

**Statement before the U.S. Commission on Ocean Policy
Regional Meeting - Boston, Massachusetts**

Federal Agency Coordination on Ocean Policy

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I appreciate the opportunity to appear before the Ocean Commission to discuss improvements of federal agency coordination with respect to coastal and ocean resource management and use. We share the Commission's interest in improving interagency integration and conflict avoidance, reducing costs and redundancies, and providing efficient and consistent service to the public.

The staff of the NOAA Fisheries Northeast Region coordinate daily with our federal partners on many issues and at many levels. In general, our federal coordination activities fall into four categories:

- (1) Actions in which NOAA Fisheries is an advisor in the development of another action agency's project proposal;
- (2) Actions in which we consult with other federal agencies and where NOAA Fisheries is the decision maker or a final policy checkpoint;
- (3) Actions in which NOAA Fisheries is the customer or action agency initiating consultations, applying for a permit, or otherwise seeking the approval of another federal agency, and
- (4) Actions where we partner with federal, state or local organizations on community-based projects and restoration work.

These categories of activities are associated with our everyday operations under the Magnuson-Stevens Act, the Endangered Species Act, the Marine Mammal Protection Act, the Fish and Wildlife Coordination Act and others. Due to our strong commitment to coordination efforts, most of these activities are very successful. More than one hundred times per year the Northeast Region Protected Resources Division consults with other federal action agencies regarding how their activities in and around the marine environment may affect threatened or endangered species in Northeast waters. Only a few of these consultations become difficult or controversial. The Northeast Region

Habitat Conservation Division coordinates closely with colleagues from the EPA, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers to review more than two thousand proposals each year for projects in the region affecting wetlands, waterways, and Essential Fish Habitat. We come to agreeable terms on almost all of these projects. In rare situations when we differ, we have a process for elevating the discussion and decision.

For the most part this consultation process works well. However, in those instances where there are disagreements or divergent agency missions, living marine resources may be better served if the action agency's permitting process equally considered those resources. As it stands, NOAA and other resource agencies are merely advisors to an action agency on potential impacts of a project on marine resources. There is no impartial arbiter of the potentially conflicting priorities and responsibilities of the different agencies.

My reason for highlighting the volume of coordination activity in the region is not to paint a rosy picture of our operations, but to demonstrate that most of the work on ocean issues is done in the regions in partnership with other Federal, state and local agencies. The region is where the public is getting its services.

A high point in the area of regional coordination and collaboration is the projects NOAA is working on through the NOAA Fisheries Restoration Center. This center has more than one hundred and fifty projects ongoing or in planning that will restore and improve fish habitat and enhance community stewardship of coastal resources. Each restoration project is a unique and prolonged collaboration of federal, state, and local partners, as well as community leaders, fishing groups and conservation organizations. This is a wonderful program with clear positive benefits and a high degree of cooperation among the partners. What may be lacking, however, is an overall strategic plan that cuts across the different missions of all of the partners and in which fishery habitat restoration priorities would be consistent with and supportive of regional ocean planning priorities.

Most of the coordination efforts that I've noted come as part of our reaction to project proposals for activities in the coastal zone. We are proficient because we are so practiced at dealing with not only federal, but state and local partners, on hundreds of project proposals each year. In both state and federal waters, our interagency coordination could be improved and the use marine resources could be made more sustainable if project proposals were preceded by thoughtful, comprehensive ocean planning involving local, state, and federal interests. As there is currently no body with the authority or resources to plan or to develop a comprehensive ocean management strategy, our consideration of ocean issues is somewhat project specific and limited in scope.

Development of a national ocean policy that provides a framework for regional

ocean planning would be beneficial. This framework provided to a regional planning body, consisting of representatives from local, state, and federal agencies with interests in the marine environment and who know the local resources, issues, and stakeholders, could then guide regional ocean policy and its implementation for the stewardship and use of marine resources.

The improvements to coordination afforded by planning would be especially evident in federal waters. There are several differences between coastal and offshore projects that may account for the added difficulty we experience when considering projects in the EEZ. Offshore projects tend to be bigger; we are less practiced at jointly reviewing them and our understanding of jurisdictions is an issue; and resource assessments and potential impacts analyses are sometimes less certain and more costly. Ocean planning would necessarily prompt prior consideration of siting and jurisdiction and would help develop the same types of interagency partnerships and efficiencies we enjoy in the coastal zone. To the extent our guiding statutes allowed, siting and impacts analysis requirements would be aligned and duplication of reporting would be minimized. Consequently, ocean project development would be improved, as it would be conducted in more coordinated and measured manner, in both federal and state waters.

As an example of how our coordination in the consultation and permit review activities might be improved by farsighted prior planning, let's consider a hypothetical proposal for an offshore structure in federal waters. Currently, because there is no comprehensive guidance for the planned development, use, and/or conservation of the marine environment, the proposal is likely to be a bit short-sighted. It's doubtful that the siting, design, and operations plan will have been formed with the interests of all the state and federal ocean policy agencies and their constituencies in mind. Nor will the government's stewards and regulators have collectively anticipated and planned for the project. We will not have thought about where in the EEZ new structures should or should not go. We will not have previously considered new offshore structures with respect to their effects on the marine environment and its users. How might the siting and installation of the structures be made compatible with the interests and needs of the commercial and recreational fishing communities, the shipping industry, marine safety professionals, or coastal water quality managers? Having never taken a collective, comprehensive look at marine resources and uses from the perspectives of the various federal agencies and their stakeholders and having never planned for offshore structures in a general sense, it will now be difficult to determine from our respective limited views if the specific proposed site is the best one for this project. Our lack of planning for the development of the EEZ results in a permitting and project review process that is long and difficult for everyone involved. The singularity of the proposals that go through our individual reviews do not provide clear precedent for subsequent actions, and we're often faced with inventing new approaches to fit each proposal.

A process for planning the conservation and use of resources, would allow us

to be better prepared to respond collectively to this and other innovative proposals.

And we are likely to see many proposals for innovative offshore projects in the near future. As technology improves and the coasts become more crowded, aquaculture is moving offshore. We may see structures erected to collect wave energy or to support everything from fish processing to casinos. The need for mineral and oil extraction, as well as, for power and communications transmission is likely to grow. Ongoing activities, such as, oceanographic equipment testing or fishery management measures, could also be considered and, in turn, could be informed by a process for the collective planning of the federal agencies.

Over the last few years, proposals for marine reserves and wilderness areas have been floated in a variety of fora throughout the region. To the extent that these proposals may affect fisheries, I will work to ensure they are coordinated through the fishery management process, but it's also important that there be a venue for ensuring that these initiatives are consistent with the marine resource stewardship and use interests and the existing authorities of a broader set of government managers and public stakeholders.

Why don't we do this collective planning and policy development already? To some degree, we do. My senior staff and I participate on several executive level partnerships and boards, such as the New England Federal Partners, the Mid-Atlantic Federal Partners for the Environment, and others. These groups do laudable things. They aim to improve interagency communications, to identify shared and divergent priorities, and, where we have shared interests, to implement measures in a cooperative, consistent, and efficient way. Though we do benefit from the partnerships that these boards foster, the energy and resources that all the federal members dedicate to these bodies is commensurate with how closely aligned the board's function is to our principal missions. Our commitment wanes when board activities veer from our own interests. Also, these boards tend to be project oriented and not forward-looking and fulfilling of the planning function.

In summary, I believe that stewardship of our marine resources would be improved through a process that, regardless of the action agency, equally considered marine resources with other potentially conflicting priorities, and through a more comprehensive planning process to bring together federal, state and local interests for coordinated management of ocean resources.

With all of this in mind, I caution against any structural change that adds complexity and additional bureaucracy, or that does not clearly streamline and reduce layering. Further, I want to stress the importance of a regional approach to this important activity. Cooperation and coordination are best accomplished at the local level.

Again, I would like to thank Admiral Watkins and the Commission for inviting me to speak. Thank you for considering my ideas.