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NATIONAL OCEAN COUNCIL

Name: **Sean Garcia**

Organization: The Corps Network

Path:

Comment: The establishment of a Coastal Restoration Corps would be a positive step in not only preserving coastal lands, but also in bringing about more public involvement in the restoration and preservation these lands, fostering a new spirit of stewardship.

Name: **Kevin Dowling**

Organization: Ocean Conservancy

Path: http://edit.whitehouse.gov/sites/default/files/webform/draft_implementation_plans_comments.pdf

Comment: Please see attached comment letter. Thank you very much.

March 15, 2012

Ms. Nancy Sutley, Dr. John Holdren, and Members
National Ocean Council
c/o Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Re: Recommendations to Strengthen Our Nation's Ocean Action Plan

Dear Chairs Sutley and Holdren and National Ocean Council Members,

On behalf of the undersigned organizations and their millions of members, we thank you for the time and effort that you and your staff have dedicated to developing a strong *Draft National Ocean Policy Implementation Plan* ("Plan") to address some of the most pressing challenges facing our oceans, coasts, and Great Lakes and the communities that rely on them. We appreciate the attention that was so clearly given to recommendations made for this Plan from our organizations and others and the Plan's improved specificity, accountability, and coordination among goals.

The Plan includes a number of actions needed in order to address the stated priorities for advancing the health of our oceans, coasts, and Great Lakes. However, as detailed below, some areas of the Plan need further strengthening to fulfill the spirit and letter of the President's Executive Order 13547 and the *Final Recommendations of the Interagency Ocean Policy Task Force* ("Final Recommendations"). For example, it should include a greater number of near-term actions that go beyond planning and make a difference in the water, if we are to turn the tide for our oceans' and Great Lakes' health. The Plan should also make clear that its primary and ultimate goal is to ensure continued and improved oceans, coasts, and Great Lakes natural ecosystem structure and functioning. We welcome this opportunity to provide further comments on how Federal agencies can protect, maintain, and restore the national treasures that are our oceans and Great Lakes, both for our and future generations.

I. The Plan should include a greater number of action-oriented items and call on all relevant Federal agencies to participate in identified milestones.

With our oceans and Great Lakes in the balance, we should take every opportunity to prioritize this work and to produce tangible "on the water" results. We hope to see the establishment of two regional planning bodies in 2012 and the completion of regional ecological assessments for those regions by 2014. We encourage you to move up the timelines for actions related to jumpstarting ecosystem-based management ("EBM"); preventing harmful impacts to water quality; and protecting and restoring marine habitat. All Federal agencies that have a role to play in achieving milestones should be identified in the final document.

A. The Plan should conduct regional ecological assessments to advise Federal decision-making to identify and protect, maintain, and restore important ecological processes and areas.

To ensure healthy ocean resources it is necessary to identify and protect important processes and ecological areas (“IEAs”). These are areas of the oceans that host essential habitat for endangered, threatened, or keystone species or serve as critical areas for spawning, breeding and feeding areas for ocean fish and wildlife. These places are part of our oceans’ heritage, are important to the overall health of ocean ecosystems, and must be protected.

Our organizations recommend that the National Oceanic and Atmospheric Administration (“NOAA”), in consultation with scientific and other experts and other Federal agencies, as appropriate: (1) develop a protocol in 2012 that lays out the criteria that will be used to identify important processes and IEAs¹ and; (2) produce regional ecosystem assessments to, among other things, identify where important processes and IEAs exist based on the aforementioned protocol.² It may be that this effort is envisioned by the milestone: “Identify and validate ecosystem indices and routinely incorporate them into EBM tools (*e.g.*, integrated ecosystem assessments). (NOAA; 2017).”³ However, there should be specific milestones for completing these integrated ecosystem assessments and the initial ones should be done long before 2017. We recommend that at least one regional assessment be completed by 2013, a second in 2014, and that this work then continue at a rate of at least two regions per year until all the regions have been assessed.⁴ It also should be made clear that regional ecosystem assessments feed into the development of coastal and marine spatial plans.⁵

B. The Plan should move up EBM milestones that occur after 2013.

Our organizations understand that full adoption of EBM will take time, but encourage you to move expeditiously to incorporate as many EBM elements possible and to move up EBM milestones that occur after 2013. For example, the milestone to “Incorporate EBM into Federal agency environmental planning and review processes” is set for 2016.⁶ This action should be put into place sooner, especially as agencies like the U.S. Department of the Interior (“DOI”) with its “Smart from the Start” Initiative are making decisions now that factor in components of EBM. Federal agencies should not wait to start implementing this important effort.

¹ One process for identifying and protecting IEAs can be found in Oceana’s August 23, 2010 *Important Ecological Areas in the Ocean: A Comprehensive Ecosystem Protection Approach to the Spatial Management of Marine Resources*.

² Please see the letter sent to the National Ocean Council from many of our groups, “Recommendations for the Strategic Action Plans” dated July 1, 2011, on the proper components of an ecological assessment.

³ Plan, at 15.

⁴ We also encourage the development of regional socio-economic assessments within this timeframe.

⁵ Please note that the Final Recommendations note the importance of having regional assessments to base coastal and marine spatial plans on (pages 58-60). The draft Plan refers to only “capacity assessments” (page 92); it should also reference the need for the regional ecosystem assessments.

⁶ Plan, at 14.

C. The Plan should establish two regional planning bodies in 2012.

Our organizations understand that the regions are moving forward to embrace comprehensive ocean planning at different speeds and some have more of the planning work accomplished than others. We appreciate that the National Ocean Council (“Council”) split the need to establish regional planning bodies into two milestones, with four to be formed by 2013 and the remainder to be established by 2015.⁷ However, our groups believe that the New England and Mid-Atlantic regions have invested significant effort in comprehensive ocean planning to date and that these regional planning bodies should be created in 2012.⁸ We strongly encourage you to create a new milestone that the New England and the Mid-Atlantic regional planning bodies be established in 2012.⁹ We also encourage you to establish the West Coast regional planning body by 2013.

D. The Plan should increase the number of action-oriented items.

Our organizations were pleased to see an increase in the number of near-term items, but are concerned that many of the identified milestones do not extend beyond the planning stage. Action 6 of the Regional Ecosystem Protection and Restoration chapter states the need to “Identify nationally significant marine and Great Lakes natural and cultural areas in need of protection” – we need actual protection of these critical places, not just their identification.¹⁰ The words “plan,” “identify,” and “assess” are found in many of the milestones, but the next steps to put the work into action are not committed to. For example, “Identify coastal watersheds for pilot assessments [to reduce wetlands loss]”,¹¹ “Complete a report recommending actions ... to improve the management of coastal wetlands and reduce losses nationwide”,¹² or “Identify actions encouraging the conservation and enhancement of habitat for priority species through EFH Provisions ...”¹³ could be revised to become action items as “identify and conduct”; “complete ... and take the recommended actions”; and “identify and take actions.” This is an issue throughout the document.

In addition, the final Plan should include more actions aimed at prevention and mitigation, instead of adaptation and assessment. For example, if the quantity of single-use plastic is reduced, the need for significant research and measures to address the plastic pollution washing up along the Nation’s shores is reduced.¹⁴ Similarly, although efforts to “[l]ocate, control, and, where possible, eradicate invasive species populations” are needed, from a risk management and cost-benefit perspective it is also important to

⁷ Plan, at 92.

⁸ The states in these regions and their corresponding Regional Ocean Partnerships should be commended for the coastal and marine spatial planning work they have accomplished to date and the regional planning bodies should build on their strong work.

⁹ The Plan currently states that the regional planning bodies are to be set up by the regional planning bodies (page 92); the accountable agency should be the National Ocean Council.

¹⁰ Plan, at 51.

¹¹ Plan, at 47.

¹² Plan, at 48.

¹³ Plan, at 52.

¹⁴ We support the use of existing regulatory tools, such as Total Maximum Daily Loads (TMDLs), to reduce land-based sources of marine debris (page 73); however, progress toward this milestone needs to be measureable, for example, through listing of impaired waterways, the targeted development of high priority TMDLs, implementation of those TMDLs and a quantifiable reduction in trash and the number of waterways impaired for trash.

prevent new invasive species from being introduced and propagating.¹⁵ The Changing Conditions in the Arctic chapter could provide actions on pollution prevention.¹⁶ It also should be noted in the Resiliency and Adaptation to Climate Change and Ocean Acidification chapter that mitigation for greenhouse gases is needed in order to prevent further destructive impacts from climate change.

We strongly support the Plan's goals of protecting wetlands and high quality water and recommend additional action-oriented milestones within the Water Quality and Sustainable Practices on Land chapter to help achieve these goals and showcase the work of the Council. For example, the Plan would benefit from greater specificity and action to adopt green infrastructure and tackle stormwater runoff and the overflow from combined and separated sewer systems. It is also essential that the Plan establish numeric nutrient criteria; in the absence of numeric criteria, the Council is certain to fall short of its desired outcomes and milestones for nutrient reduction as well as fail to achieve meaningful protection of the oceans, coastal waters and the Great Lakes from nutrient pollution.

We also encourage the Council to more fully address ocean acidification. The introductory text to the Resiliency and Adaptation to Climate Change and Ocean Acidification chapter fails to identify the anticipated impacts of and need to address ocean acidification; this should be included in text and as many milestones as is relevant in the final Plan.¹⁷ We also recommend expanding the federal network of ocean acidification monitoring; the Plan's existing milestone only addresses current climate monitoring which is in the fledgling stages for ocean acidification.¹⁸

E. The Plan should ensure the participation of all relevant Federal agencies.

In addition to not delaying important action, the agencies whose actions affect the health of coastal and marine ecosystems should make every effort to phase EBM principles and goals into their processes. For example, we are pleased to see that grant selection criteria will result in consideration for restoration activities that are best able to protect, maintain, and restore oceans, coasts, and Great Lakes, but NOAA should not be the only agency listed.¹⁹ Other agencies, for example, the U.S. Army Corps of Engineers and the DOI should be responsible for this effort as well. Similarly, other agencies must step up to help take action to encourage the conservation and enhancement of habitat for species – NOAA should not be the sole actor.²⁰ We would also like to see all Federal, Tribal, regional, state and territorial government data incorporated into or at the very least referenced in the National Information Management System and Data Portal.²¹

¹⁵ Plan, at 50.

¹⁶ Please note that many of our organizations will be signing on to an Arctic specific letter that provides additional comments on Arctic milestones.

¹⁷ Instances that should include ocean acidification actions include, for example, Action 4, milestones 1, 6, and 8.

¹⁸ Plan, at 57.

¹⁹ We also recommend removing the phrase "to the extent practicable" in the second milestone in Action 2 (page 15).

²⁰ Plan, at 52, milestone one.

²¹ Currently, the Plan only requires that non-confidential and non-classified Federal data be integrated into this data portal (pages 90-91); we recommend that data from Tribes, regions, states and territorial governments be incorporated by the launch date of 2015.

II. The Plan must make clear that its primary and ultimate goal is protection, maintenance, and restoration of our oceans, coasts, and Great Lakes.

At the heart of any ocean action plan there must be adequate protections to ensure continued and improved oceans, coasts, and Great Lakes natural ecosystem structure and functioning. We are pleased to see the Plan refer to the definition for EBM supported by more than 220 scientists and policy experts in the *Scientific Consensus Statement on Marine Ecosystem-Based Management* (“Consensus Statement”) and to the fact that “[t]he goal of ecosystem-based management is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need.”²² We further appreciate the clarification that “Through the ... [EBM] priority objective, this draft Implementation Plan provides a foundation for integrating EBM into the other National Ocean Policy priority objectives” and that coastal and marine spatial planning (“CMSP”) is a tool to “help inform and implement EBM”, rather than a goal in and of itself.²³

While the explicit statement that EBM underlies our Nation’s ocean action plan is important, it is also important to make clear that the health of the natural ecosystem is at the core of EBM and we recommend the Plan include a statement to this effect. To that end, we strongly recommend you include the following section from the Consensus Statement definition: “[EBM] emphasizes the protection of ecosystem structure, functioning, and key processes.”²⁴ As the Council moves forward in the final Plan to develop EBM principles, goals, performance measures, a policy statement, and develop guidance, we stress to you that these deliverables should include the elements we have raised here.²⁵

Additionally, the final Plan should explicitly reference the National Ocean Policy principles outlined in the Final Recommendations and adopted in Executive Order 13547, including the need to use

²² McLeod, K.L., J. Lubchenco, S.R. Palumbi, and A.A. Rosenberg. 2005. *Scientific Consensus Statement on Marine Ecosystem-Based Management*, at: <http://compassonline.org/?q+EBM>.

²³ Plan, at 2, 96.

²⁴ McLeod, K.L., J. Lubchenco, S.R. Palumbi, and A.A. Rosenberg. 2005. *Scientific Consensus Statement on Marine Ecosystem-Based Management*, at: <http://compassonline.org/?q+EBM>. Please note that the idea of protecting ecosystem diversity also should be added into the first bullet on page 11 to read “... protection and restoration of ecosystem structure, functioning, diversity, and key processes” [emphasis added]. Further, we recommend that “long-term” be removed from the sentence “Informed by both natural and social science, EBM is intended to conserve and restore our natural and cultural heritage by sustaining diverse, productive, resilient ecosystems and the services they provide, thereby promoting the long-term health, security, and well-being of our Nation” (page 10) in order to ensure the proper emphasis on promoting both short and long-term improvements. The Plan notes that coordination and efficient permitting processes can encourage economic development and growth “without compromising Federal agency responsibilities to protect health, safety, and the environment” (page 40, see also page 101). We recommend this text be revised to “while maintaining or improving health, safety, and the environment” and that the text regarding streamlining include this caveat as well (pages 4, 12). The outcome for Ecosystem-Based Management Action 1 should be revised to read: “Shared goals and a collaborative approach to EBM will improve management and increase the health and productivity of ecosystems for the long term.” It must be clear that, since the value of our ocean and Great Lakes resources relies on these resources’ proper functioning, the ecological systems should be adequately safeguarded.

²⁵ EBM does not replace single-species plans, but rather builds on their successes. As such, we recommend that the sentence “A narrow single-species or single-use approach to resource management is inherently inadequate ...” (page 9) be revised to reflect the understanding that, while single-species management can be helpful in protecting the natural environment, there are limits to its effectiveness.

the precautionary approach to account for uncertainty.²⁶ While true that these principles are consistent with EBM and so by inference are included,²⁷ further clarity is gained by including them in the final Plan.

III. The Plan should retain efforts to coordinate financial and educational resources to achieve the Plan's goals.

We strongly support the agencies' efforts to coordinate financial resources to achieve the Plan's goals. The cross-cut budget that is envisioned will not only result in more efficiency and coordination, but will provide another means for project accountability.

We also appreciate the milestone to "Complete an initial analysis of ocean and coastal economic statistics and jobs."²⁸ Our oceans and coasts are significant economic resources. The area of ocean controlled by the United States is greater than the country's total land mass, and in 2009 our more than \$222 billion ocean economy contributed more economic output than the entire farm sector.²⁹ Moreover, non-market values, like beach visitation and bird watching, and ecosystem services, such as storm and flood protection, only compound our oceans' value. We encourage you to provide a full accounting of the economic values and jobs that rely on healthy ocean and coastal resources and to use this data to make a case for additional funding opportunities.

Additionally, Action 5 within the Inform Decisions and Improve Understanding chapter calls on Federal agencies to "Develop human capacity and the skilled workforce necessary to conduct ocean research and manage ocean, coastal, and Great Lakes resources", highlighting a critical need that could be tied to the nation's job creation efforts.³⁰ In particular, there has been a demonstrated lack of funding opportunities for graduate and postgraduate students in the field of ocean research; whatever steps that agencies can take to encourage research within this field will benefit the Plan overall.³¹

IV. The National Ocean Council should produce a status report on the Plan every two years and an Oceans, Coasts, and Great Lakes Health Report every five years.

We applaud the Council for incorporating the adaptive nature of EBM and stating "This draft Implementation Plan is not meant to be exhaustive or final. Rather it represents an alignment of priorities and agreement across the Federal Government on the initial actions required to achieve the goals of the National Ocean Policy. It will be updated periodically as we make progress toward completing these actions, plan new initiatives, and continually strive to improve our stewardship."³² Having a regular check

²⁶ Final Recommendations, at 15-18.

²⁷ Plan, at 97.

²⁸ Plan, at 22.

²⁹ U.S. Commission on Ocean Policy. 2004. *An Ocean Blueprint for the 21st Century. Final Report*, at: http://oceancommission.gov/documents/full_color_rpt/welcome.html.; National Ocean Economics Program. Market Data: Ocean Economy Data 2009, at: <http://noep.mbari.org/Market/ocean/oceanEcon.asp>.; U.S. Department of Commerce Bureau of Economic Analysis. Gross-Domestic-Product-(GDP)-by-Industry Data, at: http://www.bea.gov/industry/gdpbyind_data.htm.

³⁰ Plan, at 23.

³¹ See, U.S. Dept. of Commerce and U.S. Dept. of Education. 2008. *The shortage in the number of individuals with post-baccalaureate degrees in subjects related to fishery science*. NOAA Tech. Memo. NMFS-F/SPO-91, 84 p.

³² Plan, at 6.

up on the health of these critical resources is important in order to ensure we are making the necessary progress to ensure their long-term functioning. Our organizations recommend that every two years, starting two years after release of the final Plan, the Council produce a report card assessing its efforts, including progress in meeting the milestones identified in the Plan, so that the public can evaluate the progress made in implementing the Plan.³³

We further recommend that there also be a periodic report, starting five years after adoption of the final Plan and recurring every five years, which evaluates the progress made using indicators of the resources' actual health. For this second report, we suggest developing a document similar in nature to the Puget Sound Partnership's *State of the Sound* report ("Report"). The Report documents the current status of the Puget Sound ecosystem, pinpoints where improvements are needed, and documents funding.³⁴ Another example of a report that uses ecosystem indicators to define and measure success is the Chesapeake Bay Foundation's *State of the Bay* report.³⁵ The structure followed by these reports will help give the Council and the public a sense not only of whether or not milestones are being achieved, but if the underlying goal of improving oceans and Great Lakes health is being achieved.

We appreciate the opportunity to share these recommendations with you and welcome the chance to discuss them in more detail. Thank you for all of the effort you and your agencies have invested in this process. We look forward to continuing to work with you to improve the health of our valuable oceans, coasts, and Great Lakes.

Sincerely,

Sarah Chasis
Oceans Initiative Director
Natural Resources Defense Council

Anna Zivian
Senior Manager, Marine Spatial Planning
Ocean Conservancy

Chris Mann
Senior Officer
Pew Environment Group

Sean Cosgrove
Marine Campaign Director
Conservation Law Foundation

³³ We suggest setting up a means to track progress along the way, rather than waiting to compile an update at the end of two years. Having this information available online would give the public another means to evaluate progress.

³⁴ See, <http://www.psp.wa.gov/sos2009.php>.

³⁵ See, <http://www.cbf.org/Page.aspx?pid=2220>.

William Chandler
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Appendix

Draft NOP Implementation Plan: Translating planning into action

While the draft Implementation Plan is more action-oriented and contains more near-term actions than the outlines of the national priority objectives, there are a number of cases where proposed milestones appear stuck in the planning phase and/or where planning could be easily translated into action in the short- to mid-term. Below are some specific examples of actions or milestones that could be improved, as well as some examples of the kinds of actions and milestones that would be expected to produce more tangible results and should be used as a model. This is not intended to be a comprehensive list, but rather to give some specific examples of changes that could improve the Plan.

Ecosystem-Based Management

Action 1, Milestone 1 (page 13): “*Develop EBM principles, goals and performance measures*”.. While the Plan’s emphasis on EBM is appropriate and commendable, the science and management community have to discussing it for more than a decade now. Surely, scientists and managers are ready to move beyond mere expression or development of principles and goals to action.

Action 1, Milestone 6 (page 14) is much better: “*Develop guidance for all Federal agencies about how to implement EBM*” in 2013. However, the next progressive implementation step is postponed to 2016 with Milestone 7, “*incorporate EBM into Federal agency environmental planning and review processes*”. That’s a long way off. There are a number of practical actions that can be taken on the shorter term that, taken together, add up to EBM in practice.

Action 4: “*Identify and implement place-based EBM pilot projects*”(page 16). This is a good intention, but Milestone 1 takes the wind out of it by limiting the first step to “*develop(ing) criteria for identifying geographic areas for pilot implementation*” in 2012. That Milestone is significantly removed from actually doing something in the water. There are likely some areas that are obvious candidates for this approach and we do not need to go back to the drawing board and identify criteria for the mere identification of areas to consider.

Action 4, Milestone 3 (page 17) does not envision actually starting pilot EBM projects until 2016. Again, that is a long way off. Surely there is enough groundwork being done within National Wildlife Refuges, National Marine Sanctuaries, National Estuaries and National Estuarine Research Reserves to get such projects started in less than four years, assuming funding is available.

Coordinate and Support

Action 3 (page 38): “*Reduce barriers to implementation of the National Ocean Policy.*”
Milestone 1: “*Identify Federal legal or regulatory gaps, overlaps, redundancies, and inconsistencies to effective collaboration and governance*” in 2012. This is a model Milestone that will generate a tangible product.

Regional Ecosystem Protection and Restoration

Action 2 is particularly disappointing and should be pushed farther. For example it includes identifying the “*underlying causes of [wetland] loss...*” These causes are well-known; what is needed is action to reduce these causes and mitigate loss.

Action 3 and accompanying milestones (page 48): “Incorporate carbon sequestration into coastal habitat conservation.” This is an excellent example of integration of two very important issues (climate change and habitat protection/restoration) with important work products in the short term.

Action 6 (page 51): “Identify nationally significant marine and Great Lakes natural and cultural areas in need of protection.” While this is important, the associated Milestones lack the crucial step of taking action to actually protect such areas. In addition, the Milestones lack the identification of the full suite of federal authorities available to protect habitat. This is an example of where better integration within the document would result in a more comprehensive approach to habitat protection. For example, contrast these Milestones with those found in the Water Quality chapter.

Water Quality and Sustainable Practices on Land

Action 7,

Milestone 2 (page 74): “Protect, restore or enhance 100,000 acres of wetlands, wetland-associated uplands, and other high-priority coastal, upland, urban, and island habitat.” This is an excellent Milestone. It is much more specific than those referenced above from the Coordinate and Support chapter and will result in products on the water that stakeholders will be able to witness.

Name: **jean public**

Organization: none

Path:

Comment: i donot like the plan. i believe it should be put on hold. i do not think it saves the ocean anymore than we save it now. we dont save it now. the ocean is "managed" by those who make money from it. they have regulatorily captured the councils so that the

Name: **Harlan Cohen**

Organization: IUCN

Path: http://edit.whitehouse.gov/sites/default/files/webform/letter_draft_national_ocean_implementation_plan.pdf

Comment: Please see attached PDF file



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16 March 2012

Dear Sir or Madam,

Thank you very much for the opportunity to provide public input to inform the development of the Draft National Ocean Policy Implementation Plan. IUCN, the International Union for Conservation of Nature, has read the draft with interest and provides the following brief comments:

We welcome the Draft Implementation Plan with its emphasis on obtaining, using and sharing the best science and data and on ecosystem-based management and the related need for coastal and marine spatial planning. We note that though priority objectives are presented in separate chapters, it is not the intent to pursue those objectives independently. Though our comments may for ease follow the chapter format, they will frequently cut across chapters.

IUCN welcomes plans to make information available at data.gov. In our view, the collection and exchange of data with respect of fisheries is an important tool for good fisheries management and is an obligation under the United Nations Fish Stocks Agreement as well as under customary international law as reflected in the United Nations Convention on the Law of the Sea. Collection and exchange of data are necessary to implement the Food and Agriculture Organization International Guidelines for the Management of Deep-sea Fisheries in the High Seas, which may, and should be, applied within areas of national jurisdiction. Our members at the World Conservation Congress in 2008 called on members to “promote free and timely access to information in accordance with relevant protocols governing data confidentiality to increase awareness and accountability for the sustainability of natural resources;...” The provision of data through data.gov would promote the objectives of these agreements and guidelines.

With respect of the section on Ecosystem-based Management, IUCN shares the finding that fisheries are better managed when considering the effects on competitors, predators and prey; the quality of the habitats; the effects of climate change and invasive species; and interactions with other human uses of the areas, including energy, mining, coastal development, tourism, shipping and national security. Wetlands are important as habitat for wildlife and also serve to sequester carbon, filter pollution and excess nutrients, and mitigate the effects of natural hazards. Coastal tourism should not have as its sole focus the maintenance of sandy beaches, but should also focus on preserving water quality, biodiversity, and healthy habitats. It is also necessary to consider the potential effects of development in the wider coastal area on the marine environment.

With respect of the section on Informing Decisions and Improving Understanding, IUCN agrees that strong science and technology are foundations for making informed decisions. Technology, including remote sensing, should serve to collect and provide data and information on marine conditions, including for the monitoring, control, and surveillance of activities that may be contrary to law. Cooperative arrangements should be pursued to allow for remote sensing technologies to

combat illegal fishing both within and beyond U.S. national jurisdiction and to close information gaps with respect of unreported and unregulated fishing. Recalling that Action 1 promotes scientific exploration particularly of the 95 percent of the ocean that remains poorly known through both international and non-nongovernmental partnerships, the Draft Implementation Plan should also address technical assistance and capacity building with respect of marine scientific research in conformity with customary international law as expressed in Parts XIII and XIV of the United Nations Convention on the Law of the Sea. The Draft Implementation Plan should also acknowledge and address how the United States will cooperate with and support the Regular Process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, which is now underway.

With respect of the section on Observations, Mapping, and Infrastructure, the comments on remote sensing in the section above apply here also. The assessment of the status of the Federal Oceanographic Fleet was of interest, but was incomplete. One of the proposed milestones was to assess the capabilities for oceanographic ships to support multi-mission agency activities in the Arctic. As evidence has shown over the past decades, the United States lacks adequate capacity to support such activities, thus this milestone is already superannuated. The United States lacks adequate icebreaker capacity to undertake search and rescue operations, to conduct scientific and oceanographic operations, and to support supply operations to remote areas. In the late 1980s the United States requested the then Soviet Union to provide an icebreaker to break ice when three grey whales were feared trapped in open water near Point Barrow as it had no available icebreaker capacity in the area to undertake this operation itself. More recent examples include the lack of capacity to break ice to allow a supply vessel to reach McMurdo Station in Antarctica and to allow a re-supply fuel vessel to reach Nome, Alaska. The possible opening of Arctic waters to offshore drilling also demands adequate ship capability, including of ice-strengthened vessels, to deal with all potential emergencies. Thus, the results of the proposed milestone should already be obvious.

With respect of the section on Coordination and Support, IUCN notes with agreement the finding that the effects of climate change, overfishing, depletion of many fish stocks, the global reach of regional disasters, ocean habitat degradation, and an increased need to take advantage of observation platforms have drawn attention to the international nature of ocean and coastal challenges. As a conclusion to this finding, IUCN believes that the Draft Implementation Plan would benefit from greater emphasis on international cooperation and coordination, including *inter alia* through the work of the Food and Agriculture Organization, regional fisheries management organizations and arrangements, the Regular Process of global reporting and assessment of the state of the marine environment, including socio-economic aspects, and the Intergovernmental Oceanographic Commission. With respect of proposed Action 5 to improve efficiency of permitting of ocean, coastal, and Great Lakes uses for which aquaculture was cited as an example, IUCN, while supportive of efficiencies, notes the importance of allowing for consultations among the full range of stakeholders throughout government and civil society.

With respect of the section on Regional Ecosystem Protection and Restoration, IUCN notes that milestones under Action 1 on decision support tools to identify land protection and restoration priorities largely cite the Chesapeake Bay system. While a healthy Chesapeake would support coastal and regional communities and their welfare in a way that a damaged Chesapeake does not,

IUCN notes that other estuaries, deltas and river systems also require such support, for example the Hudson River and New York Harbor, the Sacramento River delta and the Mississippi River delta and surrounding coastal areas and wetlands. Action 2 on the reduction of coastal wetland loss and improvement of understanding of coastal wetland status and trends should also address issues with respect of beach replenishments and the building of jetties that interrupt natural processes with respect of movement of sand. Action 3 on the incorporation of carbon sequestration into coastal habitat conservation could be expanded to include reference to blue carbon and how this should inform discussion under the United Nations Framework Convention on Climate Change, to which the United States is a party. IUCN welcomes Actions 4 and 5 with respect of the protection and conservation of coral reef ecosystems and the location, control and eradication where possible of invasive species populations.

With respect of the section on Resiliency and Adaption to Climate Change and Ocean Acidification, IUCN welcomes discussion of the likely scale, scope and pace that climate change and ocean acidification will have on marine systems. We remain deeply concerned about their projected harmful impacts on marine life and biodiversity. In this regard, we note reference to the design, implementation and evaluation of adaptation strategies, and urge a similar process for the design, implementation and evaluation of mitigation strategies. It is noted that the United States recently took a leading role to urge consideration of mitigation with respect short-lived climate pollutants, including methane, black carbon (soot) and hydrofluorocarbons (HFCs). Noting sound scientific evidence that links carbon emissions into the atmosphere to harmful effects on the marine environment, the United States in its National Ocean Policy Implementation Plan should also consider the effects of anthropogenic emissions of carbon dioxide into the atmosphere on the world's oceans and necessary mitigation measures to reduce or prevent this harm.

With respect of the section on Water Quality and Sustainable Practices on Land, IUCN welcomes this section and notes that milestones under Action 1 cite the Mississippi River Basin, the Chesapeake Bay and the Great Lakes Initiatives. IUCN assumes that these are illustrative and that notes the urgent need to avoid any introduction into Lake Iliamna and associated waters of nutrients, sediments, toxics or pathogens that could threaten the health of the ecosystem of Bristol Bay and surrounding waters.

With respect of the section on Changing Conditions in the Arctic, it would appear that the lack of mention of a need for icebreaker services is a serious omission. There is mention of a milestone to prepare material that could support a U.S. submission on the delimitation of the outer limits of the Continental Shelf under Action 5 on advancing Arctic mapping and charting. This would appear to be a reference to the Commission on the Limits of the Continental Shelf set up under Annex II to the United Nations Convention on the Law of the Sea. Curiously, the Draft Implementation Plan appears to have no reference to U.S. accession to the United Nations Convention on the Law of the Sea that would allow for such a submission. This omission should be corrected. IUCN would also welcome reference in this section to action to implement a joint resolution of Congress (S.J.Res.17) that called *inter alia* upon the United States to initiate discussions to negotiate international agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic and until the agreements come into force, to support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

With respect of the section on Coastal and Marine Spatial Planning, as noted previously IUCN welcomes in particular Action 3 on incorporation into a National Information Management System and Data Portal. Such data should include fisheries data, information on vulnerable marine ecosystems as provided for in the FAO International Guidelines on for the Management of Deep-sea Fisheries in the High Seas, and information from remote sensing systems.

Again, IUCN very much appreciates this opportunity to provide comments on the Draft Implementation Plan and wishes every success to the National Ocean Council as it continues its important work.

Sincerely yours,

Harlan Cohen
Advisor on Ocean Governance and
International Institutions

Name: **Dee Freeman**

Organization: Governor's South Atlantic Alliance

Path:

Comment: Comment sent via email.

Name: **Bruce Freeman**

Organization: Jersey Coast Anglers Association

Path:

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JERSEY COAST ANGLERS ASSOCIATION

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Feb. 27, 2012

National Ocean Council

White House

Washington, D.C.

Subject: Draft National Ocean Policy Implementation Plan

These comments are being provided on behalf of the Science and Research Committee of the Jersey Coast Anglers Association (JCAA). The JCAA is a non-profit association of some 75 saltwater fishing clubs organized to represent recreational anglers in matters pertaining to the well-being of marine, estuarine and anadromous fishes and environmental issues, especially water quality issues, that impact fish and fishing. Since JCAA has been directly involved in fishery management and water quality issues for many years, our comments will focus on these areas of the Draft Plan.

Since ecosystem-based management (EBM) is one of the underpinnings of the National Ocean Policy, there needs to be a clear and understandable definition of this term. The Plan indicates that it integrates ecological, social, economics, commerce, health and security goals, but does not indicate how this will be accomplished. How will competing management goals be reconciled? EMB is becoming a popular term used by many organizations and agencies, yet it engenders different definitions depending on which group you question. Because of the importance of this concept with regards to being the nations' policy, it is very important that it be fully understood and accepted by the public.

The Draft Plan stresses a high standard for water quality; certainly a laudable goal. But in order to achieve this, especially in near shore water, it requires implementing and carrying out sustainable land-use practices which are mostly set and carried out by the states. Also, the same is true for coastal development which is listed as one of the major contributors to altering ecosystems, reducing biological diversity and stressing wildlife and natural resources. How will the federal goal be met without total cooperation from all the states?

The Plan indicates that ESM is a comprehensive big picture approach to resource management with its actions supported by science. Based upon our state of knowledge today and what is needed to understand the complex interrelationships of the biological world, considerably more scientific studies will be needed. The Plan states that no new bureaucracy will be created and any necessary operating funds will come from the existing federal budget. Nevertheless, we see that the FY 2013 budget calls for the elimination of existing programs to monitor water quality, end cooperating programs with coastal states and interstate fishery commissions, and close federal fishery laboratories critical to understanding the relationships of the biological world. What the Plan advocates as a critical need and what we see occurring seems diametrically opposed. How will the Ocean Council address this issue?

The Plan gives little mention of how the public will be directly involved in any sort of advisory capacity. It is our experience that public advisors are important to federal fishery programs. Public advisors play an important role in both interstate fishery commissions as well as federal councils. Will such advisors be part of the NOC, and if so, what is the process?

We trust these comments are helpful to you.

Respectfully,

Bruce L. Freeman

Chairman, JCAA Science and Research Committee

Name: **Babtist Paul Lumley**
Organization: Columbia River Inter-Tribal Fish Commission
Path:
Comment: Comment sent via mail.



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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February 27, 2012

Michael Weiss
Acting Director
National Ocean Council
722 Jackson Place NW
Washington, DC 20503

Dear Mr. Weiss:

On behalf of our member tribes, CRITFC takes this opportunity to comment on the National Ocean Policy Implementation Plan. CRITFC previously provided comments on the Draft Action Plan during the listening session in Portland in July 2011. The Commission was formed in 1977 to provide a unified voice in the protection of the treaty fishing rights of the Nez Perce, Umatilla, Warm Springs, and Yakama tribes, which were reserved in treaties with the United States government in 1855. Our treaty protected resources include salmon, steelhead, sturgeon, and lamprey, which spend part of their life in the ocean. The federal government has a trust responsibility to the tribes to maintain these resources.

From a substantive perspective, the Implementation Plan has many positive aspects to addressing such a large and complex set of issues. From a process perspective, we are concerned that the Implementation Plan does not adequately address the trust responsibility obligations of the federal government to the tribes. Additional comments are attached.

The tribes look forward to working on the important issue of a National Ocean Policy. The health of the ocean environment is important to all people of the United States. Sound policies for the ocean environment will contribute to sustainable treaty protected resources that will benefit future generations.

Thank you for the opportunity to comment.

Sincerely,

Babtist Paul Lumley
Executive Director

Attachment

CRITFC Comments on
National Ocean Policy Implementation Plan
February 27, 2012

1. Organizing the nine National Priority Objectives into four themes helps focus the implementation efforts.
2. Adopting an ecosystem-based approach that recognizes the human impact on the environment is consistent with the tribal approach to natural resources management. Establishing a collaborative framework and a shared set of goals is a challenge given the wide array of interests in the ocean environment.
3. We support the use and sharing of the best science and data. Transparency in the collection of data and the use of analytical tools is necessary to achieve a well-informed decision-making process that effectively addresses the interests of affected groups and clearly lays out the consequences of alternatives.
4. In order to promote efficiency and collaboration, the recommendation is to support existing regional ocean partnerships, which are state government forums. While we appreciate the need to address issues on a regional basis, a more inclusive forum that includes tribal representation must be developed. The federal government must live up to its treaty trust responsibility and ensure that meaningful tribal participation and consultation takes place.
5. Strengthening regional efforts in developing actions that are fair, efficient, wise and stable. Regional efforts must be inclusive of all affected groups.
6. The lack of acknowledgement of the relationship between the federal government and the treaty tribes throughout the document is troubling. The government-to-government relationship of the tribes and the federal government recognizes the sovereignty of the tribes and the tribes' role as co-managers of the resource. Meaningful tribal consultation and participation in the development and implementation of the National Ocean Policy is part of the federal government's treaty trust obligations.
7. We support the development of federal cross-cut budget for implementation of the National Ocean Policy to promote efficiency and collaboration. This is especially important given the current economic climate.
8. The coordination of the activities of the thirty-seven federal agencies identified in the implementation of the plan is a challenging task. Including tribal, state, and local entities multiplies the complexity of coordination. Such extensive coordination and collaboration is necessary to meaningful implementation.

9. Activities in upland areas affect the quality of the ocean environment. Many of the same federal agencies are involved in these activities. The concepts of a federal cross-cut budget and coordination of activities affecting environmental quality should be extended to upland activities. Water quality effects from upland activities will have an impact on the ocean environment. It is unclear where the boundary will be drawn for the purposes of implementation of the National Ocean Policy.
10. Climate change will have many effects on the ocean environment. One effect is the quantity and timing of runoffs from upland areas will change the input into the ocean environment. In the Columbia River Basin, the management of the hydropower system also affects input. We are examining climate change scenarios for the projected effects of water management on treaty trust resources. Other geographic regions will also endure climate change effects. This is another connection between inland practices and the quality of the ocean environment.
11. The decision making framework must be flexible enough to address uncertainties, such as the effects of climate change. In a changing environment it is important to develop a framework that learns from previous experience and can be adapted for future conditions. Using our current knowledge base to identify and address gaps is necessary for any decision making tool to have utility.