

WEST COAST GOVERNORS'
AGREEMENT on **OCEAN HEALTH**
CALIFORNIA OREGON WASHINGTON

July 23, 2009

Ms. Nancy Sutley
Chair, White House Council on Environmental Quality
Chair, Interagency Task Force on Ocean Policy
722 Jackson Place, NW
Washington, DC 20503

Dear Ms. Sutley:

Thank you for the invitation to provide initial comments to the Interagency Task Force on Ocean Policy regarding President Obama's June 12, 2009 memorandum. We commend the Administration for demonstrating leadership and for engaging states and regional ocean partnerships.

The West Coast Governors' Agreement on Ocean Health (WCGA) is a proactive, regional collaboration to protect and manage ocean and coastal resources along the entire West Coast. Launched on September 18, 2006 by Governor Schwarzenegger of California, Governor Kulongoski of Oregon, and Governor Gregoire of Washington, the agreement advances regional ocean governance efforts as called for in the recommendations of the U.S. Commission on Ocean Policy and the Pew Oceans Commission.

We offer comments on the following issues:

- National policy for oceans and for coastal and Great Lake ecosystems;
- Ocean governance framework;
- Implementation strategy to meet the objectives of the national policy;
- Coastal and marine spatial planning;
- Offshore renewable energy development; and
- Climate change.

Per your request, the staff from California, Oregon, and Washington who serve as policy leads for the WCGA are providing these initial comments. We submit these for your consideration, recognizing that the Governors have not yet taken a formal position on them.

National Ocean Policy

We believe that the unique and vital role of states pursuant to state authorities, as well as the additional jurisdiction over offshore waters conveyed by the federal Coastal Zone Management Act, should be clearly recognized and made part of the national ocean policy. We further believe that the policy should clearly define and incorporate the concepts of ecosystem-based management, adaptive management, the precautionary principle, and the importance of assessing cumulative impacts.

Ocean governance framework

We believe that the national ocean governance framework must include a clear mechanism for state engagement. We recommend that the Administration establish a council comprised of state and tribal representatives, including those representing the regional ocean partnerships to advise the federal interagency coordination structure. Regional ocean partnerships such as the WCGA can be critical to aligning state and federal interests and programs at the regional scale, bringing agencies together to work effectively on common goals. The framework must also acknowledge the sovereignty of tribes and include robust mechanisms for consulting and co-managing ocean resources with them.

Implementation strategy

Implementing the national ocean policy requires adequate funding, strong mechanisms for coordination, and new legislation.

Funding

Several regional ocean entities have been successfully established across the nation. We believe that federal funding should be fairly distributed among them. We request that the President's Budget for FY11 include at least \$25 million from the NOAA budget to be divided equally among the five regional partnerships, as well as an equal distribution of funds that may be provided from other federal budgets to support a unified program. This strong statement of support from the Administration would provide a clear signal that regional governance is here to stay and this would be well received throughout the nation.

The WCGA calls for establishing an Ocean Trust Fund dedicated to providing financial support for national, regional, and coastal state, tribal, and local programs related to understanding and managing our oceans, coasts, and Great Lakes. This was the major recommendation from both the US and Pew Ocean Commission reports. The Administration should also consider unique governance arrangements for the Trust Fund, such as possibly developing a public-private partnership, with trustees from both the public and private sector.

Coordination

As recommended above, the five regions provide one way to integrate state and regional concerns in the national ocean policy framework as well as facilitate the implementation of national policy at the state and regional level. The framework must also establish and support mechanisms for consulting with tribes on resource management. One example is the Olympic Coast Intergovernmental Policy Council in Washington, a policy body comprised of four treaty tribes and the state, which advises the Olympic Coast National Marine Sanctuary on management issues.

Federal representatives serving as leaders in the regional partnerships should be fully supported by the Administration and encouraged to coordinate across agencies within their department. We believe these partnerships have served federal, regional, and state interests well and we urge ongoing and increased support of their efforts.

Legislation

We recommend that the national ocean policy should support legislation which strengthens and reauthorizes the Coastal Zone Management Act. We also strongly support the U.S. accession to the U.N. Convention on the Law of the Sea Treaty. Finally, we support legislation that would provide a national framework and sustainable funding for regional ocean governance. Such a structure would help sustain state-led efforts during changes in gubernatorial leadership and regional staff.

Marine spatial planning

Our states are sources of innovation, addressing management and protection of coastal resources on an ecosystem-based scale. We view marine spatial planning (MSP) as a helpful tool to address pressing management challenges on our coast. The West Coast is currently working on ocean conservation and management initiatives that could shed light on effective implementation of MSP and ecosystem-based management, such as the Marine Life Protection Action process in California, amending the Territorial Sea Plan for ocean renewable energy in Oregon, and restoring the Puget Sound ecosystem and adopting new local shoreline plans in Washington. We invite you to use experiences at the state and regional level to inform the development of a MSP framework and urge the adoption of an adaptive and flexible approach to MSP.

All three states are facing challenges with siting offshore renewable ocean energy, an issue that can be greatly assisted by MSP efforts. Under the WCGA, we are already collaborating with federal agencies and envision jointly working to develop and collect the spatial information needed to assist with siting energy projects across our region. In our view, a national policy on MSP should support the development, conversion, collection, and standardization of new and the best available data and information for all of us to use for this process.

Offshore renewable energy development

As mentioned above, the West Coast is actively planning for offshore renewable energy development. Each state has developed a productive relationship with the federal agencies of jurisdiction. For instance, Oregon and Washington have each signed a Memorandum of Understanding with the Federal Energy Regulatory Council (FERC), and California is pursuing one as well.

We encourage the Administration to continue to align FERC's processes with those of the Minerals Management Service in order to develop a coherent federal approach to energy development. We are pleased that a memorandum of understanding has been reached between the two agencies. There are a multitude of other agencies involved in siting renewable ocean energy [e.g. National Oceanic and Atmospheric Administration, US Army Corps of Engineers, US Fish and Wildlife Service, US Geological Survey, US Coast Guard, and Environmental Protection Agency], which will require regional coordination among all appropriate agencies on planning as well as permitting. The national ocean policy and marine spatial planning framework should involve this type of coordination to improve planning among federal agencies as well as with regional partners such as states, tribes and local governments.

Regional partnerships can provide a way to coordinate and prioritize data gathering necessary for siting energy facilities along the West Coast. Through the marine spatial planning framework

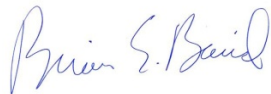
and other related efforts, the Administration can support state and regional efforts to fill these data gaps and collaborate with regions and states on data retention and distribution so that information is readily available to federal, state, regional, and local managers for effective use.

Climate change

Addressing the impacts of climate change is a priority for the WCGA, and we recognize the need to develop adaptation strategies. Some of the work that needs to be accomplished in the region can be met with existing resources, but most cannot. It will be important for the national ocean policy to identify services to assist states beyond their existing capacity. For example, the three states recently pooled resources to secure the National Academy of Sciences to study and develop consensus estimates for sea level rise and storminess for the West Coast. The results of their work will provide valuable information, but additional resources will be needed to support adaptation planning and action at a local level.

We thank you again for the opportunity to address the Interagency Task Force on Ocean Policy and look forward to engaging with you on these issues in the future.

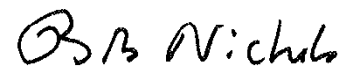
Sincerely,



Brian Baird
Assistant Secretary for
Ocean and Coastal
Policy, California



Jessica Hamilton
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Governor Kulongoski



Bob Nichols
Executive Policy Advisor,
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