce existing standards. Both need immediate attention.

Recommendation 17–2. The National Ocean Council should commission an independent, scientific review of existing U.S. ballast water management research and demonstration programs and make recommendations for improvements.

The State of Alaska **supports** this recommendation but is concerned that while the NOC review of ongoing U.S. ballast water management work will provide valuable insights, we believe that it may actually result in a delay in fixing an obvious problem on which much progress has actually already been made. States frustrated by the federal government's lack of reasonable action currently regulate shipping entering their waters far more strictly than the federal government does. Continued inaction by the federal government will only lead more states to enact their own unique rules. For this reason, any review should be done as expeditiously as possible.

Recommendation 17–3. The National Ocean Council, working with the Aquatic Nuisance Species Task Force and the National Invasive Species Council, should coordinate public education and outreach efforts on aquatic invasive species, with the aim of increasing public awareness about the importance of prevention.

The State of Alaska **supports** this recommendation and acknowledges both the importance of outreach and the accomplishments to date by the organizations named. We recommend that pen-rearing aquaculture operations also be targeted for receiving information about invasive species as this industry has been an important past vector, and may become more so if proposed EEZ aquatic farms are allowed prior to adequate research on identification and quantification so that mitigation can be implemented.

Recommendation 17–4. The Aquatic Nuisance Species Task Force and the National Invasive Species Council, working with other appropriate entities, should establish a national plan for early detection of invasive species and a system for prompt notification and rapid response.

The State of Alaska **supports** this recommendation, but suggests that these organizations work closely with the National Ocean Service (NOS) of the National Oceanographic and Atmospheric Administration. The NOS has already developed a model plan that is in place in Hawaii.

Recommendation 17–5. The National Ocean Council should review, coordinate, and streamline the current proliferation of federal, regional, and state programs for managing marine invasive species. Coordinated plans should be implemented to develop risk assessment and management approaches for intentional and unintentional species introductions that minimize the potential of invasions at the lowest cost.

This recommendation **should be amended** to mandate both a review and coordination of federal, regional, and state invasive species efforts, as well as increased funding and awareness of the need for both monitoring and research. While funding and legislation are also needed, individual marine invasive species programs need coherent and strong leadership at the national level.

Recommendation 17–6. The United States should take a leading role in the global effort to control the spread of non-native aquatic species by working internationally to develop treaties, agreements, and policies to minimize the introduction and establishment of such species.

The State of Alaska **supports** this recommendation. It is appropriate that the U.S. take a leading role in the worldwide effort to control invasive species efforts. Invasive species ignore all political borders: they are as costly—or more so—to other countries' economies as they are to our own. The U.S. should take a particularly strong role in establishing agreements with our nearest neighbors. As Alaska has experienced with Atlantic salmon escapements from British Columbia, invasive species find it easy to cross our long borders.

Recommendation 17–7. The National Ocean Council should coordinate the development and implementation of an interagency plan for research and monitoring to understand and prevent aquatic species invasions. Research and monitoring should focus on gathering baseline taxonomic information, identifying invasive pathogens and vectors of introduction, understanding the human dimensions behind species introductions, and developing new options for minimizing invasions.

The State of Alaska **supports** this recommendation. Because monitoring and research efforts are an integral part to any successful invasive species program, we recommend including them both in recommendation 17-5. Alaska supports additional funding for this work as it will surely pay for itself many times over in the end.

Recommendation 18–1. The National Oceanic and Atmospheric Administration should establish and support a marine debris management program.

This recommendation **should be amended** to have the NOC examine whether marine debris efforts would benefit from consolidation within a single agency. Any large-scale debris management and collection program has the potential to impact state and local government solid waste programs—both through waste collection and added federal regulatory requirements. Any marine debris management program must work with state and local governments to ensure that local solid waste aspects of the marine debris management program are achievable and will not create other solid waste management problems.

Recommendation 18–2. The National Ocean Council should re-establish an interagency marine debris committee, co-chaired by the U.S. Environmental Protection Agency and National Oceanic and Atmospheric Administration. The committee should work to expand and better coordinate national and international marine debris efforts, including public outreach and education, monitoring and identification, research, and partnerships with local government, community groups, and industry.

This recommendation **should be amended**. The State of Alaska agrees that interagency coordination on marine debris is an important aspect to implementation of ocean policy. However, rather than re-establishing the committee under a co-chair structure, we believe the NOC should determine which federal agency is best-suited to provide leadership to cover the broad, cross-cutting responsibilities and appoint one chair.

Recommendation 18–5. The U.S. Department of State should increase efforts to ensure that all port reception facilities meet the criteria necessary to allow implementation of Special Areas protections under Annex V of the International Convention for the Prevention of Pollution from Ships.

The State of Alaska **opposes** this recommendation. Application of the "special area" designation to all port reception facilities diminishes the purpose to the special designation. Not all areas should be classified as special. In addition, small ports within the state could have a difficult time if upgrades were necessary. That, coupled with the fact, that debris isn't a large issue in Alaska would make this recommendation extremely burdensome, if adopted.

Part VII: Science-based Decisions: Advancing our Understanding of the Ocean

Alaska's oceans and resources are healthy. They are healthy because Alaska is a leader in applying science and the principles of ecosystem-based management in managing its world-class ocean resources. Alaska also recognizes other equally important guiding principles that are critical to proper stewardship of our oceans and coasts. These include sustainable yield principles, multiple use management, resource development, relationships between oceans and watersheds, and consumption of ocean products. The North Pacific Fisheries Management Council, Alaska's regional fisheries management council, is one of the most successful federal-state management processes yet created.

The State of Alaska seriously questions the relative magnitude of suggested funding for science-based information systems, research and data collection. For example, both doubling the investment in ocean research and

implementing the Integrated Ocean Observing System (IOOS) are included as critical items, and each carries a $650+M/year price tag (Table 30.1, p374). However, most organization and management recommendations in the Report focus on use and protection of the nation's oceans, and those should receive priority for funding. Funding IOOS appears grossly imbalanced. Further, it is unclear whether these amounts are part of, or in addition to, the doubling suggested in recommendation 25-1. We suggest that prioritization and allocation to different elements of the national strategy either be left to the NOC process at the national level with regional priorities established by the Regional Ocean Councils.

The proposed Integrated Ocean Observing System (IOOS) should not be funded and implemented in a manner which is not relevant or useful for environmental and resource management decision-making. There is a legitimate need for a sustained, integrated national ocean observing network to support the wide variety of activities from marine transportation, weather forecasting, and monitoring the status of our ocean resources. However, IOOS must not be implemented at the expense of existing core resource management information-gathering and applied research programs.

Ecosystem-based management must be tempered with the realities and practicalities of what can be performed and what results can be produced. The concept of ecosystem-based management, while a worthy goal, engenders false expectations as the ultimate problem solver. The realities are that the concept remains largely undefined in scope, content and purpose. Ecosystems are dynamic and there likely is no constant baseline that can be fixed in time as the norm by which all change can be measured.

The use of ecosystem-based management principles and science need to be targeted, cost effective, and directed toward specific goals and objectives. Data needs should be derived from specific hypotheses to support resource management decisions. The monitoring needs and information requirements for one area are not necessarily the same as others. For example, IOOS comes at an extraordinary cost and requires a complex governance structure. Yet, the demand and user needs for the data are speculative.

As noted in the report, applying judicious and responsible management practices should be based on the best available science. To make practical resource management decisions, it is ill-advised to advocate that elaborate science and monitoring produce perfect information needed to implement ecosystem-based management. At this point and in the foreseeable future, science cannot predict outcomes with complete certainty. While science is extremely important, it must be recognized that a level of uncertainty is part of any risk based decision-making process.

Data collection, monitoring, and scientific inquiry are tools for reducing the uncertainty in a decision-making process. The amount of science and monitoring must be proportional to the significance of the outcome of the resource management decision. In that regard it is premature to endorse specific research and environmental monitoring elements of the plan, such as IOOS implementation, until regional councils have formed and assessed the management priorities and information needs for their areas. Research, science, monitoring, and ecosystem based approaches, are all key elements of responsible risk based decision-making which should be developed to meet specific regional needs.

Recommendation 25–2. The National Ocean Council should develop a national ocean research strategy that reflects a long-term vision, promotes advances in basic and applied ocean science and technology, and guides relevant agencies in developing ten-year science plans and budgets.

This recommendation **should be amended**. The State of Alaska agrees that balance between applied research and curiosity-driven research is important to maintain our status as the world's leader in ocean science. The council will need to involve states in any national ocean research strategy to avert duplication of efforts already underway with state fish and game agencies and universities.

Recommendation 25–3. The National Ocean Council should create a national program for social science and economic research to examine the human dimensions and economic value of the nation's oceans and coasts and encourage ocean research agencies to include socioeconomic research as part of their efforts. An operational socioeconomic research and assessment function should be designated within the National Oceanic and Atmospheric Administration.

The State of Alaska **opposes** this recommendation. As noted earlier, the commission's recommendation to establish the NOC and ROCs has great merit. It is premature to identify what, if any, programs the NOC should create until the councils are established and operational.

Recommendation 25–5. The National Ocean Council should coordinate federal resource assessment, mapping, and charting activities with the goal of creating standardized, easily accessible national maps that incorporate living and nonliving marine resource data along with bathymetry, topography, and other natural features.

The State of Alaska **supports** this recommendation. Coordination of federal mapping and charting activities is a good idea. However, Alaska is far behind the Lower 48 in terms of existing data sets and deserves special consideration

when planning, mapping, and charting activities. Compared to mapping and charting datasets for the Lower 48's shoreline, the resolution of existing datasets for Alaska's shoreline are relatively coarse, if available at all. As a result, mapping and charting activities for Alaska will be challenging, especially considering that Alaska's shoreline is about twice as long as the shoreline of all of the Lower 48 states combined.

Recommendation 26–1. The National Ocean Council should make development and implementation of a sustained, national Integrated Ocean Observing System a central focus of its leadership and coordination role.

The State of Alaska **opposes** this recommendation. It is premature to conclude that IOOS should be the "central focus" of the NOC. The enormous costs for implementation of an integrated ocean observation system in comparison to the costs needed by coastal states to implement resource management decisions are disproportional to the responsibilities and role played by coastal states. In Alaska this is aggravated by the enormity of our coastline and ocean resources. An integrated, user-driven ocean observing system must be designed to meet the specific goals and objectives for regional resource management issues. The extent and amount of monitoring and observations must be proportional to the significance of specific regional resource management needs. It is premature to propose or endorse any high-cost global monitoring plans, such as the integrated ocean observation system, when it has not yet been determined at the regional level whether or not such a scheme is necessary for critical resource management decision-making.

Recommendation 26–3. Congress should amend the National Oceanographic Partnership Act to formally establish Ocean.US, with a budget appropriate to carry out its mission. Ocean.US should report to the National Ocean Council's (NOC's) Committee on Ocean Science, Education, Technology, and Operations. Congress should make Ocean.US funding a line item within the National Oceanic and Atmospheric Administration's budget, to be spent subject to NOC approval.

The State of Alaska **opposes** this recommendation. Ocean.US is proposed as a governance structure to establish policy and provide oversight for all components of an integrated ocean observation system and to ensure strong integration among the regional, national and global levels. It is a federally-directed top down proposed system which has not yet been formally reviewed or approved by coastal states. Its mission is expansive and its costs are expensive. It brings with it its own needs for regional input and governance. The need for establishing this structure has not been demonstrated. The organizational makeup of the various offices, committees and advisory bodies for the National Ocean Council should be made by the National Ocean Council after it comes into existence. Monitoring needs and monitoring parameters are

best determined at the regional level through the coastal states. Endorsing or investing in an Ocean.US approach prior to identifying the key parameters and concerns of the regions will only exacerbate the current problem of inadequate resources that now exist at the regional and coastal states level.

June 3, 2004

U.S. COMMISSION ON OCEAN POLICY PRELIMINARY REPORT STATE OF ALASKA COMMENTS AND RECOMMENDATIONS

INTRODUCTION

The State of Alaska conducted a detailed review of the U.S. Commission on Ocean Policy Preliminary Report and has a number of comments for the commission's consideration. The state's comments are organized in two parts. The first is a summary of Alaska's ocean and coastal management principles. These principles are paramount in Alaska's consideration of any new ocean management policy framework. The second is the State of Alaska's detailed comments on the major recommendations in the commission's report. The summary and detailed comments should be treated as part of Alaska Governor Frank H. Murkowski's comments in the final report to Congress.

SUMMARY OF STATE OCEAN AND COASTAL MANAGEMENT PRINCIPLES

In the Oceans Act of 2000, Congress established the commission to "review previous and ongoing state and federal efforts to enhance the effectiveness and integration of ocean and coastal activities." It is not surprising that in the commission's impressive 413-page report, they were only able to report on the effectiveness and integration of ocean and coastal activities at the national level and not with respect to individual states. It is, therefore, important for states to provide the commission with information regarding state management principles and experience managing ocean and coastal activities within their respective jurisdictions.

The fundamental ocean and coastal management principles important to the State of Alaska and all coastal states are state resource management sovereignty and jurisdiction; area-specific ocean and ecosystem qualities and characteristics; resource management practices and results; and use of applied science and ecosystem monitoring. Alaska-specific information for each of these principles demonstrates the effectiveness of Alaska's management of ocean and coastal activities. This information also provides the context for the State of Alaska's detailed comments on the commission's recommendations.

State Resource Management Sovereignty and Jurisdiction

Like the federal government, state governments are constitutionally created sovereign organizations. Through the United States and Alaska constitutions, the State of Alaska is provided the jurisdictional authority for comprehensive management of biological resources, pollution control, coastal management, resource development and management of intertidal lands and upland watersheds.

When Alaska was a Territory prior to 1959, the United States government asserted exclusive jurisdiction for managing Alaska's ocean and coastal resources. Centralized federal management allowed the use of fish traps with devastating impacts to Alaska's salmon populations. The desire of Alaskans to protect fisheries resources with local management was a preeminent motivation for petitioning Congress to grant Alaska statehood.

In granting Alaska statehood in 1959, Congress ratified Alaska's Constitution which includes a provision that;

> "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the state shall be utilized, developed and maintained on the sustained yield principle." (Article 8, section 4)

In addition to natural resource management, Alaska's sustained yield principle is reflected in the state's pollution control statutes:

> "It is the policy of the state to conserve, improve, and protect its natural resources and environment and control water, land, and air pollution, in order to enhance the health, safety, and welfare of the people of the state and their overall economic and social well being. It is the policy of the state to improve and coordinate the environmental plans, functions, powers, and programs of the state, in cooperation with the federal government, regions, local governments, other public and private organizations, and concerned individuals, and to develop and manage the basic resources of water, land, and air to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations." (Alaska Statute 46.03.010).

"Jurisdiction" is a term used frequently in the commission's report. Jurisdiction is commonly understood to mean the authority of a sovereign power to govern, legislate, or administer the law, or an entity with the legal power, right, or authority to hear and decide a cause considered either in general or with reference to a particular matter or place. [1] Jurisdiction is generally specific, defined, and justiciable. To achieve the commission's vision of a new national ocean policy framework, it is critical that jurisdictional

[1] Webster's Third New International Dictionary

authority be appropriately matched with resource management authority. Agencies at all levels of government responsible for ocean and watershed management must be correctly identified and given corresponding responsibility in any resource governance structure.

The "Primer on Ocean Jurisdictions" in chapter 3 of the report does a fair job explaining "the ocean jurisdiction of the United States under international law, as well as the domestic distinction between federal and state waters." In addition to the three-mile seaward jurisdiction of state governments reported by the commission, state governments exercise considerable jurisdiction governing inland coastal watersheds. Regulating land use activities, managing fish and wildlife, and controlling discharges to air, land, and water in coastal watersheds is primarily a state responsibility.

The nation's environmental laws are founded on the "primary responsibilities and rights of states"[2] to manage and protect environmental resources. National standards for environmental quality provide the necessary criteria for managing natural resources that are not restricted by state borders. Strategies to implement national standards are the responsibility of state governments that have the local knowledge and site-specific authorities to regulate and enforce compliance. Post implementation monitoring and analysis is used to determine if state implementation strategies are achieving the national standards.

Area Specific Ocean and Ecosystem Qualities and Characteristics

Alaska is the nation's only arctic state with environmental issues more common to Russia, Finland, Sweden, Norway, Greenland, and Canada than to other states. Alaska is also the largest ocean state in the country and its oceans include the North Pacific Ocean, Bering, Chukchi, and Beaufort Seas. Alaska has 33,904 miles of shoreline – twice the length of all the other states combined. The estimated tidal shoreline, including islands, inlets and shoreline to head of the tidewater is 47,300 miles. Alaska occupies 20% of the nation's land base, 40% of the nation's surface water, and contains half the nation's wetlands.

Alaska's oceans are geographically separated and comprise the largest contiguous ocean mass in the country. The Report divides Alaska into two large marine ecosystems, the Eastern Bering Sea and the Gulf of Alaska. There is a third ecosystem not identified in the Report that comprises Alaska's arctic coast. The Arctic Ocean is a distinct ecosystem of national and international significance.

[2] Clean Water Act section 1251, Congressional recognition, preservation, and protection of primary responsibilities and rights of States.

Alaska's proven and unexplored natural resources are greater than any other state. Alaska oceans and coastal watersheds produce 25% of the nation's oil, over 50% of the nation's seafood, and minerals from several world-class mines including the world's largest operating zinc mine.

The unique regional qualities of Alaska's ocean and watershed resources are also reflected in their quality. Relative to the oceans and watersheds in the rest of the country, Alaska's resources are healthy, productive, and pollution-free. EPA's 2004 report on the condition of the nation's coast concludes that, "Alaska's coastal resources are generally in pristine condition. Concentrations of contaminants have been measured at levels significantly lower than those in the rest of the coastal United States." Alaska's oceans also support the most productive fisheries in the world and do not suffer from the consequences of concentrated coastal development and urbanization that generates much of the environmental pollution that is found in the rest of the nation.

Alaska Resource Management Practices and Results

The sustained yield principles in Alaska's Constitution and state law are the cornerstone of its resource management success. Alaska's elected representatives have made clear the state's commitment to environmental protection and the responsibility to work with all interests to develop Alaska's resources for the well being of current and future Alaskans.

Federal programs do not adapt easily to Alaska. Federal and state collaboration to balance national policies with local conditions is needed for successful resource management. The State of Alaska has a long history of working successfully in collaboration with federal and local jurisdictions on ocean issues. From joint state and federal oil and gas lease sales in the Beaufort Sea, to the continuing work of the North Pacific Fisheries Management Council, Alaska has significant experience in the benefits of intergovernmental coordination for managing ocean and watershed resources.

Under existing federal environmental law, state governments are reserved significant responsibilities for implementing environmental protection and resource management strategies to achieve compliance with federal goals and standards. Many of Alaska's resource management implementation strategies are based on federally-approved water quality standards, non-point source pollution control plans, impaired water body restoration priorities, coastal management standards and enforceable local policies, and ground-fish allocation and limited entry plans.

The State of Alaska appreciates the commission's recognition of the North Pacific Fisheries Management Council model for sustainable management. The Magnuson-Stevens Fishery Conservation and Management Act established the

North Pacific Fisheries Management Council to have primary responsibility for allocating Alaska's halibut and groundfish resources in the federal Exclusive Economic Zone. Of the council's eleven voting members, Alaska's Governor is authorized to appoint six.

The fishing industry is Alaska's largest private sector employer and provides nearly all of the employment in about half of Alaska's coastal communities. For many of these coastal communities, commercial fishing makes up over 50% of their economic base. Alaska provides half of all of the seafood harvested in the United States. The ex-vessel value (the value paid at the docks to fishermen) of Alaska's seafood in recent years has been approximately $1.1 billion annually. These dollars flow throughout Alaska's economy when accounting for wholesale and retail values, taxes paid, and the ripple effects on the myriad of support businesses sustained by the fishing industry.

In the 1890's, canneries in Alaska began using very effective floating fish traps in salmon streams. Managed by the federal government, these traps proved so effective that by the 1920s they accounted for 50% of the total salmon catch. As a result, salmon populations declined dramatically because not enough salmon were allowed to escape and spawn.

Following statehood in 1959, one of the Legislature's first acts was to ban fish traps in order to conserve and restore salmon populations. A process clearly delineating allocation from assessment and conservation was implemented: the Alaska Department of Fish and Game manages resources for conservation; the Alaska boards of Fish and Game determine allocations between the resource users. This clear separation in authority between management and allocation authorities is a critical factor in the success of Alaska's fisheries management system. A similar management model incorporating this clear distinction between the assessment/conservation and allocation functions is utilized by the North Pacific Council, and has been acknowledged in the report as a highly successful management model.

The productivity and health of Alaska's fisheries are a reflection of the quality of Alaska's marine and fresh waters. The Clean Water Act is a comprehensive, tested, and credible framework for Alaska's programs to assess, protect, and restore the state's coastal and freshwater resources. The Clean Water Act includes specific provisions for the "recognition, preservation, and protection of primary responsibilities and rights of states."[3] Alaska's federally-approved water quality standards are the foundation of the state's water protection programs to protect all water uses and control discharges of pollutants. Alaska has also developed a model program called Alaska Clean Water Actions to ensure that state resource agencies collaborate on prioritizing waterbody needs, actions, and funding decisions. Federal agencies and non-governmental

[3] Clean Water Act section 1251.

organization are encouraged to coordinate their actions with the state to prioritize effective use of limited federal resources for assessing, protecting, and restoring water resources.

Use of Applied Science and Ecosystem Monitoring

As noted in the report, applying judicious and responsible management practices should be based on the best available science. Alaska has significant responsibilities for ocean and coastal resource management and is struggling to acquire basic data and funding needed to support sound resource management decisions. Given that unlimited funds will never be available to acquire the data and apply the science needed to predict outcomes with complete certainty, the State of Alaska has learned that management principles and science need to be targeted, cost-effective, and directed toward specific goals and objectives. Data needs should be derived from specific hypotheses to support resource management decisions. The monitoring needs and information requirements for one area are not necessarily the same as for others.

The commission is correct in recognizing the value of ecosystem monitoring. Present monitoring for existing resource management programs is woefully underfunded. The State of Alaska participates in the Environmental Protection Agency Environmental Monitoring and Assessment program that has only recently funded work in Alaska to survey the condition of Alaska's ocean and coastal habitat, water quality, sediment quality, benthic and fish resources. Stream flow information is also necessary to help place water quality information in context. As the report correctly notes, only four National Stream Quality Accounting Network sites are located in Alaska. In addition, a number of other special purpose environmental monitoring stations are managed by federal, state, and local governments, non-governmental organizations, and private sector industries.

With over 365,000 miles of streams and rivers, 47,300 miles of shoreline, and the largest ocean area in the country, the federal government must take a risk-based approach in coordination with the state to prioritize the purpose and locations of Alaska's monitoring stations. As a practical matter, the risk to oceans and watersheds from past, current, and future uses must be taken into account when allocating the limited management resources that can be dedicated to environmental monitoring, scientific investigation, and applied research.

Data collection, monitoring, and scientific inquiry are tools for reducing the uncertainty in a risk-based decision-making process. They also provide the basis for mid-course correction if trends show unanticipated outcomes. The amount of science and monitoring must be proportional to the significance of

the outcome of the resource management decision. Research, science, and monitoring are all key elements of responsible risk-based decision-making, which should be developed and continuously reviewed to meet specific regional needs. At this point and in the foreseeable future, science cannot predict outcomes with complete certainty. There will continue to be a level of uncertainty that is part of a risk-based decision-making process. The commission has proposed a "precautionary approach" that balances the level of scientific uncertainty and potential risk of harm in management decisions. The State of Alaska concurs with this approach.

Conclusion

Alaska's oceans and coastal areas are unlike any other in the country in terms of their size, productivity, environmental quality, and management based on a constitutionally-required sustained yield principle. Alaska's resource management successes have been achieved under a strong state Constitution, commitment to collaborate with federal and local management programs, non-governmental interests and neighboring countries, applied science, and environmental monitoring. Alaska's resource management is driven by site-specific risk-based priorities using local knowledge and solutions to achieve national standards.

The State of Alaska envisions a national oceans policy that acknowledges the jurisdictions of the states and is responsive to the varying characteristics and needs of the states. The state seeks a strong state-federal partnership, which recognizes the roles and responsibilities of all parties, as we pursue a comprehensive national oceans policy. Such a policy and approach would be consistent with the aims and interests expressed in the commission's report.