Public Comments
on the U.S. Commission on Ocean Policy's Preliminary Report

Topic Area: Multiple Topics – Continued 2

Comments Submitted by:

- Andrew A. Schaedel, Oregon Department of Environmental Quality
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- Vicki McConnell, Oregon Department of Geology and Mineral Industries
- Michael Carrier, Oregon Department of Land Conservation and Development
- Ann Hanus, Oregon Department of State Lands
- Mack Funk, Port of Ilwako
- Richard G. Hildreth, Kassandra G. Brown, and Jonathan Manton, University of Oregon Ocean and Coastal Law Center
- Doug Sutherland, Washington State Commissioner of Public Lands
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Oregon
Theodore Kulongoski, Governor

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May 17, 2004

Bob Bailey, Manager
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Re: DEQ Comments on Preliminary Report of the U.S. Commission on Ocean Policy

Dear Bob:

The Oregon Department of Environmental Quality (DEQ) commends the U.S. Commission on Ocean Policy for the overall breadth and scope of its Preliminary Report. In general, it appears the document is a thorough review of ocean-related issues. Its recommendations, if implemented, should begin the process of meeting its goal: to move the Nation towards a more coordinated and comprehensive ocean policy. DEQ strongly supports the Commission's four overarching principles: ecosystem management, especially as related to watersheds; science for decision-making; strengthened regional approaches to ocean governance; and the importance of public education. Moreover, the DEQ is interested in playing an active role in their implementation.

We have limited our detailed comments to specific sections of the Governor's Draft of the report.

Chapter 5 – Advancing a Regional Approach:
DEQ supports recommendations to strengthen regional approaches to governance, and in particular, strongly supports Recommendation 5-2 to establish regional information programs. This agency has participated in the initial formation of the nascent regional ocean observing system, NANOOS, and believes that the IOOS and Commission recommendations are congruent. We also agree with the recommendation that regional information programs be developed immediately, and believe that these programs should utilize and maximize already developed regional and state, as well as federal, capabilities.

Chapter 9 - Managing Coasts and their Watersheds and Chapter 14 - Addressing Coastal Water Pollution:
DEQ generally agrees with the recommendations for strengthening the state's coastal management programs. We strongly believe in Recommendation 9-4, which would link coastal and watershed management and provide better financial, technical and institutional support for watershed initiatives, including incentives and flexibility for local variability. While progress has been made in linking watersheds with estuaries (such as through federal efforts such as the National Estuary Programs or state efforts such as the Oregon Plan), further work is needed to better link watershed with the offshore environmental.

DEQ recommends that the disincentive of the CZMA (that is, reductions in CZMA and 319 grant funding) be re-examined as part of the reauthorization of the CZMA as this disincentive could further reduce a state's capability to act. There are other, more appropriate, disincentives that could be explored for poor state performance.

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The Department agrees with many of the actions for addressing Coastal Water Pollution, particularly for developing a prioritized, comprehensive plan for long-term funding of the nation's current aging and inadequate wastewater, drinking water and on-site treatment infrastructure. Currently, Oregon's public wastewater infrastructure "need" is documented at nearly $1.5 billion. Consideration should be given not only to increasing funding for the SRF Programs, but to consideration of construction grants to small jurisdictions and homeowners based on ability to pay. These grants could fund infrastructural improvements and provide technical assistance needed to improve the capacity of those small communities to effectively implement infrastructure improvements.

One option that should be explored under the recommendations in Chapter 14 is to expand on the concept under Recommendation 14-13 - Collaboration at the Watershed Scale. Whereas many of the recommendations in this chapter are intended to address concerns with strengthening specific program areas, better collaboration at the watershed scale could allow more flexibility to address specific water quality problems or concerns in a given watershed. All too often, limited resources are spent on programmatic activity (for example, revising codes and improving regulatory aspects of programs in general), but may not provide the technical, institutional and financial resources needed to addressed prioritized problems that a waterbody is experiencing. Given the likelihood that resources will remain limited to implement a comprehensive Ocean and Coastal source program, a watershed approach (that is, one building on a 5-10 year cycle with a strong adaptive management component) may be a more effective way to address these pollution concerns.

Chapter 15 - National Water Quality Monitoring Network and Chapter 23 - Connecting Oceans and Human Health:

Chapter 15 discusses the creation of a National Water Quality Monitoring Network that would include a federally funded backbone of critical stations and measurements needed to assess long-term water quality trends and conditions. This recommendation is aimed at NOAA, EPA and USGS working with appropriate state and regional entities. The Department is in full support of this recommendation and believes that states should play a very active role. Oregon has been active in the coastal component of EPA's Ecosystem Monitoring and Assessment Program (EMAP) that has been supported through federal funding. Over the past six years, the program has established a substantial Departmental capacity for coastal assessment but this capacity is totally dependent on federal funding, which is being reduced, and state funding is not available to support or maintain this capacity.

We believe that much is being learned from this effort that could serve as model for developing a long-term monitoring network. In order to make the most effective use of the limited resources, we would support efforts to integrate the monitoring work of NOAA, EPA and the states through a coordinated monitoring strategy that builds on and takes advantage of work that has been done to date. The monitoring network should address coastal watershed, estuarine and offshore data needs. The monitoring objectives for each of those components should be connected, but the specific monitoring design, indicators and methods could well be different.

The Department is further in agreement with the specific following recommendations:

- As recommendation 15-2 calls for, the network should include coverage of both coastal areas and their uplands;
- As recommendation 15-3 calls for, the design should have clearly defined goals and include elements that we believe are of importance to a design such as including a core set of variables

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but with regional flexibility to measure additional variables where needed and a mixture of time and space scales to get at the objectives but would include both a probabilistic and fixed station network; and

- As recommendation 15-4 calls for, assurance that data are translated into timely and useful information products that are easily accessible to the public.

The Department is currently working with the Oregon Department of Human Services to relocate both of its laboratories. As part of this relocation, we are exploring the feasibility of developing a Science and Data Center that would make our technical information more accessible and useable to the general public. Our goals for the laboratories and the Center fit quite well with the Commission's recommendations.

The monitoring recommendations in Chapter 15 also tie into those developed in Chapter 23 -- Connecting the Oceans and Human Health. Oregon has been quite active in monitoring its estuaries for pathogens where commercial shellfish harvesting is located, and has initiated monitoring of its Ocean beaches under the federal BEACH program. We are supportive of the recommendations in this chapter to enhance research and development in the areas of monitoring, methodology, indicators of health and strategies for predicting and addressing pollutant loads and algal blooms. Data transfer of this information will also be critical and a recommendation similar to 15-4 should be included.

Chapter 16 - Limiting Vessel Pollution and Improving Vessel Safety:
DEQ generally supports these recommendations, especially numbers 16-6 to 16-8, which would strengthen the ability to control pathogens from marine sanitation devices and provide incentives for boat owners to install improved treatment devices and use pump-out facilities.

Thank you for providing us with the opportunity to provide input to the state review of the policy document and if you have any questions on our comments, please feel free to contact me at 503-229-6121.

Sincerely,

Andy Schaedel

Andrew L. Schaedel, Manager
Northwest Region, Water Quality

DEQ-DC1

May 19, 2004

The Honorable Gary Locke
Governor of Washington State
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Lock

Thank you for the opportunity to provide comments on the recent Preliminary Report of the U.S. Commission on Ocean Policy. The Department of Natural Resources is very supportive of the recommendations in the report. The report provides a map to improve the health of the 2.5 million acres of aquatic lands owned by the citizens of our state and that the department is charged with managing. We have focused our comments on a few select recommendations in the comprehensive report.

Increasing federal efforts and funding to address coastal water pollution (Chapter 14) is our highest priority. We strongly support the recommendations in this chapter especially the call for increased capital funding to address the need for long-term infrastructure investments for modernizing wastewater treatment plants and storm water systems, and the recommendation to provide greater technical, institutional and financial support for reducing non-point sources of pollution. Also important is the reduction of pollution from vessels (Chapter 16); the recommendation for incentives and increased funding for pump out stations is needed in many areas of our state.

It was disappointing that the report did not call for providing new funding to the Superfund. The lack of Superfund dollars delays clean up of highly toxic material pending resolution of lengthy legal processes to determine who will pay for the remediation of contaminated sediment sites on aquatic lands. The Department of Ecology has identified over 100 contaminated sediment sites on aquatic lands in Washington resulting in risks to human health and the health of marine species such as killer whales.

Increased federal effort to prevent the spread of invasive species (Chapter 17) is also a high priority for the state's aquatic lands. The state is currently spending millions of dollars on controlling invasive species.

Increased federal support of aquaculture (Chapter 22) is also a priority for Washington. The aquaculture industry is an important component of many rural economies.

The report understates the need and nature of local involvement needed. Many of the actions called for in the report require implementation at the local level. There needs to be specific attention given to providing state and local entities (especially local watershed planning groups) with the resources to connect with efforts to improve ocean management (Chapter 9). Finally, the model of Marine Resource Committees authorized by the Northwest Straits Initiative provides a model to bring a "grass roots" approach to the process in marine waters. The current structure of Marine Resource Committees is limited to northern Puget Sound. Additional federal funding is needed to create similar organizations in the rest of the state and to provide resources for state and local agencies to interact with the Regional Ocean Councils. We support the call for strengthening the linkage between managing coastal waters and watersheds. Salmon recovery planning demonstrates that efforts in watersheds and coastal waters must be integrated for success.

Increased federal funding for science is also needed especially in the expanding science and technology in many areas (Chapter 25). New technology for improving water quality from point and non-point sources and improved scientific understanding of the nearshore processes to address salmon recovery needs are two of many needs to address improving the health of our oceans.

I am also very supportive of the call for enhanced public information especially through the mechanism of increasing public access to the ocean and bays combined with displays of information on ocean issues.

Lastly, the recommendation for improvement of coordination between the National Marine Fisheries Service and the U.S. Fish and Wildlife Service is important (Chapter 20.) The Department's effort to develop a response to the listing under the Endangered Species Act is at risk due to a lack of staff at the U.S. Fish and Wildlife Service.

Again, thank you for the opportunity to comment through your office on the Preliminary Report of U.S. Commission on Ocean Policy.

Sincerely,

Doug Sutherland
Commissioner of Public Lands

MEMORANDUM

To: Jim Myron and Bob Bailey, Governor's Natural Resources Office

From: Richard G. Hildreth, Kassandra A. Brown, and Jonathan Manton of the University of Oregon Ocean and Coastal Law Center

Re: Legal review of the U.S. Commission on Ocean Policy's Preliminary Report

Date: May 10, 2004

This memo is a legal review of the U.S. Commission on Ocean Policy (USCOP) Preliminary Report, written to assist Governor Kulongoski and the Governor's Natural Resources Office staff with the official response for the State of Oregon. This review is focused on improved ocean governance in the context of ecosystem-based management, and should be read in conjunction with the scientific review prepared by the Oregon University System's Marine Science Advisory Panel in a separate-but-parallel process.

In this review, we extracted seven "critical actions" recommended by the USCOP in the Executive Summary, and followed up with specific comments and recommendations for Oregon, particularly highlighting models and opportunities. In the time period allotted, this review could not be comprehensive – many of our recommendations are based on our common knowledge and combined experience in ocean and coastal law and policy. We stand by and look forward to future opportunities to assist the State of Oregon with implementing changes for a new ocean policy.

In the Preliminary Report, the USCOP recognized the central role for states in developing a new ocean and coastal management regime – there is an immediate need for leadership with vision. With its Statewide Land Use Planning system, Oregon has in place a public interest oriented governing structure capable of making management decisions based on sound scientific research and the inclusion of all affected parties. In her testimony to the USCOP at Seattle in June of 2002, Nan Evans (now former manager of the Ocean and Coastal Resource Management Program) relayed that Oregon's pride in its coastal management:

> " . . . derives directly from a strong set of shared and articulated values, [including]: [1] livability as described by a commitment to growth management, preservation of open space and working landscapes, and economies historically based in the renewable resources, [2] a sense of shared legacy and heritage, especially regarding the ocean and beaches as evidenced by Oregon's famed 'Beach Bill' that established the public's right to access and use all of the state's 365 miles of shoreline, and [3] a blend of independence and self-sufficiency that perhaps derives from the 'pioneer spirit' but is blended with a contemporary value and a strong sense of local democracy and collaboration."

As one of the most progressive states in the nation on ocean and coastal issues, Oregon should be primed and ready. Oregon is that State with leadership and vision.

CRITICAL ACTION 1: Establish a National Ocean Council, chaired by an Assistant to the President, and create a Presidential Council of Advisors on Ocean Policy in the Executive Office of the President.

Oregon should support one of the twelve "critical actions" recommended by the USCOP to establish the National Ocean Council and the Presidential Council of Advisors at the federal level. This structure, providing direct links to the President, is essential to place ocean issues at the forefront of national attention. It is necessary to ensure, however, that the National Ocean Council is empowered with the proper charge to carry out its critical functions – it must be given teeth to move beyond a mere paperwork exercise.

CRITICAL ACTION 2: Strengthen the National Oceanic and Atmospheric Administration (NOAA) and improve the federal agency structure.

Oregon should support a second of the twelve "critical actions" recommended by the USCOP to strengthen NOAA and improve the federal agency structure. Specifically, Oregon should support Recommendation 7-1 directing the passage of an organic act codifying the establishment and missions of NOAA, particularly emphasizing ecosystem-based management, but also including other scientifically sound Guiding Principles articulated in the USCOP report and the Marine Science Advisory Panel's response for Oregon.

In addition, Oregon should go one step further than the USCOP's NOAA legislation recommendation to truly improve the federal agency structure under this second "critical action" through supporting enactment of a larger National Ocean Policy Act. This legislation should require federal, state, and territorial agencies to operate under clear and measurable goals and standards based on the Guiding Principles set forth by USCOP. The National Ocean Policy Act will be particularly key for laying out the umbrella framework under which the governance changes recommended by the USCOP can be established and empowered under law (*e.g.*, creating the National Ocean Council and regional ocean councils, strengthening NOAA as outlined in chapter 7, and providing interim guidance to other agencies vested with ocean and coastal management responsibilities before consolidation steps are taken). The National Ocean Policy Act should also establish mechanisms to ensure compliance with the stated national policy.

CRITICAL ACTION 3: Develop a flexible and voluntary process for creating regional ocean councils, facilitated and supported by the National Ocean Council.

In a third "critical action" recommendation, the USCOP has recommended the creation of regional ocean councils to help coordinate federal, state, tribal, and local planning and action, and of regional ocean information programs to supply the information needed, to support an ecosystem-based approach as soon as possible where readiness and support are strong. Oregon managers recognize this need to manage ocean resources in the context of a larger marine ecosystem – fisheries, pollutants, and shifts in major oceanic conditions, for instance, drift and occur in the ocean medium without alignment to political boundaries.

As the USCOP notes, scientists have developed and refined the concept of "large marine ecosystems" since the 1960's, and those functional units defined by shared bathymetry, hydrography, productivity, and populations formed the basis for the fishery management regions created by the Magnuson-Stevens Fishery Conservation and Management Act. The Marine Science Advisory Panel for the Oregon University System agrees that the California Current Large Marine Ecosystem (LME) boundaries should define the relevant boundaries for regional ocean management, also depicted in Figure 3.1 of the USCOP report. Because the California Current LME boundaries approximately align with the jurisdictional area of the Pacific Fishery Management Council, coordination of federal, regional, and state efforts will be easier to manage.

Oregon should fully support the USCOP recommendations to create a regional ocean council encompassing the area commonly known as the California Current LME, together with research-intensive regional ocean information programs. For certain problems, larger or smaller areas within the California Current LME should be identified, relevant to the scale of a particular issue. Coordination within the regional ocean council may need to "scale up" when dealing with global or semi-global scale issues, for instance the Pacific Decadal Oscillation or air pollution, while in some instances the geographic scale of management may need to "scale down" when subregional or more localized management is appropriate. As scientific research and monitoring supporting regional management through the regional ocean information program continues to inform our decision-making, it may be appropriate to change the boundaries of the regional ocean council to retain flexible and adaptive approaches to management valued by the USCOP.

Creating regional ocean councils with sufficient power to bring relevant players to the table to stay, and to genuinely collaborate, will be challenging. Voluntary efforts may not be sufficient - history is replete with examples of laudable grassroots efforts struggling to make ends meet and to come to any real implementation of the best-planned strategies. To be truly successful, regional ocean councils will need to have a clear mandate, responsibility and power, legitimacy, and sufficient resources. They will need to provide carrots through proper incentives and rewards, but they will also need to be equipped with sticks in order to meet the bottom line when good-faith efforts fail. We need more than a strawman, and more than just one more level of bureaucracy.

Oregon should begin to examine the many models of regional governance to date, and begin thinking about how to best form and empower a management structure – the USCOP and the Nation are looking for good pilot projects. Oregon should also consider enacting a state equivalent of the National Ocean Policy Act, possibly coordinating with Washington and California for regional enactment, to guide formation of the regional ocean council. The act should provide the necessary guidelines based on the USCOP principles, Statewide planning goals, Oregon Ocean Plan, Territorial Sea Plan, and other relevant policies, and establish authority and compliance provisions.

Some models, though certainly not exhaustive, that could serve as good starting points for examining regional coordination include the Pacific States/British Columbia Oil Spill Task Force and the Lower Columbia River Estuary Partnership (LCREP). The Pacific States/British Columbia Oil Spill Task Force is an internationally-transboundary scheme extending north past

the Canadian border and west to include the Pacific Ocean waters between Hawaii and the mainland. The Task Force worked with the International Maritime Organization to develop Pacific Coast vessel traffic routes that minimize the threat of accidental spills in National Marine Sanctuaries and other sensitive waters. The LCREP is a National Estuarine Program and two-state, public-private initiative jointly managed by Oregon and Washington. It established a planning process designed to remove barriers to achieve better management of the lower Columbia River efforts, from the mouth to 146 river miles (over 160 agencies and organizations have jurisdiction or exert influence over the management of the lower Columbia River), through collaboration, convening, and coordination, building on the capacity and partners, leveraging resources, and providing information. The LCREP program conducted a Base Program Analysis and Inventory, and coupled it with a more intensive analysis of the institutional framework of the Columbia River, that may be helpful guides to researching and inventorying entities for incorporation into a larger framework. A related effort, the Lower Columbia Solutions Group, a diverse group of stakeholders formed to effect dredge material disposal activities in the Lower Columbia, could serve as a model of stakeholder participation. Fishermen, environmentalists, industry, and federal and state government entities are involved in this effort, and work under an established Declaration of Cooperation.

In addition, in 1991, then-Senator Bill Bradbury was in favor of beginning a Pacific Ocean Resources Compact, an interstate compact that had been the subject of four years' work between the states of Alaska, Washington, Oregon, California, Hawaii, and British Columbia. These efforts and others could serve as good starting points for examining regional ocean governance.

CRITICAL ACTIONS 4 and 5: Strengthen the link between coastal and watershed management. Create measurable water pollution reduction goals, particularly for nonpoint sources, and strengthen incentives, technical assistance, and other management tools to reach those goals.

Improved regional ocean governance will particularly come into play to strengthen the link between coastal and watershed management, a fourth "critical action" recommended by the USCOP, closely related to a fifth "critical action" of creating measurable water pollution reduction goals, particularly for nonpoint sources, and strengthening incentives, technical assistance, and other management tools to reach those goals. In the words of Norm MacLean, "eventually all things merge into one and a river runs through it." At a minimum, the USCOP recommends that the coastal states reconsider the landward boundaries of their coastal zone to encompass coastal watersheds. According to NOAA's definition of a coastal watershed, the landward side of the coastal zone should include the upstream extent of tidal influence. Under this definition, Oregon is doing very well.

The Oregon Coastal Management Program oversees local planning in the Oregon coastal zone under the Coastal Zone Management Act and the use of 19 Statewide Goals, defining the landward extent of the coastal watershed to include estuarine and riverine habitat to the crest of the coastal mountain range, with a few exceptions for the Umpqua (extending to Scottsburg), the Rogue (extending to Agness), and the Columbia (extending to the downstream end of Puget Island, or as defined by CREST, RM 38.5, to the "Bradwood Site" on the shorelands) River

Basins (note that the LCREP extends its jurisdiction upriver to mile 146, the upstream extent of tidal influence in the estuary). In 1977, this area was deemed to be sufficient to address important issues such as erosion and sedimentation in the coastal estuaries, and it was thought to reflect the natural features and processes that characterize the coast, such as extensive rainfall, steep slopes and soil types. The coastal crest boundary of the coastal zone was also politically convenient, because the ridge of the coastal mountains closely approximates county boundaries as well as state agency administrative districts. According to Steve Rumrill, a leading Oregon estuarine scientist, Oregon has turned the tide on loss of coastal tide marshes due to adoption of the statewide planning goals, restoration activities, and beneficial uses of dredge spoils.

The Oregon Coastal Management Program faces many obstacles in implementing its plans and managing the coastal zone with an ecosystem and watershed view. One of the biggest obstacles is the lack of detailed, site-specific information necessary to develop and apply appropriate management measures, including the need for a greater link between federal and state research and data gathering efforts. Another obstacle is a lack of understanding about the importance of the marine environment to the state. In Appendix C of the USCOP report, Charlie S. Colgan's study entitled, "Living Near and Making a Living From the Oceans" provides useful conclusions with regard to national economic trends within the coastal states. Of particular interest, Colgan writes:

> "8. The ocean economy, comprised of the living resources, minerals, construction, transportation, and tourism & recreation sectors, also grew slightly faster than the national economy over the last decade. But tourism and recreation was the only ocean economy sector to show employment growth; all other sectors saw declines in employment in the last decade." page C- 4.

Oregon managers, however, need more information with regard to site-specific social and economic evaluation data. Very little research exists concerning Oregon's non-fisheries based economic sectors. This lack of data potentially hinders an accurate weighing of the public good by courts, as ocean resources are likely more valuable than we realize. The management program could also benefit from additional on-the-ground implementation and strengthened enforcement. Oregon's Statewide Planning Goal 19 clearly prioritizes the protection of renewable marine resources over development of non-renewable ocean resources. Management decisions and resolutions to land use conflicts should reflect this goal.

Other common limitations noted by the USCOP are also applicable, including difficulty in addressing problems that cross multiple jurisdictions including upland areas, insufficient resources dedicated to protecting coastal resources, and multiple institutions at different levels of government that address isolated aspects of connected problems. Oregon should recognize these common limitations to manage watersheds in a true ecosystem context in its study to support a properly empowered regional management structure. Now that the Oregon Ocean Plan, Territorial Sea Plan, and Statewide Goals protect the seaward side of the coastal zone, we must turn our attention landward of the coastal zone to make the next generation of management of the land-sea connection a priority.

Oregon has been an active participant and supporter of regional natural resources management on an ecosystem and watershed basis, and should continue to financially support grassroots watershed initiatives through the Oregon Watershed Enhancement Board (OWEB). The OWEB consists of 17 members drawn from state natural resource agency commissions, federal agencies, and the public at large. OWEB brings together a diverse range of interests to decide on applications for grant awards and set the vision for watershed restoration efforts in Oregon. Its strategic plan, "A Strategy for Achieving Healthy Watersheds in Oregon," explains how OWEB will work toward watershed restoration through investments, partnerships and education. Oregon should begin to inventory and coordinate these different watershed initiatives to move upstream in the major watersheds draining into the California Current Large Marine Ecosystem and leverage off of already-existing capabilities. There are several good models of watershed initiatives to study, in addition to the above-mentioned LCREP. The Pacific Northwest Ecosystem Research Consortium of the Willamette River Basin, for instance, is engaged in an "alternative futures planning," combining scientific expert expertise with on-the-ground citizen expertise to plan and model watershed zoning on a spatial scale. The Coastal Landscape Analysis and Modeling Study (CLAMS) models and studies the effects of different forest policies on ecological and socioeconomic aspects of the Oregon Coastal Range to evaluate whether or not stated goals are met. The efforts of the Northwest Power and Conservation Council to conduct subbasin planning in the Columbia River system are noted in the USCOP report, and the more eastside Interior Columbia Basin Ecosystem Management Project is a U.S. Forest Service and Bureau of Land Management effort to develop a scientifically sound and ecosystem-based strategy for eastside forests.

Lastly, it is worthy of mention that in the Pacific Northwest, our culturally and economically significant salmon and steelhead populations are closely tied to the health of the watersheds and habitat protection. The State of Oregon has had extensive experience with using a watershed approach to promote recovery of salmonid populations in coastal rivers and the Columbia River Basin listed as threatened or endangered under the Endangered Species Act (ESA). The Bush Administration is supporting an effort to delist threatened and endangered salmonids – there are currently petitions pending to delist fifteen evolutionarily significant units as a direct result of recent court rulings and a new NOAA policy stating that there is no difference between hatchery-raised and wild salmon, in direct contradiction to the expert and independent scientific review provided by the Recovery Science Review Panel. As the Governor recognizes, this plan by NOAA Fisheries and the federal government to alter its strategy for saving Northwest salmon could threaten more than a decade of habitat restoration work and Oregon's quality of life.

Through citizen suit provisions of the ESA, we are able to protect critical habitat of the watersheds, including the restoration of water quality, stream banks, and the general quality of the watershed. If the salmonid populations are delisted, there will no longer be enforcement provisions to provide accountability for habitat damage. Although watershed management undoubtedly and primarily needs to move towards the proactive, planning efforts described above, there also needs to be bottom-line, enforceable accountability for noncompliance. The State of Oregon should ensure that our salmon and our watersheds are adequately protected under law, through watershed and habitat protection and advancement of sustainable fisheries, using the principles of sound science recommended by the USCOP. We should explore options to enact statutory and/or regulatory schemes requiring compliance with watershed guidelines and

state ESA provisions, outlining both carrots and sticks, and including citizen suit clauses for bottom-line enforcement.

CRITICAL ACTION 6: Create a coordinated management regime for federal waters.

Oregon should support a sixth "critical action" recommended by the USCOP to create a coordinated offshore management regime for federal waters in which a lead federal agency will be identified - this will help to facilitate state and federal collaboration in a regional ocean governance structure. In particular, the USCOP notes that marine protected areas are important tools for ecosystem-based management. The USCOP cited a 2001 National Research Council report concluding that marine protected areas can be effective in maintaining marine biological diversity and protecting habitat, and have the potential to provide a flexible, spatially-based management framework for addressing multiple ecological and socioeconomic objectives. In Oregon, we recognize the value of protecting our oceanic habitat in the context of ecosystem-based management. The Oregon Ocean Plan noted that:

> Diverse, abundant habitat types are the foundation of a productive marine ecosystem. Habitat diversity provides resilience against damage to populations that could result from either natural or human-induced environmental changes. Habitat destruction can have unforeseen consequences for populations, communities, or ultimately, for entire marine ecosystems.

Marine reserves, a special category of marine protected areas that prohibit extractive activities in a given area in perpetuity, also strengthen the protection of the marine environment. Marine protected areas and marine reserves also have a place as a tool in the toolbox of achieving sustainable fisheries management, buffering against management uncertainties.

The USCOP recommends that regional ocean councils actively solicit stakeholder participation in the design and implementation of marine protected areas. Oregon can be proud of the groundbreaking efforts of the Oregon Policy Advisory Council (OPAC) to engage stakeholder in a dialog about marine protected areas and marine reserves, and should continue to support OPAC's efforts. In addition, Oregon should enact state-of-the-art legislation providing explicit authority to establish marine protected areas and marine reserves in state waters based on sound, scientific information, particularly to reduce confusion about jurisdictional complexities, overlapping authorities, and gaps. Oregon also needs to coordinate its own agencies to prepare for collaboration with federal agencies about marine protected areas and marine reserves that span the federal-state boundary. The Pacific Fishery Management Council's Scientific and Statistical Committee is currently developing a process to establish marine protected areas in federal waters, and when coupled with the Magnuson-Stevens Fishery Conservation and Management Act's charge to designate Essential Fish Habitat and Habitat Areas of Particular Concern, Oregon needs to prepare, coordinate, support, and drive these upcoming efforts to establish marine protected areas and marine reserves in our Ocean Stewardship Area and in our Territorial Sea. Oregon should also be an active participant in the Pacific Fishery Management Council dialog in order to streamline the process for state and federal cooperation in the future, including examining and ameliorating any undue legal burdens to marine protected area and

marine reserve establishment, such as the dual federal/state environmental policy act process that has held up designation of marine reserves in the Channel Islands National Marine Sanctuary.

In addition to the marine protected area issue, Oregon should have a proactive, science-based plan for dealing with new and emerging uses of the offshore ocean, in the realm of the Ocean Stewardship Area. While the West Coast Governors' Global Warming Initiative supports development of fossil fuel alternatives to reduce greenhouse gas emissions, for instance, the USCOP recognizes that new renewable ocean-based energy strategies (e.g. encompassing wind, wave, tidal, and thermal energy) have an ill-defined legal and regulatory regime. Other emerging ocean uses of significance to the region for which regional ocean council review will also be important include offshore marine aquaculture, seabed methane hydrate mining, and marine bioproduct development, among others. The State of Oregon should particularly oppose the attempts of some federal agencies to limit the offshore application of some key federal environmental laws supporting a strong state role in decision-making, such as the National Environmental Policy Act and the Coastal Zone Management Act. These attempts to weaken the role of states should be resisted as unwarranted interpretations of Congressional intent.

Also in federal waters, Oregon's 1999 experience with the wreck and fuel oil spill of the foreign flagged bulk cargo vessel *New Carissa* off the shores of Coos Bay, in addition to problems experienced with invasive marine species being transported in ballast water, suggest that Oregon should support the USCOP recommendations for strengthened international, federal, and state vessel pollution laws. With regard to invasive species, federal law clearly supports stringent state regulation of ballast water and discharges within the three-nautical-mile State territorial sea, but a regional approach providing uniformity and consistency with existing federal standards reduces the compliance burden on the commercial navigation industry and maintains the competitiveness of our ports. Similarly, preventing, cleaning up, and imposing liability for vessel cargo and fuel oil spills in state coastal waters is best accomplished in conformity with prevailing international and federal standards. However, as Oregon's experience with the *New Carissa* illustrates, there are some gaps in international and federal laws and procedures with respect to spills from non-tankers. Furthermore, current international and federal law allows the states to impose stricter standards on some issues such as liability limits. Again, as much uniformity as possible among west coast states is desirable, and should be achieved through the vehicle of the regional ocean councils supported by the USCOP.

CRITICAL ACTION 7: Accede to the United Nations Convention on the Law of the Sea.

Finally, as we move further into federal waters and into the high seas beyond, and as we begin to incorporate true ecosystem-based management into regional governance structures, it is absolutely essential that our scientists and policymakers be able to sit at the table in international policy-making, negotiations, and decision-making regarding the management of oceanic resources and activities. The State of Oregon should urge and support moving the vote forward in the Senate for full ratification of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), a seventh "critical action" recommended by the USCOP. Senate ratification of UNCLOS will be in the best interests of the entire Nation and the State of Oregon because of the Convention's provisions addressing marine pollution, commercial navigation, high seas fisheries, invasive species, marine scientific research, and dispute resolution.

Commissioners
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May 5, 2004

Mr. Ron Schultz
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Dear Mr. Schultz

RE: Preliminary Report from the US Commission on Ocean Policy

Thank you for giving us this opportunity to submit comments on the subject report. It has far reaching recommendations that will potentially affect our community, state, nation and world.

To date, my time has been focused on three chapters of the very lengthy report: **12 Sediment Management, 13 Commerce and Transportation, and 19 Fisheries Management.**

The five policy recommendations on sediment management provide a good foundation for change:

12-1 "...The strategy should consider: adverse impacts on marine environments...ensure involvement of port managers..."

Dredging the Columbia River is a major regional issue. We believe that dredge disposal practices should be improved for safety and environmental reasons. Mounding of dredge materials on the near shore ocean bottom results in larger wave heights jeopardizing the lives of mariners. And dumping dredged material on Dungeness crabs should be eliminated or at least mitigated.

12-2 "...Least cost disposal option for dredging projects reflects a more accurate accounting..."

The report accurately states that the Corps of Engineers skews its accounting of costs and benefits when evaluating projects.

12-3 "...Regional dredging teams..."

All of the region's needs should be considered, not just the needs of bigger ports and communities. The US Army Corps of Engineers procedures result in passing over the needs of small ports and favoring the needs of larger ports. Four ports in Pacific and

Wahkiakum Counties produced a summary report of projects that require federal attention.

12-4 "...Congress should modify its current authorization and funding processes to encourage USACE to monitor outcomes from past projects and study the cumulative, regional impacts of its activities within coastal watersheds and ecosystems."

The Columbia River navigational improvements made by the Corps of Engineers have plugged Baker Bay with silt. Rep. Brian Baird has worked hard to include language in the Water Resources Development Act (WRDA) to study this problem and mitigate the effects.

12-5 Contaminated sediments

This is another critical issue

Other Policy changes needed

In Ilwaco our fishing industry is critical to our local economy. Historically, the tonnage through federal channels sets the priority for federal dredging decisions. Now the "bar has been raised" such that no shallow draft port merits federal administration budget priority. Fortunately Congress was able to appropriate funds in FY 2003 to get our channel dredged. Without dredging, fishing boats would take their fish elsewhere thus leading to smaller tonnages and ultimately the local economy would be sacrificed. Recreation boats don't count. And the Corps uses the National Economic Development Model that prescribes that our loss is offset by a gain elsewhere in the nation. **The Corps of Engineers needs new rules that will protect small ports.**

Chapter 13 Commerce and Transportation

This chapter also appears slanted in favor of larger ports. For example page 147 mentions the significant obstacles faced by larger ports, but fails to mention the fact that dredging smaller ports is completely absent from the federal administration's budget request. The chapter goes on to describe the problems of rail and highway capacity, but in Pacific County there is no rail service at all, we are more than 65 miles to the nearest interstate highway, and we are more than 100 miles from a commercial airport. However our port businesses provide 388 jobs in a community of fewer than 1000 people.

Chapter 19 Fisheries Management

The constituents of the Port of Ilwaco, both fisherman and processors are very opposed to Individual Fishing Quotas. The report cites the halibut fishery in Alaska as a popular success of IFQs, but what about the fishermen that were driven out of their jobs?

Please consider these comments when preparing your recommendations for Governor Locke.

Sincerely,

Mack Funk

Mack Funk

Cc: Senator Patty Murray
Senator Maria Cantwell
Rep. Brian Baird
Port of Ilwaco Commissioners
Dale Beasley, Columbia River Crab Fishermen's Association
Butch Smith, Ilwaco Charter Association
Pierre Marchand, Jessie's Ilwaco Fish Co.
Dr. Jeff Koenings, Washington Dept. of Fish & Wildlife
Jim Anderson, US Army Corps of Engineers
Washington Public Ports Association
Pacific Northwest Waterways Association
Southwest Washington Coastal Communities

SEC. 5102. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5103. CHEHALIS RIVER, CENTRALIA, WASHINGTON.

The Secretary shall credit toward the non-Federal share of the cost of the project for flood damage reduction, Chehalis River, Centralia, Washington, the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5104. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also know as `Strawberry Island') in Skamania County, Washington.

SEC. 5105. PUGET ISLAND, WASHINGTON.

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of $1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

PNWA
PACIFIC NORTHWEST
WATERWAYS ASSOCIATION

....Working to enhance economic vitality in the Pacific Northwest since 1934

President's 2004 budget does not meet basic infrastructure needs

The President's budget was submitted to Congress February 3. It includes $4.19 billion for the U.S. Army Corps of Engineers' civil works program, down from $4.65 billion in 2002. Funding supports three main civil works missions: 1) flood protection; 2) commercial navigation; and 3) aquatic ecosystem restoration. The proposal falls far short of PNWA's funding goals to meet basic navigation necessities in the region. The line item budget for Corps civil works is available at www.usace.army.mil/civilworks/cecwb/budget. The budget overview is at www.whitehouse.gov/omb/budget/fy2004.

Zero funding for shallow coastal ports

There is no funding for shallow draft coastal ports in the President's budget. The Administration says that shallow commercial and recreational ports do not meet the commercial navigation mission. The Ports of Bandon, Brookings Harbor, Gold Beach, Port Orford, Umpqua, Siuslaw, Tillamook Bay and Ilwaco are all excluded. PNWA strongly supports funding for these important commercial ports.

Zero for Columbia River deepening

Columbia River channel deepening funds are not in the budget. The only new Northwest construction project was $2 million for Lower Columbia River ecosystem restoration. PNWA's top priority Columbia River construction project is the channel deepening.

New user fee proposed for inland operations and maintenance

The Administration is proposing to require inland waterway users to pay either 25 percent or 50 percent of operations and maintenance (O&M) costs through the Inland Waterway User Fee. The fee currently pays for half of all new construction on the inland waterways. O&M is now 100 percent federally funded. The President proposes that users of high-use waterways of over 5 billion ton-miles per year pay 25 percent of O&M costs. Users of lower-use waterways, including the Columbia and Snake Rivers, would pay 50 percent of O&M. Trust fund expenditures would increase from $104 million in 2002 to $256 million in 2004. PNWA opposes this new user fee.

New user fee proposed for deep draft construction

The Harbor Maintenance Tax, which currently pays for 100 percent of all deep-draft O&M, would be expanded to pay the federal share of new construction. Currently, local sponsors pay 35 percent of new construction and the federal government pays 65 percent. HMT expenditures would increase from $653 million in 2002 to $826 million in 2004.

O&M budget insufficient

For those projects that are budgeted, the Administration does not provide sufficient funding to meet regional needs. Under-funded projects include the Mouth of the Columbia ($1.5 million), the lower Columbia River ($2.5 million), Portland Harbor ($4.2 million) and several locks upriver. Shortfalls also occur for deferred maintenance, such as the navigation lock and foundation at John Day ($10.3 million), and jetty repairs at Coos Bay ($10 million) and Tillamook Bay ($10 million). PNWA supports increasing the O&M budget to meet these needs.

Security expense reduces O&M funding

The shortfalls above would occur if all the budgeted O&M funds were available to meet navigation needs. However, approximately 20-25 percent of the O&M budget will be diverted from maintenance to increasing security at

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navigation facilities. This will reduce O&M navigation capability by $3.8 million in the Walla Walla District and $11.6 million in the Portland District. There is potential that channels may not be dredged or maintenance will be further deferred. PNWA supports improving security, but funds for security improvements should be appropriated as additions to, not as replacements for, regular O&M funds.

Dredges in the Civil Works budget

The Corps budget includes $8 million to maintain the dredge *Wheeler* in ready reserve status. PNWA supports active use of the federal hopper dredges to their full capability. Yesterday, we reported on navigation budget shortfalls. This $8 million could be better spent by having the *Wheeler* actually dredging navigation channels. And, more work could be performed at lower cost by removing restrictions on the dredges *Essayons* and *Yaquina*.

Department of Homeland Security

Homeland Security's budget will include funds to assess the nation's critical infrastructure (nuclear power plants, water facilities, telecommunications networks, and transportation systems), increase border security and trade initiatives (including machines for inspecting cargo containers), and continue the Container Security Initiative. We did not see an indication of whether funding will be made available to ports or others as grants.

Department of Transportation

Highway spending is being linked to Highway Account Trust Fund receipts. A proposed new highway infrastructure performance and maintenance initiative is funded at $1 billion per year for six years. It will target "ready-to-go" highway projects that address traffic congestion and improve infrastructure condition. Bridge Program funding is up $800 million, to over $4 billion, to help states address unsafe and inadequate bridges. The Local Rail Freight Assistance program has been phased out and no funding is requested for 2004.

Bonneville Power Administration

OMB charges that "Bonneville competes with the private sector" and "the statutory application of preference in the sale of power creates administrative inefficiencies and restricts market activity. Market pricing of power and unrestricted sales would improve opportunities for more efficient operations."[r] PNWA is concerned that the Administration is seeking to shift BPA from cost-based to market-based pricing and possibly privatizing BPA. The Northwest is already experiencing power rates above national averages. These actions would be extremely harmful to the regional economy.

Economic Development Administration

Funding for EDA is down for 2004. The EDA's budget will place priority on economic growth, enhancing regional competitiveness and supporting long-term development of regional economies. Funding includes $30 million for planning and technical assistance grants, $232 million for public works grants and $55 million in economic adjustment grants. Economic adjustment includes grants to support Brown-fields redevelopment.

Environmental Protection Agency

The EPA budget includes $121 million for Brownfields cleanup and $1.4 billion for Super-fund site cleanup.

Bureau of Reclamation

Funding for the Columbia Basin Project is down $1.9 million, to $8.9 million. A new Western Water Initiative is proposed at $11 million to increase efficiency in the delivery of water and power while reducing conflicts and crises over water.

Oregon
Theodore R. Kulongoski, Governor

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State Land Board

Theodore R. Kulongoski
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Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

May 13, 2004

DEPT OF
MAY 14 2004
LAND CONSERVATION
AND DEVELOPMENT

Jim Brown
Natural Resources Policy Director
Governor's Office
State of Oregon
900 Court Street N.E.
Salem, Oregon 97301-4047

SUBJECT: **Preliminary Report of the U.S. Commission on Ocean Policy**

Dear Mr. Brown:

The Department of State Lands (DSL) has reviewed the Preliminary Report of the U.S. Commission on Ocean Policy. This letter summarizes our general comments concerning the proposed policies and recommendations presented in this report.

As you are well aware, DSL's interests in the Territorial Sea and along Oregon's coastline are of both a proprietary and regulatory nature. DSL's authority within the Territorial Sea includes the regulation of the removal, fill and alteration of material from the seabed; the harvest of kelp and seaweed; the issuance of permits for geophysical, geological and seismic surveys; the issuance of oil, gas and mineral exploration permits and leases; and easements and other authorizations for various uses. Additionally, DSL manages the South Slough National Estuarine Research Reserve. Therefore, this report is particularly relevant to this agency's interests and activities.

DSL staff undertook this review with several perspectives in mind. Among the most significant issue is determining how the proposed policies and recommendations presented in the report will, if adopted, impact the State of Oregon and, more specifically, the management of the resources for which DSL is responsible. Additionally, staff also considered what possible changes could result in the way in which DSL carries out its proprietary and regulatory responsibilities should the proposed policies and recommendations occur.

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GOVERNOR'S OFFICE

DSL generally agrees with the direction proposed by the U.S. Commission on Ocean Policy. We believe that many of the policies and recommendations contained in the report could, if adopted, not only enhance coordination among government agencies with regard to ocean management issues, but also result in greater public understanding and appreciation of the importance of ocean resources.

Without question, DSL, as well as other government agencies and the public, would welcome more information about the resources and dynamics of the ocean, and put such knowledge to great use when making future decisions concerning coastal and Territorial Sea management issues. Additionally, DSL concurs that the public education component proposed by the U.S. Commission on Ocean Policy is needed. Without increased public understanding of the importance of the oceans in the lives of every person, it will be difficult to obtain public support for the implementation of many of the policies and recommendations contained in the report.

The report is, by necessity, very broad in scope. Many of the discussions and resultant proposed policies and recommendations, however, leave DSL greatly concerned about the magnitude of the financial burden the implementation of the numerous proposed policies and recommendations will have on local, state and federal government. Clearly, the financial resources available to this agency, as well as other local, state and federal entities, are limited and likely to remain so into the foreseeable future. Consequently, adoption of many of the proposed policies and recommendations is contingent on the availability of funding from some yet unknown source. The proposal to establish an Ocean Policy Trust Fund consisting of federal revenues from outer continental shelf oil and gas development may be a possible solution to funding the proposed programs. However, DSL is concerned that no such fund be developed without reauthorization of the Coastal Zone Management Act and, specifically, the provision of that act that continues federal consistency/recognition of Oregon's Ocean Resources Management Plan. In addition, there are other uses of these revenues (e.g., Land and Water Conservation Fund) that may conflict with this proposed Trust Fund.

As manager of the South Slough National Estuarine Research Reserve, DSL recognizes the importance of this and other components of the National Estuarine Research Reserve System. The staff of the South Slough National Estuarine Research Reserve not only protect the South Slough Estuary, but also conduct research and educate the public on ocean issues and resources.

Because these activities are of great value to the public, DSL wants to ensure that any actions taken as the result of implementation of the proposed policies and recommendations presented in the Commission's draft report include continued and, if possible, enhanced funding for the National Estuarine Research Reserve System.

DSL recognizes that a principal purpose of this draft report is to present ideas and concepts for further discussion. However, we would like to see far more narrative regarding how a number of the policies and recommended courses of action can be accomplished – particularly in light of current funding limitations already discussed as a concern to us.

A final issue for DSL is that any multi-agency coordination activity and/or entity resulting from adoption of the proposed policies and recommendations: (1) fully recognize both from a legal and administrative standpoint the rights of the State of Oregon with respect to ownership and management of the Territorial Sea, and (2) be designed and operate in such a way to ensure that all Oregonians have the ability to fully participate in and contribute to the decisions prior to the time they are made on any issue concerning ocean governance and management.

If you have any questions, please contact me.

Sincerely,

Ann Hanus

Ann Hanus
Director

c: Jesse Cornett, Secretary of State's Office
Inga Deckert, State Treasurer's Office
John Lily, DSL
Steve Purchase, DSL
Jeannette Holman, DSL
Jeff Kroft, DSL
Mike Graybill, SSNERR

Oregon
Theodore R. Kulongoski, Governor

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May 19, 2004

TO: Jim Brown, Governor's Assistant for Natural Resources

FROM: Bob Bailey, Ocean-Coastal Program Manager, DLCD

SUBJECT: DLCD COMMENTS ON US COMMISSION ON OCEAN POLICY REPORT

In general, the report and recommendations are consistent with and supportive of Oregon's Coastal Management Program. I believe, however, that the report misses a real opportunity by not giving stronger and clearer recognition of the central role of state Coastal Zone Management Programs in carrying out national coastal and ocean resource management goals and objectives. CZM programs have worked for many years to address many of the recommendations of the US Commission related to such cross-cutting issues as watershed management, urban growth, water pollution, habitat restoration, and education. The Oregon Coastal Management Program is uniquely positioned to foster collaborative relationships between key local, state and federal institutions and to facilitate improved intergovernmental coordination in its role as the state's federal consistency body.

The Governor should request the Commission advocate for reauthorization of the federal Coastal Zone Management Act and should also request that the Commission support an increase in CZM funding to coastal states to strengthen capacity to address these many issues. This is a key recommendation for the Governor.

The recognition of the need to work at a regional level enhances and supports a leadership role for state coastal management programs, such as Oregon's. The reports states that "many of the nation's most pressing ocean and coastal issues are regional in nature and require input on planning and management by state and local policy makers and other relevant stakeholders." This recognition of the collaborative and regional nature of problems provides a good opportunity to stress the role of Oregon and other states to serve as a convener of problem solving efforts.

Oregon is uniquely positioned among coastal states to address the dichotomy between the attraction of coastal resource areas and the potential impacts on the quality and sustainability of

resources. Obviously, this has been a central issue in thirty years of effort through the Oregon statewide land use planning program.

DLCD Coastal Staff have reviewed the report and provide these comments:

Recommendation 10-1 calls for review and revision of the Corps Civil Works Program to ensure valid peer-reviewed cost-benefit analyses of coastal projects, provide greater transparency to the public, enforce requirements for mitigating the impacts of coastal projects and coordinate such projects with broader coastal planning efforts. This policy is important for Oregon. Improved cost-benefit analyses can help the Corps to undertake projects that may not be the least-cost from a narrow perspective, but that given a broader view of public benefits can support innovation and environmental stewardship. Improved coordination with coastal planning efforts can improve the overall success of Corps projects.

Recommendations 10-3 and 10-4 recognize the need to discourage building in coastal high hazard zones and to develop hazards mitigation plans. These policies reinforce provisions of the OCMP and can be effectively implemented through a coordinated state-federal effort. The Governor should support both these recommendations.

Recommendation 11-2 calls for national goals for habitat conservation and restoration. Although there is a link to regional councils, there could be some tie to state coastal management program requirements.

Recommendation 12-1 supports a national strategy for regional sediment management. The policy indicates that RSM should take economic and ecosystem needs into account. However, the policy should specifically recognize the concept of beneficial use of sediment as an appropriate component of such a strategy when done in coordination with state and local decision-makers.

Recommendation 12-2 expands the concept of least-cost disposal options for dredge materials to include the full range of economic and environmental costs and benefits for options that reuse dredged materials. This policy stops short of including a broad range of beneficial uses of sediment that may have public benefits not directly associated with traditional views of economic and environmental costs. The Governor should encourage the inclusion of a broadly defined concept of public benefits.

Recommendation 12-4 encourages a strategy for improved assessment, monitoring, research and technology development to enhance sediment management. The Governor should stress that current least-cost and beneficial policies at the Corps of Engineers often provide a disincentive to effective regional sediment management. Sediment must be managed in the context of maintaining sediment within littoral cells.

Recommendation 14-10 calls for disincentives to force states to meet federal nonpoint source pollution control requirements. The Governor should strongly disagree with this approach. Oregon and other states are working within a flawed regulatory system with little money to address current and historic nonpoint source impacts on water quality. Disincentives should not be considered until the states are

given reasonable goals and adequate financial and political resources.

Recommendation 19-21 recommends that NOAA Fisheries change its Essential Fish Habitat from a species by species to a multi species approach and ultimately to an ecosystem approach. This effort must be adequately supported with financial resources. The Governor should encourage a shift to an ecosystem approach where the approach would be more efficient and effective than moving to the middle step of a multi species approach. The broader focus of this effort will improve state and federal agency decisions.

Recommendation 20-3 has important implications in Oregon. The recommended action recognizes the importance of improved coordination between USFWS and NOAA Fisheries for land-based activities that can impact anadromous species. This recommendation can be improved by expanding the coordination to include other state and federal agencies that have regulatory authority over land based and in stream activities that impact anadromous fish. The actions should be tied to best available scientific and technical information, including best management practices.

Recommendation 25-5 should also recognize the advantage of central repositories for data, mapping etc., and that states can play a central role in providing these repositories as demonstrated by the Oregon Coastal Atlas.

Recommendations 26-1 through 26-11 confirm the importance to the nation and to Oregon of developing and implementing an Integrated Ocean Observing System. The Governor should encourage the development and implementation of that system through regional associations and with strong participation by coastal states.

Recommendation 28-3 provides a similar opportunity for coordinated and centralized information management. There should be some opportunity for state management programs to play a role in this information management regime.

permitting on the ocean shore. OPRD should be a key player on the Presidential Council of Advisors on Ocean Policy.

Chapter 5: Advancing a Regional Approach
While this may work for in some instances, in others it may be detrimental due to the uniqueness of the area. I am glad to see that the more than one regional approach may be needed for the Pacific Coast.

Management of the coast in Oregon is different from California or Washington. The public has a right to use the ocean shore for recreational purposes, including the dry sand. Additionally, Oregon is unique in its adoption of land use planning goals dealing specifically with the ocean (Goal 19), the beaches and dunes (Goal 18), and the coastal shoreline (Goal 17). These differences need to be taken into consideration when developing a regional approach involving more than Oregon. The state's Ocean Policy Advisory Council is already a step in the right direction towards developing a regional approach. Membership of OPAC should be increased to account for those interests within the "coastal" boundary for Oregon, which encompasses those lands up to the crest of the coast range.

Chapter 6: Coordinating Management in Federal Waters
Marine Protected Areas are a good management tool if there are sufficient funds and staff to implement the management objectives. Oregon already has a system of marine protected areas. Beginning in August of 2004, OPRD's NOAA Coastal Fellow will be looking at the management of these areas and determining which management objectives have been met, which are still outstanding, and which management objectives need to be modified. Additionally, the Natural Resource Inventory prepared for these marine protected areas will be updated, and the information included in the Coastal Atlas.

The recommendation in this chapter on Marine Protected Areas calls for the development of guidelines for the design and implementation of MPAs. A representative of OPAC should be actively involved in the development of these guidelines.

Chapter 9, Managing Coasts and their Watersheds
The idea of coastal management based on a watershed or ecosystem approach is an important change in thinking about the boundaries of management efforts and the far-reaching impacts that can occur from site-specific projects. This concept should be whole-heartedly supported.

Chapter 10, Guarding People and Property Against Natural Hazards
OPRD agrees with the statements of shortcomings with the NFIP and USACE policies. FEMA, through its NFIP, encourages continued development in hazard prone areas. The USACE may also encourage development in hazardous sites by embarking on beach re-nourishment or shore protection projects. More efforts should be made to publicly acquire hazard prone properties and allow natural processes to occur rather than focusing on engineering solutions or continued federal funding of properties affected by flood damage.

Strengthening the planning and coordination capabilities of the coastal states will benefit agencies like OPRD and strengthen our resources to provide better planning, improvement of programs and help us achieve a better scientific basis for our decisions.

Chapter 12, Managing Sediment and Shorelines
OPRD agrees with the recommendations for the USACE to better evaluate the full range of economic and environmental costs and benefits for use of dredge materials. Innovative use of sediments to help improve ocean shore resources should be encouraged, rather than simply looking for the lowest cost disposal options.

Chapter 26, Achieving a Sustained, Integrated Ocean Observing System
The recommendations for creating an integrated ocean observing system (IOOS) should recognize the ability and expertise of state agencies to develop monitoring systems, and provide funding for these efforts.

I look forward to working with you and your staff on coastal and ocean related issues in the future.

Sincerely,

Michael Carrier
Director

Oregon
Theodore R. Kulongoski, Governor

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MEMORANDUM

DEPT OF
MAY 10 2004
LAND CONSERVATION
AND DEVELOPMENT

DATE: May 7, 2004

TO: Bob Bailey, DLCD

FROM: Vicki S. McConnell, DOGAMI

SUBJECT: DOGAMI comments US Commission on Ocean Policy Preliminary Report

We were asked to review several chapters in the report, specifically Chapter 10, Chapter 12, and the oil and gas resource discussion of Chapter 24. In addition I offer some general comments that I hope will be helpful to you and to the Governor when preparing his reply.

- The overall report is commendable and certainly points to the need for understanding and managing ocean and coastal areas and resources through a realistic approach of program funding and cooperation.
- There is a general flavor of federal oversight of all aspects of the ocean and the coastal policy and programs. We see little discussion of bottom-up approaches to policy development or determinations. In particular, we do not see a lead role for states in setting priorities for their coastlines and deciding how best to make use of available support to solve coastal problems.
- Discussions in the report are bit eastern seaboard centric. This may point to a lack of understanding of specific issues that affect the Northwest coasts and how those may not fit in a one size fits all national policy or strategy. For example, in hazards there is no mention of earthquake or tsunami hazards and the potential risk to tens of thousands of inhabitants of the coasts of northern California, Oregon, and Washington.
- In the chapters dedicated to increasing science and disseminating data and information (Chapters 25-28) the recommendations for global mapping and data collection as well as the time limits for assessments are very optimistic. This may imply a basic misunderstanding of how complex these data are and how difficult to integrate. That would translate into under funding and programs with unrealistic timelines. Also most national mapping is conducted at a scale that is not useful for local policy and land use decisions. It is important to maintain state and local monitoring, mapping, and assessments to guarantee the data being collected will be useful.
- The recommendations for increasing some project timelines from annual funding schedules to 3-5 years are very good. Particularly in the field of monitoring and assessments there should be realistic timeframes for implementation and a recognition that the data collection continues well into the future.

Chapter 10 – Guarding People and Property Against Natural Hazards

The chapter discusses the cost and potential destructive impact of unwise development in coastal areas prone to natural hazards.

- Recommendation 10-1. We support the concept of review of U.S. Army Corps of Engineers (Corps) coastal programs and projects with an eye towards encouraging non-traditional engineering and ecosystem or littoral cell-wide approaches. Whether the NOS should be the lead on such a review is questionable unless it is done in close partnership with affected states. If the NSF has already begun a comprehensive review of the Corps coastal programs and projects, then the best recommendation for this report is to ensure implementation of the NSF recommendations that are important for the coast.
- We endorse Recommendation 10-2 with an emphasis on the involvement of state and local government in the Task Force. An emphasis should be placed in bullet three to include increasing funding for hazard identification and information dissemination. States in particular are better equipped to assess local coastal hazards and educate the public than are federal agencies.
- We endorse Recommendation 10-3 and suggest that the recommendation include language to the effect that erosion mapping and risk assessment is necessary.
- We are surprised that under Hazards Mitigation Planning the commission does not discuss FEMA's Pre-Disaster Mitigation Program. We would suggest that Recommendation 10-4 also include a statement encouraging Congress to continue funding the Pre-Disaster Mitigation Program for mitigation planning and project development. (Note that Oregon was recently awarded 5.3 million dollars of funding for competitive grant proposals for Pre-Disaster Mitigation.)

We find that the entire chapter is in general geared to eastern seaboard and Gulf of Mexico hazard issues (e.g., hurricane, flooding, barrier island erosion). Although most of the discussions and recommendations can be viewed as fitting for all the Nation's coastlines, I am wary of "universal hazards mitigation planning." Natural hazards vary greatly in scope and so does mitigation and planning that is necessary to decrease their effect.

Chapter 12 – Managing Sediments and Shorelines

This chapter describes the need for better understanding of sediment transport, shoreline morphology and processes, and management of both.

As in Chapter 10 we are supportive of the overall concept of this chapter. We have long advocated for a more regional approach to understanding coastal processes such as sediment transport and coastal erosion. The suggestion of linking these processes more closely to watershed management and monitoring could be very helpful.

- We support the idea behind Recommendation 12-1 that managing sediment should be on a regional basis. We also concur with the report's statement that definitions for regions must be carefully considered and that one size will not fit all coasts or projects. On most of the US coastline, beach sand management is best approached at the scale of the littoral cell. We would like to see littoral cell management planning recommended as a basic framework for regional sediment management in the coastal zone. In Oregon we have pioneered a grass roots,

stakeholder-driven approach to littoral cell management planning that could be easily transported to the rest of the US coast. Additionally, any national strategy or template would need to be flexible enough to accommodate these kinds of innovative approaches without causing yet more complexity to permitting or land use decisions at the local level.

- We endorse Recommendation 12-2 that the U.S. Army Corps of Engineers should broaden their criteria of what constitutes a least-cost disposal option to include economic and environmental factors (which must include regional sediment budgets and management plans).
- We support Recommendation 12-3 that would establish regional dredging teams of appropriate local, state, and federal entities to implement streamlined permitting and consideration of sediment management when accessing a dredging project.
- We endorse Recommendation 12-4 with the request that the federal agencies should be *in partnership with local and state agencies* for developing assessment, monitoring, research, and technology to enhance sediment management. In many cases the states are better informed about sediment problems than federal agencies and can more efficiently focus available support to solve these problems using a network of local government and tribal partners.
- Recommendation 12-5 should contain similar language to 12-4.

Chapter 24 – Managing Offshore Energy and Other Mineral Resources

This chapter covers policy options and recommendations for the shared management of offshore nonrenewable energy resources and the options for developing renewable energy resources.

- We suggest endorsement of Recommendation 24-1 for using portions of the offshore nonrenewable energy minerals allotments to strengthening the renewable energy development of all coastal states. This strategy does not weaken individual state's policies on oil and gas development, yet it does add incentive for more sustainable renewable energy alternatives such as the Governor has endorsed for Oregon.
- We support the concepts of Recommendation 24-4 because the potential of offshore methane hydrates as a nonrenewable energy resource is poorly understood and the oceans off Oregon do hold a certain potential for containing methane hydrates. Thus funding to better understand the potential for energy resource would be wise, especially if methane hydrates were included in the recommendations for allotments in 24-1.

cc: Jim Brown, GNRO Director
Jim Myron, GNRO
Ian Madin, DOGAMI Geologic Mapping Section
George Priest, DOGAMI Coastal Field Office
Yumei Wang, DOGAMI Geohazards Section

Oregon
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DEPT OF
MAY 07 2004
LAND CONSERVATION
AND DEVELOPMENT

May 6, 2004

Mr. Lane Shetterly, Director
Oregon Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

Dear Director Shetterly:

The Oregon Department of Fish and Wildlife (ODFW) respectfully submits comments to you regarding the draft report submitted by the U.S. Commission on Ocean Policy in conjunction with Governor Kulongoski's comments.

We commend the U.S. Oceans Commission for its dedication and its synthesis of diverse and complex bodies of information in preparing a very comprehensive set of draft recommendations. The U.S Oceans Commission's three broad messages are clear: (1) A national oceans policy is essential and overdue. Our nation has significant challenges to conserve our oceans and the benefits they provide. (2) There is now substantial scientific information to begin taking constructive actions now, but more is needed, and: 3) Nationally, there is a need for dedicated resources and better governmental focus to adequately meet those challenges.

While many issues are raised in the 500-page draft, these limited comments address issues that fall primarily within the mission of the Oregon Department of Fish and Wildlife.

Funding

Overall, the U.S. Oceans Commission sets out an ambitious agenda for interagency coordination to develop an ecosystem approach to the oceans, and improved scientific understanding to support prudent decision-making. This agenda can only be accomplished with adequate funding at the federal, state, and regional levels.

It is critical that adequate funding be identified for state and regional implementation and data gathering efforts recommended in the report. Currently, financial support for state agencies and regional fishery management council-driven regulations and science has been severely eroded and is now inadequate to meet significant Federal mandates.

ODFW recommends support for the U.S. Oceans Commission recommendations for adequate dedicated Federal funding, but the Governor may want to consider a strong cautionary note concerning any language that would be construed to encourage petroleum exploration and off-shore development as the chief source of funds for national ocean policy programming. A dependence on funding from expanded off shore development can run counter to the overall goal for sustainable management of our ocean resources.

At-Sea Ocean Aquaculture/ Off-Shore Leasing

The U.S. Oceans Commission's draft report emphasizes a national management strategy for developing and fostering marine aquaculture. ODFW recommends that the Governor express serious concern regarding the potential significant negative effects of off-shore ocean aquaculture on Oregon's U.S./Territorial sea resources and our coastal communities. Oregon's coastal communities have a long history of harvesting wild salmon, groundfish, Dungeness crab and other species in a diversified fishery. Oregon's Native Fish Conservation Policy promotes the conservation and recovery of native fish in Oregon. The Oregon Native Fish Conservation Policy, ODFW wildlife integrity rules and fish management and hatchery operation rules all take into account serious consideration of avoiding impacts to native species that may accompany off-shore marine aquaculture. These include impacts on native species and ecosystems through water quality and estuarine degradation impacts; invasive species, disease, genetic and chemical contamination; pollution from fish waste and antibiotics; and physical interference with fisheries, research, and shipping.

Oregon has a long history of promoting restraint in off-shore leasing. The Oregon Ocean Plan policy, as articulated in the Territorial Sea Plan, is to allow only those activities which are consistent with the goal of ocean resources conservation. Any proposals to develop ocean aquaculture off of Oregon's coast should be deferred in favor of activities and efforts which maximize sustainable populations of native fish.

National Government Structure and Oceans Management Organization

The U.S. Oceans Commission finds that the accumulation of ocean-oriented tasks, responsibilities and programs across diverse government agencies and processes urgently requires streamlining and focus. A single coordinating body such as a National Ocean Council and an Office of Ocean Policy within the Executive Office of the President can accomplish this. Congressional action to rationalize conflicting laws and agency mandates is also necessary to ensure better agency focus and coordination, and to appropriate the necessary funding.

The draft report focuses on ocean policy at a national scale. We feel it is imperative that strategies and solutions be developed to fit the specifics of state, local and regional issues, laws and regulations, and ensure the full participation of affected stakeholders. Changes to ocean policy-making, government structure and the authority for management of our ocean resources should be made thoughtfully. It is important to avoid an approach applying one-size-fits-all regulations and programs uniformly across the nation.

The unique aspects of each region of the country and its fisheries should be valued as we seek improvements at all governmental levels.

The U.S. Oceans Commission's draft recommends the formation of Regional Ocean Councils (ROCs) to coordinate ocean policy and conservation issues. The recommended ROCs are viewed as voluntary efforts, and lack a specific mandate. A key challenge that faces the Nation and our state is to engage the public in meaningful, long-term ocean governance. Oregon has a long history of collaboration with the public in our participation in ocean management. Absent a specific mission, and structure for these voluntary ROCs, it is not evident how they will integrate with existing public processes. It is not clear how a voluntary regional council will integrate with formal ocean management decision-making. While the ROCs will presumably address broader ecosystem-scope issues affecting our oceans, and involve a broader set of stakeholders, how their decisions will fit with those taken by the regional fishery management councils needs to be specified.

The U.S. Oceans Commission also recommends that the regional Pacific States Marine Fisheries Commission be empowered through legislation to develop interstate fisheries management plans. While we support the concept of improved regional coordination, we also feel that the participation of Oregon stakeholders in any regional decision-making process (including options related to analyzing the efficacy of marine reserves) is essential, and that the authority of the states to manage marine resources should not be compromised.

The Oregon Department of Fish and Wildlife fully agrees that future ocean conservation and management efforts should be organized on an ecosystem basis. Oregon's salmon conservation efforts through the Oregon Plan are based on watersheds. Through this effort, we better understand how upland areas, river basins, estuaries, and coastal areas are closely linked to the oceans. U.S. ocean management efforts must actively address those linkages through smoother inter-agency collaboration. The Oregon Territorial Sea Plan sets out an excellent template for inter-agency cooperation in addressing Oregon's ocean issues, and we encourage a similar template be used to guide Federal coordination efforts. The Oregon Department of Fish and Wildlife has already undertaken ecosystem-based management planning at several levels. ODFW management regions are presently administered on natural watershed, or landscape, bases. Oregon can serve as a model for ecosystem based ocean resource management.

Science vs. Ocean Fishery Allocation

The role of science in natural resource decision-making should be strengthened as recommended by the U.S. Oceans Commission. The separation of science from allocation decisions in marine fisheries will make regulatory decisions more transparent, and will aid the public to better understand the regulatory decision-making process.

STATE OF WASHINGTON

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

128 – 10th Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

May 20, 2004

TO: Governor Gary Locke

FROM: Sue Mauermann, Deputy Director

SUBJECT: Final CTED comments on U.S. Ocean Commission's Preliminary Report

The Department of Community Trade and Economic Development (CTED) has the following comments on the preliminary report of the U.S. Ocean Commission. Please regard these as our final comments on the report.

General comments – Overall, CTED would like to commend the Ocean Commission for its work on this report. It should provide policy makers with a significant new source of information and ideas for better management of our oceans. We urge Congress to move forward with discussion of these issues and recommendations for solutions.

We have the following more specific comments.

Chapter 6 – *Coordinating Management in Federal Waters*

The Commission very briefly touches on the management of our nation's submerged cultural resources with a short paragraph that suggests there be further consideration of protecting underwater cultural resources from commercial salvors. We highly support that view and encourage the Commission to develop a strong preservation policy for cultural resources in the world's oceans. Washington State has a rich legacy of submerged historic vessels, aircraft and Native American archaeological sites that are significant to both Washington and the nation's history. For example, the USS Peacock, submerged along the Washington coast, represents the first American Scientific Expedition on the world stage, and documents the hardships that American scientists and sailors underwent to advance the frontiers to science and exploration. By developing a robust policy that protects underwater cultural resources, the United States will be a global leader in

protecting these unique archaeological and historic sites that are increasingly subject to plundering and looting as commercial salvor technologies become more sophisticated.

Chapter 9 – *Managing Coasts and Their Watersheds*

CTED concurs with the report that the pressures of growth have a significant impact in coastal areas. We also agree that state and local governments need more incentives and financial capacity to plan for and guide growth. State and local governments currently have the legal authority to plan for and guide growth – authority that has been exercised in the State of Washington through the Growth Management Act (GMA) and Shoreline Management Act (SMA). Washington State counties and cities have adopted and been implementing regulations to designate and protect critical areas over the last decade. Critical areas include wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and areas with a critical recharging effect on aquifers used for potable water. In addition, all but one of Washington's coastal counties and the cities within them are planning to accommodate growth and limit sprawl consistent with Smart Growth principles under the state GMA. However, consistent with the report's findings, Washington communities are lacking in sufficient financial resources to responsibly plan for and accommodate growth with concurrently provided infrastructure.

Support Recommendation 9-1: *Congress should reauthorize the Coastal Zone Management Act (CZMA) to strengthen the planning and coordination capabilities of coastal state and enable them to incorporate a 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, additional funding to adequately achieve the goals of the Act, incentives for good performance an disincentives for inaction, and expanded boundaries that include coastal watersheds.* Better coordination of planning and additional funding for planning is definitely needed. We would encourage the Commission to expand its recommendation to include funding for local land use planning consistent with shoreline planning in coastal communities, for implementation of regulatory and non-regulatory programs for protection and restoration of coastal resources, and for the infrastructure to support compact development in coastal communities.

Support Recommendation 9-3: Changes to federal funding and infrastructure funding programs to discourage inappropriate growth in fragile or hazard-prone coastal areas consistent with state goals to achieve economically and environmentally sustainable development would help with implementation of similar state policies.

Chapter 10 – *Guarding People and Property Against Natural Hazards*

Subsection – Changing Inappropriate Federal Incentives. This section appropriately but only briefly suggests that both federal and state programs may be inadvertently making the problem of coastal hazards worst. For example, state and federal programs support

and fund the armoring of beaches up and down the coast and, as a result, weaken the ecosystem 's natural resilience to hazards by the cumulative impact of using hard barriers on the beaches. The Preliminary Report should discuss this problem in greater detail.

Support Recommendation 10-1: *The National Ocean Council should review and recommend changes to the U.S. Army Corps of Engineer's Civil Works program to ensure valid, peer-reviewed, cost benefit analyses of coastal projects, provide greater transparency to the public, enforce requirements for mitigating the impacts of coastal projects, and coordinate such projects with broader coastal planning efforts.*

Support Recommendation 10-3: *The National Ocean Council should recommend changes in the National Flood Insurance program (NFIP) to reduce incentives for development in high-risk areas.* According to the Preliminary Report, the Federal Emergency Management Agency (FEMA) has developed a plan to map erosion areas so that it can reflect actual risks in future National Flood Insurance Program (NFIP) insurance rates, but this plan has not been implemented. If implemented this change could discourage development in the riskiest areas.

Support Recommendation 10 – 4: *The National Ocean Council should encourage Congress to increase financial and technical assistance to state and local entities for developing hazards mitigation plans consistent with requirement of FEMA.* FEMA requires that state and local governments have developed and implemented hazard mitigation planning standards, which meet FEMA compliance by October 2004. Many jurisdictions do not have adequate funding to meet this timeline.

Chapter 12 – *Managing Sediment and Shorelines,*

Support Recommendations 12-1 through 12-5.

Under the section on Beach Nourishment and Special Use of Sediment, page 141, the Preliminary Report discusses the inherent deficiencies in the current beach nourishment process used throughout the nation, including its flawed and inadequate understanding of the physical and biological mechanisms of beach and littoral systems. The Benson Beach sediment and beach nourishment project funded through CTED illustrates the importance of funding beach and littoral systems research, particularly as it relates to decisions about whether beach nourishment and sediment reuse project makes sense in a given location or not. CTED would encourage the Commission to expand these Report recommendations in support of additional federal funding for more research and monitoring of beach nourishment projects.

Chapter 24 – *Managing Offshore Energy and Other Mineral Resources*

Section 108 of the National Historic Preservation Act of 1966 established The Historic Preservation Fund, from revenues due to the United States under the Outer Continental Shelf Lands Act. The National Park Service provides the Washington State Office of

Archaeology and Historic Preservation an annual grant from the Historic Preservation Fund that provides funding for the programs mandated by the federal government. The Historic Preservation Fund is authorized at $150 million but has never been appropriated at the authorized level. Instead, historic preservation funding has been in continual decline, and as a result our state Office of Archaeology and Historic Preservation has seen a 30% reduction in three years. They can no longer provide adequate service to our public, and are having difficulties meeting their regulatory functions. We urge the commission to reconsider expanding access to these funds until programs such as the Historic Preservation Fund and LWCF are appropriated at their full levels.

General comments on the report regarding economic impacts:

As the report notes, significant funding will be needed to implement these recommendations. If Congress moves forward with these recommendations, it will be important to also provide funding to implement them at the local level, especially for natural resource dependent communities.

The report should include more discussion of the human component, including efforts to provide a sustainable living for those in coastal communities and dependent upon the oceans for their living. This is not limited to those who directly benefit from fishing, but those indirect industries and businesses; i.e. fish processing and tourism-related jobs.

The report would benefit from more discussion of economic diversification. For example, there is a recognition in the report "that fishing, tourism, and recreation provide economic benefit, and support ways of life that contribute to the social and cultural wealth of the nation." The report should include discussion of alternatives in addition to the reduction of fishing through buyback programs. These programs do not always work and were not found to be effective in Washington State.

cc: Ron Shultz, Executive Policy Assistant, Office of Financial Management