

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

February 4, 2010

Interagency Ocean Policy Task Force
White House Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Dear Interagency Ocean Policy Task Force:

The Executive Committee of the West Coast Governors' Agreement on Ocean Health (WCGA) has reviewed the Interagency Ocean Policy Task Force's Interim Framework for Effective Coastal and Marine Spatial Planning (Interim Framework) released on December 9, 2009 and we applaud your efforts. In recognition of increasing and often competing demands on coastal and ocean resources, the WCGA agrees on the need for comprehensive and coordinated management efforts. We believe that Coastal and Marine Spatial Planning (CMSP) can serve as a useful framework for successful planning and management of these resources. Due to the importance of the Interim Framework for CMSP and the substantial changes it could bring to coastal and ocean management, we are providing comments on areas we support and areas where we have some concern. We have also provided some recommended changes or points of clarification.

General Areas of Support

Framework Goals and Principles

The goals identified in the Interim Framework correspond well with the goals and visions of the WCGA. Our Action Plan similarly highlights the importance of supporting sustainable uses, promoting resilient ecosystems, providing for public access, and enhancing intergovernmental collaboration for coastal and marine environments. The Interim Framework's national guiding principles also align well with those of the WCGA, and we particularly value inclusion of the following principles: using an ecosystem-based management approach that addresses cumulative impacts; reducing conflicts of existing and emerging uses; involving partners, the public, and stakeholders through a transparent process; using the best available science; and using an adaptive and flexible approach to changing conditions and issues to balance management approaches and competing uses for our coastal and marine waters.

Framework Scope

We support that the Interim Framework specifies that Coastal and Marine Spatial Plans

(CMS Plans)¹ will extend across state, regional and national boundaries, and that they will be “developed cooperatively among federal, state, tribal, local authorities, and regional governance structures, with substantial stakeholder input.” Further, we agree that the geographic scope of CMS Plans should be regional and scaled according to large marine ecosystems (LMEs). However, the framework should be clear about what would, or would not, be required in a regional plan, and how the framework would relate to existing marine management plans. We also appreciate recognition of the importance of the land-sea connection because consideration of land uses and their impacts is critical for comprehensive management of our coasts and oceans. Moreover, the inclusion of bays and estuaries is equally important for effective management as these areas are often subject to greater impacts and conflicts from human uses.

Recommendation: We would prefer that the Framework include a stronger emphasis on nearshore and estuarine planning since these areas contain important habitats yet are subject to high levels of human activity.

Regional Partnerships and the Role of the WCGA

We are encouraged by the role provided in the Interim Framework to regional partnerships to conduct CMSP, and the ability to utilize existing governance structures. Further, we support having a flexible approach for regional partners to determine what will work best for them. As you know, the WCGA is the existing regional partnership for West Coast states to address issues affecting the California Current LME.

Recommendation: We believe that the WCGA would be the appropriate partnership to lead CMSP efforts for the region. We have an established, strong partnership consisting of federal and state entities² and we are already considering some elements of CMSP through WCGA Action Coordination Teams. We will, however, need to consider how we can better incorporate CMSP into the existing WCGA structure to fulfill all CMSP requirements identified in the Interim Framework. We recognize that the appropriate tribal sovereigns will need to be

¹ The Interim Framework utilizes the term CMSP to refer to the broader planning process and CMS Plans to refer to the actual plan developed from the process. For consistency, we will utilize the same terminology and definitions in this letter.

² The Executive Committee of the WCGA is comprised of the following state and federal partners: Brian Baird, Assistant Secretary for Ocean and Coastal Policy, California Natural Resources Agency; Jessica Keys, Natural Resources Policy Advisor, Oregon Governor’s Natural Resources Office; Bob Nichols, Policy Advisor, Washington Governor’s Office; Usha Varanasi, Director Northwest Fisheries Science Center, Department of Commerce/National Oceanic and Atmospheric Administration; Joan Barminski, Deputy Regional Director, Department of Interior/Minerals Management Service; and Alexis Strauss, Region 9 Water Division Director, Environmental Protection Agency.

part of the decision-making process and the Pacific Fishery Management Council will need to be further engaged in the process.

While we believe that utilizing the existing strengths and partnerships of the WCGA is preferable to establishing a new group to manage CMSP efforts, we feel obliged to note that funds and technical assistance will be required before the WCGA commences the planning process. Also, it is currently unclear in the Interim Report who, ultimately, decides the composition of the regional planning body. We request clarification on this issue and believe that regions should have flexibility in deciding who is on the planning body.

Areas of Concern

We believe that clarification or changes are needed in the following areas:

1. Intended Function and Strength of CMS Plans

It is unclear in the Interim Framework whether CMS Plans require development of new regulations that would guide, or even prescribe, uses at the regional level. We believe the regional plans should provide information and guidance, but actual use designations and implementation would occur at the state and local level consistent with the regional plan. We assume that any regional plan would be consistent with, and incorporate the provisions of, existing coastal and ocean management programs such as the Puget Sound Action Agenda, the Oregon Territorial Sea Plan, and the network of marine protected areas established via the California Marine Life Protection Act.

Recommendation: Clearly state whether the resultant CMS Plans will be regulatory in nature or instead be “value-added” to build on existing coastal and ocean management efforts. We strongly believe that CMS Plans need to work collaboratively with and enhance existing coastal and ocean management plans and programs where appropriate. Within this context, we further believe the Interim Framework needs to clarify the intended scope of plan adherence and dispute resolution provisions, which seems to imply a regional and national regulatory framework.

2. Lack of Commitment to Funds and Resources

Integrating a CMSP component into existing plans, or developing new plans with CMSP components, requires a significant infusion of new human and financial resources. While we appreciate that the Interim Framework recognizes that the “development of CMSP would require significant initial investments of both human and financial resources” (page 3), we are also concerned that this falls short of a necessary commitment to new federal funding for such an effort. Reallocating existing funds for this purpose could

undermine valuable core programs and capacity for on-the-ground activities to manage ocean and coastal resources. Thus we are pleased that a small amount of new funds was identified in the President's FY11 budget for the National Oceanic and Atmospheric Administration and the Department of Interior to initiate this work.

Recommendation: The Interim Framework needs to be clear that these activities cannot move forward absent a strong, long-term commitment from the federal government for enhanced funds and technical assistance to regional entities to develop and implement these programs. Further, in utmost appreciation of the federal agencies engaged with the WCGA to date, we request that resources also be provided to federal agencies on the West Coast to continue this partnership. The WCGA owes many of its accomplishments to the outstanding support and collaboration of our federal partners.

3. Timing

The Interim Framework requires greater clarification on the timelines for implementing phases of the CMSP. For actions that do have clear timeframes identified, many appear to be unrealistic. For example, the national information management system and acceptable data standards may take longer to develop and complete than two years. Also, it seems unlikely that the National Ocean Council (NOC) would be able to determine how best to incorporate the CMSP into the NOC governance in the first month of Phase I.

Recommendation: Provide much greater detail in the timeline on page 26, and adjust it as necessary to reflect the realities of implementing this bold vision.

4. The Role of Existing Management Efforts is Unclear

The Interim Framework incorporates approaches that would require existing efforts to conform to a federal ocean agenda to ensure national consistency across regions. Washington, Oregon, and California appreciate the critical role of the federal government in coordinating management of shared marine resources. Our three states established the WCGA in recognition that a regional approach will improve our management of ecological and economic resources with an eye toward what is best for the entire region. State partners in the WCGA also work closely with Canada and Mexico on marine-related issues.

In the Interim Framework it is unclear what new national guidance or standards might be developed, how they will be used or required in CMS Plans, whether they require enforceable use designations at the regional level, and how they will affect existing management efforts. The framework should be clear that it is intended to build upon and be consistent with existing programs such as a state's federally-approved coastal

program. We understand that a CMS Plan would need ultimate approval from the federal government, but it remains unclear whether states will have flexibility to craft unique processes to receive such approval. The following are some recommendations to help alleviate these issues.

Recommendations:

- a. **Better acknowledgement of state, tribal, and regional efforts and, where appropriate, provide deference to their authorities.** The Interim Framework needs to build on and work with existing coastal and marine planning and implementation efforts. The document should make it clear that CMSP will integrate with these existing efforts rather than substitute for them.
- b. **Encourage strategic gap analyses** to build upon existing efforts. Much has been accomplished at the regional, state and local level to lay the groundwork for CMSP, but more needs to be done. An example of an existing foundation for successful marine spatial planning effort on the West Coast has been initiated by the WCGA Renewable Ocean Energy Action Coordination Team. The team has outlined a project that will identify existing spatial data and resources and planning considerations that will contribute to determining preferred locations for offshore renewable energy in the region. The process will also reveal gaps that need to be filled to effectively site renewable energy. We will need the federal agencies to help identify and address these critical gaps. Planning for renewable energy development is becoming a core component of CMSP on the West Coast, yet we recognize there are a multitude of other uses to consider. In general, the WCGA would need additional capacity in the form of technical assistance and financial resources to fulfill the bold requirements of the Interim Framework to create and implement a regional plan.
- c. **Ensure clear federal leadership by establishing NOAA as the federal agency lead for CMSP.** We support the need for federal agencies to better coordinate among themselves and provide a common voice through the National Ocean Council. However, we believe that to effectively develop and implement CMSP, it is essential to designate a federal agency to take the lead *in managing those efforts*. As the lead federal agency for managing the ocean and coastal resources of this nation, we believe that NOAA is the right federal agency to serve this role.
- d. **National information management system needs a stronger connection to state and regional data and to establish related partnerships.** National data systems are complex and highly resource intensive. The two efforts mentioned on page 25 of the Interim Framework to create a national data system and to assess

science needs are enormous and challenging projects. In addition to including federal data, the national information management system should acknowledge the importance of relevant state and regional data and partnerships, which would be helpful for implementing CMSP at the regional level.

The national system needs to have flexibility to: 1) incorporate state and regional data, and 2) share federal data with appropriate state and regional systems. The Interim Framework process, perhaps unintentionally, seems to value federal data over these data in the planning process and does not establish the necessary partnerships that will result in a truly useful system. In identifying data needs and gaps, federal agencies need to seek state and regional-level technical and policy input from the beginning of the process. This early involvement by states and regions will allow for the national data system to most effectively serve the needs at the regional, state, and local levels.

5. Clarify the role of conservation and pollution prevention in CMSP

According to page 1 of the Interim Framework, the rationale for CMSP is to support “significant and often competing uses and activities,” and conservation is included in the list of such activities. While we agree that CMSP can improve conservation, we do not believe conservation should be considered a “use.” Instead, conservation should be an overriding goal of this effort. Moreover, CMSP could be a valuable tool for identifying and reducing pollution and similar types of impacts, yet the framework’s focus on “uses” diminishes the importance of these other potential benefits.

Recommendation: We believe that *conservation* and *use* should be clearly distinguished throughout the Interim Framework, as was done in the last paragraph on page 3, where it is stated that “CMSP is intended to improve ecosystem health and services by planning *human uses* in concert with the *conservation* of important ecological areas...” Further, we recommend that the importance of conservation be recognized in the Guiding Principles of the Interim Framework.

In conclusion, we believe the three states, working collaboratively with our federal partners, tribal governments, local governments and interested stakeholders have already demonstrated significant progress in the regional management for our coastal and marine waters, and these efforts include work in our large estuaries and in our upland watersheds. State partners in the WCGA also work closely with Canada and Mexico on marine-related issues. These types of efforts have all been identified as important

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components in the Interim Framework, and we see CMSP as a valuable tool to help us succeed.

Thank you for your leadership and hard work in developing the Interim Framework for CMSP. The West Coast Governors' Agreement on Ocean Health looks forward to working with the Obama Administration to engage in comprehensive marine spatial planning in our region and further improve the management of our coastal and marine resources.

Sincerely,



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