

Written Testimony

By

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before the

**United States House of Representatives
Natural Resources Committee
Subcommittee on Insular Affairs, Oceans and Wildlife**

**Hearing on the H.R. 21, the Ocean Conservation, Education, and
National Strategy of the 21st Century Act**

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Madam Chairwoman, I would like to thank you and the other Members of the Subcommittee for the invitation to discuss with you one of the most important actions needed to improve the long-term ecological and economic health of our oceans, coasts, and Great Lakes—ocean governance reform legislation.

I am Pietro Parravano, a commercial fisherman from Half Moon Bay, California. I am a Commissioner for the San Mateo County Harbor District in California and President of the Institute for Fisheries Resources. I am also a former member of the Pew Oceans Commission and a current Commissioner of the Joint Ocean Commission Initiative. The Joint Initiative is a collaborative effort of members of the U.S. Commission on Ocean Policy and the Pew Oceans Commission. The purpose of the Joint Initiative is to advance the pace of change for meaningful ocean policy reform.

I have spent much of my career advocating for sustainable fisheries and supporting coastal communities and the cultural and social heritage of fishing. I am a past President and board member of The Pacific Coast Federation of Fishermen's Association and have been closely affiliated with the World Forum of Fish Harvesters and Fishworkers.

Introduction

Reforming ocean and coastal governance was a key recommendation of both the U.S. Commission on Ocean Policy and the Pew Oceans Commission, and it continues to be a top

priority for the Joint Ocean Commission Initiative. The introduction of H.R. 21 at the beginning of the 111th Congress and the commitment of the leadership of the House Committee on Natural Resources and the Subcommittee on Insular Affairs, Oceans and Wildlife to move forward with ocean governance reform legislation provide the ocean community an important opportunity to make progress on this critical issue.

Indeed a bill containing many of the elements of H.R. 21 would vastly improve how we as a nation care for and manage our oceans and the essential resources they provide for the nation. It would provide a national vision for protecting, maintaining, and restoring our oceans while encouraging the development and implementation of regional partnerships and plans. A national ocean policy has the potential to become one of our nation's seminal environmental laws, of equal importance with the Clean Air Act and the Clean Water Act. From my perspective as a fisherman, I believe it strongly compliments the Magnuson-Stevens Act and will help empower regional fishery councils with their charge of conserving and managing our nation's fisheries.

As you are aware, President Obama last week ordered the development of a national ocean policy that calls for a new interagency task force, headed by the Council on Environmental Quality (CEQ), to write recommendations and to develop a framework to guide the development and implementation of a national ocean policy. This proclamation elevates attention on ocean conservation and will lay the administrative groundwork for a more comprehensive way to manage our ocean resources, including fisheries, that takes into account the marine system as a whole rather than focusing simply on its individual parts.

The Joint Ocean Commission Initiative has been a strong proponent for the establishment of a national policy to protect and restore oceans, coasts, and the Great Lakes. With 140 separate laws and 20 federal agencies overseeing aspects of ocean policy, this effort has the potential to provide a unifying voice and address growing threats including overfishing, pollution, and climate change.

The President's proclamation is an extremely positive and laudable development, but to address the long term health of our oceans and coasts we will also need strong legislation expressing the will of Congress. A national ocean policy similar to that expressed in H.R. 21 and companion legislation in the Senate will be necessary to complement and codify the progressive administrative actions embodied in the recent Presidential Proclamation.

I would like to commend the Committee and sponsoring members of H.R. 21. The bill acknowledges the problems facing our oceans, coasts, and Great Lakes and sets strong new direction for the Nation's ocean policy by incorporating many elements of the governance recommendations made by the Joint Ocean Commission Initiative.

We also recognize that challenges remain to realize an ocean governance framework that addresses and balances the needs and interests of a variety of ocean and coastal stakeholders. A continuing dialogue is necessary to refine the elements that should be incorporated into such a policy, in addition to consideration of opportunities to advance these objectives as part of other legislative action, including efforts to address climate change and energy independence.

Much of the decline in ocean and coastal ecosystem health is due to failures in our governance approaches and structures, including fragmented laws, confusing and overlapping jurisdictions, and lack of a clear national ocean policy. A strong national ocean governance regime should include:

- A coherent, strong statement of national ocean policy;
- Codification of the National Oceanic and Atmospheric Administration (NOAA);
- Codification and strengthening a coordinating structure for ocean policy in the White House;
- Development of a coordinated and comprehensive offshore management regime;
- Creation of a framework for regional ocean governance; and
- Establishment of an ocean investment fund.

We strongly believe that a national ocean policy that reflects these elements will transform our current management structure into an effective system for managing our oceans and coasts well into the future.

A catalyst is now needed to take this effort to the next level, and we are gratified to see this leadership coming from both the Administration and this Committee.

National Ocean Policy and an Oceans Advisor

Title I of H.R. 21 would establish a national ocean policy to codify and give long-term stability to the policy that may be established pursuant to the recent Presidential Proclamation. Specifically, Title I states that it is the policy of the United States to protect, maintain, and restore the health of ocean, coastal, and Great Lakes ecosystems and enhance the sustainability of ocean and coastal economies. Further it requires that federal agencies administer U.S. policies and laws to the fullest extent possible consistent with this national policy.

Failure to recognize the important link between the health of our oceans and our economy and the critical role oceans play in regulating the Earth's climate is impeding progress toward improving ocean management. As a nation we must articulate a common national goal of protecting and restoring our ocean and coastal ecosystems so they will continue to be healthy, resilient, and capable of providing the goods and services that people want and need.

The national ocean policy in Title I is needed to acknowledge the importance of oceans to the nation's economic and ecological health. A national ocean policy, supported by an interagency coordinating structure and strong leadership in the White House, would serve to unify and guide the decision making and actions of a multitude of federal agencies with ocean management responsibilities and to bring greater coherency to the numerous federal ocean and coastal laws by establishing a common goal.

We are strongly supportive of this Committee and Congress passing comprehensive ocean policy legislation containing many of the provisions in H.R. 21. Such legislation should provide a

permanent and comprehensive policy and implementation framework for addressing ocean health. This policy should:

- Authorize and fund implementation of comprehensive ocean governance legislation that creates a national ocean policy;
- Codify and strengthen the federal coordinating structure for implementing the national ocean policy; and
- Support regional marine and coastal management and governance efforts.

In response to the U.S. Commission on Ocean Policy report, the Bush Administration created the Committee on Ocean Policy and assigned the Chairman of CEQ as the Committee's chair. While a step in the right direction, the Joint Ocean Commission Initiative believes a strengthened Committee is needed and that it should be chaired by a new high-level advisor on ocean, coastal, and Great Lakes issues, similar to the approach adopted in Title I of H.R. 21. This advisor should be equal in stature to the CEQ chair. This individual should be responsible for the effective coordination and integration of federal agency policies and management actions that affect ocean, coastal, and Great Lakes resources, ensuring they are consistent with the national ocean policy. The advisor on oceans should also coordinate with other policy offices in the White House such as CEQ, the Office of Science and Technology Policy (OSTP), Domestic Policy Council, and the Assistant to the President for Energy and Climate Change.

NOAA Organic Act

Congress should codify and strengthen NOAA to enhance its mission, improve its structure, and better enable it to carry out new and existing responsibilities. Since its creation by a reorganization order in 1970, NOAA has worked to advance the understanding, management, and protection of ocean and atmospheric resources. However, the agency suffers from programmatic and functional overlaps, disconnects among current line offices, and changing organizational priorities. NOAA needs congressional action to establish it as the lead civilian ocean agency and to restructure the agency to enhance its ability to fulfill its core mission to further our understanding of oceans and coasts and apply that knowledge to effectively manage our marine resources on an ecosystem basis.

NOAA should be codified either pursuant to a stand-alone organic act or as part of a comprehensive ocean policy act. The Joint Ocean Commission Initiative encourages this committee to work closely with the House Science Committee to approve legislation to accomplish this.

A NOAA organic act should:

- Establish NOAA as the lead civilian ocean federal agency
- Set forth core missions of: assessment, prediction, and operations; ecosystem-based and integrated management of ocean and coastal areas and resources; and science, research, and education

- Call for reorganization of the agency along functional lines to better equip it to carry out its core missions and remain science-based, but with its management programs better connected to employ that science in decision making.

The reorganization should also establish leadership roles and accountability mechanisms for implementation of major elements of the agency's missions.

Framework for Regional Coordination and Ecosystem Planning

Title III of H.R. 21 would provide a strong, integrated approach to regional coordination and establish progressive Regional Ocean Partnerships. When the Pew Oceans Commission and the U.S. Commission on Ocean Policy issued their respective reports in 2003 and 2004, both called for regions around the nation to establish new and more effective approaches to the stewardship of our oceans, coasts, and Great Lakes. They believed that better coordinated federal governance must be complemented by regional ocean governance in order to address the management of human activities in and on our oceans at the most effective scale. Incorporating a regional approach such as that embodied in Title III of H.R. 21 makes it possible to tailor solutions to the unique needs of a region by confronting problems and seizing opportunities whose boundaries—and solutions—cut across multiple political jurisdictions.

Much of the progress in addressing the problems facing our oceans and coasts is happening at the state level, with innovative management and governance mechanisms developing in states as diverse as California, Massachusetts, New York, and Washington. In addition, formal multi-state initiatives have been created or are under development in every coastal and Great Lakes region around the nation. These regional initiatives are intended to support integrated, ecosystem-based management approaches for improving ocean and coastal health and enable governments at all levels to work together to identify regional goals and priorities, improve responses to regional needs, and develop and disseminate regionally significant research and information. These state-led regional initiatives are moving in the right direction, but there is a need to expand, provide resources for, and more closely integrate federal and local efforts into these programs. Additional tools, support, and coordinated scientific and technical assistance from the federal government will be critical to resolving the most pressing issues and to allow these regional approaches to reach their full potential for positive change.

A national ocean policy would greatly enhance the ability of states to work together to address common concerns by establishing a national commitment to a purposeful, proactive, and coordinated federal role in facilitating and supporting regional and state ocean governance mechanisms. In addition, a national framework for regional cooperation that is supported by regional scientific assessments of coastal and ocean ecosystem health could take these efforts to the next level of success.

A useful element to consider is the establishment of Ocean Ecosystem Resource Information Systems that can act as a repository of research and data for our oceans and living marine resources on a regional level to support ecosystem-based management. We cannot, after all, expect to manage marine ecosystems without a knowledge base to work from. This is valuable

lesson we learned in watershed management in Northern California when resource information systems were developed for key river basins.

Any final legislation on an ocean policy should create a national framework to support regional approaches and collaboration and enable coordinated, integrated ecosystem-based management that builds on existing regional and ecosystem-based efforts. This framework should guide the development and implementation of processes that involve federal, state, tribal, and local governments, as well as the private sector, nongovernmental organizations, and academic institutions, working together toward regional actions that advance national ocean and coastal interests.

Regional coordination and ecosystem planning is an important part of the overall effort to establish a new ocean governance regime, and the Joint Initiative has been in the forefront of a national dialogue on this issue. The Joint Initiative believes that a national framework for regional ocean partnerships remains a sound idea, and Title III of H.R. 21 would be a major step toward achieving this goal.

A Framework for Coastal and Marine Spatial Planning

A whole new set of challenges is rapidly emerging for the coastal ocean of the U.S. because of the development of offshore energy facilities, aquaculture, and water desalination plants, among others. Notably, many of these new uses require the allocation of dedicated ocean space and conflicts are emerging rapidly. A consistent management structure is urgently needed for these new uses of the ocean that considers ecosystem impacts, interactions with other activities, what activities are appropriate, and appropriate siting for such facilities.

As you know, the President's recent proclamation established a task force to develop, with appropriate public input, a recommended framework for effective coastal and marine spatial planning. He has directed that this framework should adopt a comprehensive, integrated, ecosystem-based approach that addresses conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources.

In light of the expanding and proposed uses of our coastal and ocean areas, this approach is urgently needed for managing current and emerging ocean and coastal activities, including traditional uses such as fishing, shipping, recreation, and oil and gas development as well as emerging uses such as aquaculture, renewable energy development, and discovery of pharmaceuticals and other beneficial products. The task force should specify general levels of acceptable human impacts for particular geographic areas in the ocean and provide greater clarity and predictability to ocean users and reduce conflicts, account for cumulative impacts on ecosystem health, and help achieve specific ecological, economic, and societal goals.

Marine spatial planning has already been implemented effectively in several nations, including Australia, Belgium, Germany, the Netherlands, and Norway. We are behind the curve as new uses of the ocean emerge, and the more coherent and coordinated policy priorities and implementation strategies that could result from the work of the task force established by the

Presidential Proclamation and legislation put forward by this committee must be instituted if ocean ecosystems are to be maintained and protected. As this committee considers national ocean policy legislation such as H.R. 21, codifying the work of this task force with marine spatial planning as a core element would provide a common vision and enable an integrated and comprehensive approach to planning and managing ocean and coastal activities.

Ocean and Great Lakes Conservation Trust Fund

Title IV of H.R. 21 establishes the Ocean and Great Lakes Conservation Trust Fund in the U.S. Treasury to provide a source of revenue to annually fund the development and implementation of regional ocean strategic plans. The fund would be composed of general revenues appropriated annually from the Treasury and amounts generated from a Healthy Oceans Stamp.

Although the concept of an ocean-based trust fund is consistent with one of the key principles of the Joint Ocean Commission Initiative from its inception, the fund set up in Title IV of H.R. 21 is too narrowly focused and inadequately funded. Both ocean Commissions supported a more robust and dedicated trust fund generated from and devoted to a broad range of ocean and coastal activities. In many of the reports issued by the Joint Ocean Commission Initiative, including *Changing Oceans, Changing World: Ocean Priorities for the New Administration and Congress*, we have made the case that the ocean and coastal economy—that portion of the economy that relies directly on ocean attributes, as well all economic activity that takes place on or near the coast—is a major contributor to the U.S. economy, generating half of the nation's Gross Domestic Product. Despite the role oceans and coasts play in supporting our economic well-being, they remain poorly understood and underappreciated.

Consequently, the Joint Ocean Commission Initiative supports an Ocean Investment Fund that is capitalized by a significant portion of the resource rents generated by private commercial activities occurring in federal waters on the Outer Continental Shelf (OCS). This fund would be dedicated to providing financial support for national, regional, and coastal state and local programs related to understanding and managing our oceans, coasts, and Great Lakes.

The proceeds for the fund are readily available from existing and projected federally authorized offshore activities. Currently, virtually all federal revenues being generated from activities on the OCS are from oil and gas activities—averaging some \$5-7 billion annually in recent years but bringing in as much as \$18 billion in Fiscal Year 2008. Additionally, it is clear that converging economic, technological, demographic, and environmental factors make our oceans an attractive and challenging place for new and emerging enterprises. Marine aquaculture, bioprospecting, and a broad range of non-conventional offshore energy activities (e.g., wind, tidal, and wave power generation projects) are on the horizon and can and should generate federal revenues from the use of space on and resources of the OCS. The Joint Ocean Commission Initiative believes that a significant portion of all such revenues coming from our oceans should be reinvested in our oceans and their management.

In summary, Title IV of H.R. 21 should be modified to establish an Ocean Trust or Investment Fund in the U.S. Treasury from a dedicated and significant portion of the federal revenues

derived from activities that include offshore oil and gas development as well as new and emerging uses such as marine aquaculture, bioprospecting, wind farms and other alternative, non-conventional offshore energy generation technologies. The Fund should be allocated (1) to all coastal states, as determined by Congress, and used for the conservation and sustainable development of renewable coastal resources and the management of their coastal zones including the development of new methods of addressing adaptation to climate change and (2) to the federal government, allocated among agencies as determined by the primary ocean policy entities in the Executive Office of the President, to begin to reverse the serious gap in scientific research and integrated planning and management, and other national responsibilities to address pressures on our oceans, coasts, and Great Lakes.

At the national level, our failure to adequately invest in ocean and coastal science and management has severely limited the capacity of federal agencies to understand our oceans and coasts. In particular, better assessing the role of oceans in climate change continues to be a challenge, constraining our capacity to make informed decisions to address the impacts of such change on our coastal communities, economies, and ecosystems—impacts that include the effects of ocean acidification on the marine food web and coral reefs, sea level rise and the threats to public and private infrastructure, and the impact of rising ocean temperatures on fisheries and ocean health threats. Increasing our scientific understanding of the links between oceans and climate change and improving our management strategies to mitigate and adapt to the resulting effects require substantial fiscal resources for both federal and state agencies.

The activities and programs supported by the Fund must be consistent with the national ocean policy, which may emerge as a result of the President's recent proclamation. Finally, none of the proceeds provided through the Fund should replace regular appropriations nor should any of the programs currently receiving OCS oil and gas revenues be adversely affected by this additional allocation.

Concluding Remarks

On behalf the fishermen and communities I represent, and also speaking as a Commissioner of the Joint Ocean Commission Initiative, we are grateful for the attention, resources, and commitment of the Committee to the issue of ocean governance, and for the leadership and perseverance of Representative Farr. We will continue to support efforts by this Committee, by the Administration, and in the states and regions to pursue governance reforms that will guide and support the development of a comprehensive national ocean policy.

The benefits to be gained are enormous and are essential to revitalizing the economic and ecological health of our oceans, coasts, and Great Lakes. I know the Joint Ocean Commission Initiative looks forward to continuing to work with Chairwoman Bordallo, Chairman Rahall, and Ranking members Hastings and Brown and other members of the Committee.

Thank you again for the opportunity to testify before you today. I would be pleased to respond to any questions you may have.