

**Public Comments
on the U.S. Commission on Ocean Policy's Preliminary Report**

Topic Area: Coastal Zone

Comments Submitted by:

- Dawn Hamilton, Coast Alliance
- Lauren McDaniel
- Virginia Oshaben, Key Largo, Florida
- Marvin R. Smith, King Salmon, Alaska
- Dan Hanes, Santa Cruz, California
- David Wilson Jr., Ocean City, Maryland



June 4, 2004

Admiral James D. Watkins, USN (Ret.)
U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

Dear Admiral Watkins:

On behalf of Coast Alliance, I would like to thank you and the other members of the U.S. Commission on Ocean Policy for your outstanding efforts in examining the state of our nation's ocean and coastal resources, and making recommendations for improved, comprehensive ocean and coastal policy. The coastal conservation community has anxiously awaited the Preliminary Report, and is excited at the opportunity it presents to move toward improved protection for our important coastal habitats and resources. The Coast Alliance has worked on many of these issues over the last twenty-five years, and we appreciate the opportunity to comment on your findings and recommendations.

Overview

The Preliminary Report clearly sounds the alarm that our nation's oceans and coasts are in trouble. The report makes a very compelling case for immediate action, based on a thorough scientific and economic analysis, and lays out laudable goals for making drastic changes in the way we manage and protect our precious coastal and ocean resources. We strongly support the Preliminary Report's call for comprehensive ocean and coastal policy and a coordinated management structure, and are hopeful these broad policy goals will be translated into bold and effective policy. The report expressed a sense of urgency regarding the state of our nation's coasts and oceans, and makes clear the need for immediate action – both of which will help ensure the public and decision makers at all levels are engaged.

Coastal Planning and Management

We are very pleased the Commission recognizes that the pressure from rampant growth in coastal areas is contributing to the collapse of fragile coastal ecosystems. The Commission acknowledges that the sheer numbers of people moving into coastal land

areas, coupled with the fragile nature of coastal resources, create significant damaging effects. We were also glad to see the Commission cite the connections between coastal and upland areas, and the effect sprawl and development deep within the nation's watersheds have on our coastal resources.

As the Preliminary Report acknowledges, decisions affecting management of our coastal resources are made at multiple levels of government – at the local level through land use planning, zoning, and capital improvement projects; at the state level, where 34 out of 35 coastal states have coastal programs in place under the Coastal Zone Management Act (CZMA); and at the federal level, through funding decisions, environmental standard-setting, and federal area-based coastal programs like the CZMA, National Estuarine Research Reserve System, National Estuary Program, Coastal Barrier Resources System (CBRS), and the U.S. Fish and Wildlife Service Coastal Program.

The Preliminary Report makes recommendations aimed at addressing the multi-layered coastal management scheme, improving coordination among various coastal management agencies and programs, and improving performance of existing programs. We welcome the Commission's strong support of the Coastal Zone Management Act, particularly for its consistency provisions, which are crucial for states to protect their own coastlines from damaging development projects. We agree with the Commission that the CZMA can be strengthened by developing more measurable goals and performance standards for the states, and by creating more consistency among all the states' Coastal Management Plans. In particular, we strongly support the recommendation that coastal states extend the landward side of their designated coastal zones to encompass entire watersheds, as well as the recommendation to improve state performance under the act by authorizing financial disincentives as well as incentives based on progress in achieving program goals. We do not feel, however, that requiring states to perform resource assessments represents the best use of limited federal dollars, and would prefer to see increased funding made available for strong pollution control programs such as EPA's Stormwater Phase II program and permanent protection for sensitive habitats like barrier islands.

While we applaud the Commission's strong support of the CZMA and its broad policy recommendations, specific improvements to the CZMA, as well as novel initiatives to help states alleviate the effects of rampant development, are long overdue. In order to enable states to manage growth, we would urge the Commission to include recommendations related to growth management mechanisms such as Low Impact Development, proper site design, growth boundaries, targeting growth around existing transportation corridors, public transport, or integrating Phase II stormwater strategies to prevent sprawl and pollution. Coordinated growth management efforts must be a condition of federal CZMA funding, as those efforts also combat polluted runoff and preserve pervious cover. Federal activities within these areas should be guided by these same principles.

We strongly support the Preliminary Report's endorsement of meaningful stakeholder involvement in the coastal management planning process, and urge the Commission to embrace local participation in local coastal resource decisions, including allowing and encouraging coastal districts and their representatives to participate in the CZMA consistency review process.

We are disappointed that the Commission made no specific recommendations regarding the Coastal Barrier Resources System. This important program was passed in 1982 to discourage development in environmentally sensitive areas and to minimize loss of human life and property. The Commission acknowledges the 1.3 million acre program, but makes no clear claims of support, and no recommendations for improving or expanding the system, which will save taxpayers close to \$1.2 billion in Stafford Act payments by 2010. Every year, legislation is introduced in Congress to remove undeveloped areas from the system piece-meal, with no acceptable justification for their removal, despite the fair and common sense approach taken in the Coastal Barrier Resources Act, amended as recently as 2000. We would urge the Commission to state strong support for the CBRS, and in opposition to the arbitrary removal of areas for development. There is also sufficient evidence to warrant expansion of the System to include threatened and high-hazard lands on the Pacific Coast. For instance, in California, about 85% of the coast is actively eroding, jeopardizing human lives, property, and the environment – the purposes the original CBRS was designed to prevent. Active construction of sea walls only accelerates the erosion process. The federal government needs to step in and help states on the West Coast to deal with this problem.

We support recommendations to amend the CZMA, Clean Water Act and other federal laws to provide better support for watershed initiatives. We look forward to working with decision-makers to see that significant improvements are made in this regard.

Hazard Mitigation

We are pleased the Preliminary Report acknowledges the “enormous and growing losses” from natural hazards. Development in high-hazard areas not only costs billions of dollars every year, but takes a massive toll on our coastal environment as well. The report accordingly discusses the need to change federal funding and infrastructure programs to discourage inappropriate development in fragile coastal areas.

Specifically, we applaud the report’s findings regarding the National Flood Insurance Program. While we strongly support significant changes to the NFIP, we are disappointed the Commission deferred recommendations for specific changes to the proposed National Ocean Council. Proposals exist currently to make immediate changes to that program, including imposing erosion setback requirements consistent with state coastal management plans, and severe limits on the number of “repetitive losses” on which property owners can make claims before losing subsidized, taxpayer-funded flood insurance. The NFIP should also be modified to establish erosion zones, and base its rates on erosion risks, as well as on sea level rise and its associated risks. The Commission’s recommendations should urge immediate adoption of such proposals.

We also support the report’s findings regarding the often negative effects of federally funded infrastructure projects in the coastal zone, and agree it is high time that U.S. Army Corps of Engineers Civil Works coastal projects be subject to valid, peer-reviewed cost-benefit analyses. The Civil Works program must be changed to provide greater transparency to the public, enforce requirements for mitigating the impacts of coastal projects, and coordinate such projects with broader coastal planning efforts – we welcome the report’s recommendations to that effect.

Conserving and Restoring Coastal Habitat

We are pleased at the extent to which the Commission examined the increasing threats to coastal and ocean habitat, and support its recommendations geared toward conserving and restoring coastal ecosystems. We were disappointed, however, that the report did not make a stronger case for improving the funding for current federal programs, such as the NOAA Community Restoration Program, the U.S. Fish and Wildlife Service Coastal Program and Habitat Conservation Planning, or the USDA's wetlands reserve program. We are also wary about the recommendation that funding for current habitat conservation and restoration programs be directed to new and additional uses, including assessments, monitoring, research, and education. A stronger case must be made for significantly increased funding.

Instead, the report alludes to siphoning off funds from the consistently under funded Land and Water Conservation Fund. While clearly legitimate land acquisition projects in the coastal zone can and should be funded from the LWCF, there are myriad other programs that could make significant progress toward restoring and protecting coastal habitat beyond acquisition, such as those mentioned above. At the same time, we applaud the report's recommendation to authorize and provide sufficient funding for the Coastal and Estuarine Land Conservation Program. This critical program should be boosted to at least \$100 million.

We appreciate the acknowledgment by the Commission of the Estuary Restoration Act of 2000, and the potential this important law has to advance the goals of the Commission regarding habitat restoration, namely the law's requirement to establish a goal of restoring one million acres of estuarine habitat by 2010, and its \$275 funding authorization to meet that goal. However, we urge the Commission to include in the report a specific recommendation guaranteeing improved funding for the Estuary Restoration Act.

Ocean Policy Trust Fund

We maintain serious concerns about proposals to fund ocean and coastal protection programs from revenues from offshore oil and gas development. While those revenues have been designated as a source of funding for the Land and Water Conservation Fund for close to thirty years, it has by no means guaranteed that program received sufficient funding. Moreover, more recent proposals to fund conservation programs from offshore development revenues have included incentives to encourage increased exploration and drilling, which presents a threat to our coasts that far outweighs any benefits that could be derived from the funding promised. Instead, emphasis should be placed on securing funding authorized by Congress for critical programs currently being implemented.

Conclusion

We thank the Commission for its work pulling this preliminary report together and for giving us the opportunity to comment on these critical issues. We look forward to working with you to urge the Administration and Congress to make lasting, positive changes that will protect our coasts and oceans for years to come.

Sincerely,

Dawn M. Hamilton
Executive Director
Coast Alliance

Comments Submitted by Lauren McDaniel

Dear Sirs,

I have read the executive summary and several chapters of the preliminary report and I wanted to make a couple of comments.

The chapter on fisheries (chapter 19) was very good and offered some very specific solutions to address problems in dealing with declining fish stocks. The chapter on conserving and restoring coastal habitats (chapter 11) was also good but I have a couple of specific suggestions which you might consider.

One of the major problems with coastal development is urban/suburban sprawl. I think it would be helpful to offer developers and consumers tax breaks and or low interest loans to invest in environmentally friendly developments. This would include developments with more tightly "clustered" communities leaving room for greenspace and wetlands. In addition, these kind of communities should include cutting edge recycling technology, including things like solar power, composting toilets and greywater recycling systems. Some good models for this technology include Permaculture based communities in both the United States and Australia. Communities designed using these principles are self-sustaining and recycle all of their own waste.

Sincerely,
Lauren McDaniel

Comments Submitted by Virginia Oshaben, Key Largo, Florida

June 3, 2004

Dear Ocean Committee:

I read your report with great interest. My concerns include the Recommendation 9-4 to amend the Coastal Zone Management Act and the Clean Water Act by the Congress. Amendments to these acts may likely *water down* the Acts to allow for lesser restrictions on businesses and communities.

Recommendation 16-8 Support for building pumpout stations. I live in Key Largo, even during the dry season when we haven't had any rains for months we will still have multiple beach closures.

The Jules Undersea Lodge at the end of my street is called the Emerald Lagoon for good reason. On a national morning show live from Key Largo in the lagoon one could not see the underwater hotel 5 feet behind the underwater correspondent. The only thing you could see was large black clumps floating around. In the same lagoon are numerous liveaboard boats with no pumpout facility all dumping raw sewage directly into the lagoon. This lagoon *flushes* directly into Largo Sound where the beaches of John Pennekamp Coral Reef State Park are located. These beaches are frequently closed for e. coli presence. One of the docks was built after 1998. The profit for a few should not be allowed to pollute our waters and cause beach closures for Florida's most popular state park.

While reading Recommendation 21-2 I wonder if tropical fish collecting, horseshoecrab trapping, and blue crab winter dredging are included in the recommendations. These fishing practices are fairly new and I wonder if they are being monitored properly. I am also concerned with the importation of corals from Pacific reefs. As we protect our earth's oceans we should not allow the importation of corals for novelties and decorations. The world populations are stripping the ocean for smelly trinkets of corals, seahorses, shells, and sea stars for pennies and at what cost to our oceans? The aquarium fish collecting business regulations were set up by the fish collectors in the Florida Keys National Marine Sanctuary. Research of tropical reef fish populations and their relationship to a healthy coral reef is needed.

Also, the source of funds for this huge undertaking from offshore drilling is alarming at best. It is true that land-based sources of pollution from farms and city streets are a significant source of the problems that plague marine ecosystems, but compounding that with offshore drilling so we can have some money to clean up our other messes is ludicrous. Start by charging the sugar cane farmers for polluting the Florida Bay. Charge the developers to treat stormwater. There are a lot of people making a lot of money by polluting our waters. Make the polluters pay.

Thank you for all your work to better our oceans.

Virginia Oshaben
Key Largo, FL

Comments Submitted by Marvin R. Smith, King Salmon, Alaska

May 20, 2004

Dear Commissioners:

The purpose of this letter is to comment on the Preliminary Report of the U.S. Commission on Ocean Policy. The Lake and Peninsula Borough is proud to have the opportunity to comment on this very important subject. We are very supportive of this commission and its goals and objectives. We are specifically interested in Chapter 9 "Managing Coasts and Their Watersheds". We firmly believe the upland watersheds of our Borough are an integral part of the ecosystem affecting the Bristol Bay, Bering Sea and the ocean ecosystem as well as all watersheds nationwide affecting the overall ocean ecosystem. This chapter also discusses the Coastal Management Program and how its management varies throughout the nation.

Our Borough has been an active participant of the Coastal Management Program since the Borough was formed in 1989. In Alaska Borough's are the same as Counties in the lower 48 and in many cases the only municipal government available to represent large areas. Located southwest of Anchorage along the Alaska Peninsula, the Lake and Peninsula Borough encompasses approximately 23,782 square miles of land (roughly the size of West Virginia) and 7,125 square miles of water, extending 400 miles from Lake Clark in the north to Ivanof Bay in the south. It contains three National Parks (Lake Clark National Park & Preserve, Katmai National Park & Preserve and Aniakchak National Monument & Preserve); two National Wildlife Refuges (Becharof NWR and the Alaska Peninsula NWR); and numerous designated Wild and Scenic Rivers and State Critical Habitat Areas.

The Lake and Peninsula Borough is geographically and ecologically diverse. It is bordered on the west by Bristol Bay and on the east by the Pacific Ocean. The Bristol Bay coast is comprised of low lying wetlands and the rugged Pacific coast is dominated by numerous volcanoes of the Aleutian Range, which runs the length of the Borough from Lake Clark to Ivanof Bay. Iliamna Lake, located in the north, is the largest fresh water lake in Alaska and the second largest in the United States. Iliamna Lake has one of only two colonies of freshwater seals in the world. Becharof Lake, located in the Bristol Bay region, is the second largest fresh water lake in Alaska. These lakes provide nurseries to the largest red salmon runs in the world. The Lake and Peninsula Borough provides large amounts of high quality habitat that support a phenomenal amount of flora and fauna. The Bristol Bay region is recognized as a world leader in salmon productivity.

Commercial fishing, sport fishing and hunting, bear viewing, recreation and tourism, and subsistence are important economic activities that rely on the bounty of the Borough's landscape. Salmon spawning streams attract some of the largest concentrations of brown bear in Alaska. Approximately 10,000 brown (grizzly) bears populate the region, making them more numerous than people. Abundant moose and caribou inhabit the region. Other mammals include wolves, wolverines, river otters, red fox, and beaver. Sea otters, sea lions, harbor seals and migratory whales inhabit the shoreline and offshore waters. Coastal estuaries are home to waterfowl while nesting eagles, peregrine falcons, and thousands of seabirds inhabit the sea cliffs.

As you can see by the Borough's description we live on and by the ocean and freshwater lakes. We understand the decisions of this Commission on Ocean Policy could have a direct affect on our Borough and its citizens.

Our participation in the Coastal Management Program has been consistent and dedicated to the cause of supporting strong economic development throughout the Borough and region. However, we want local input on how and where that development occurs. The Borough Coastal Management program is based on strong input from local citizens who participated in the development of the current coastal management policies. In reviewing the commissions report, it appears the goals and objectives of the federal government are in line with those of the Borough, that is, for local government to play an integral part in the States Coastal Management Program.

However as a result of recent legislation passed by the Alaska State Legislature, the local voice in Alaska is diminished and in some cases, removed from the process. Specifically, the requirements contained in Alaska State Executive Order (EO 106, 107) introduced by the Governor and three "house bills" (HB 191, HB 69 and HB 86) passed by the legislature, have taken away the local voice and have eliminated the watersheds and freshwater lakes of our Borough from our Coastal Management Program. This legislation is exactly opposite of what this commission is advocating.

Also in view of the recent regulation changes by the State of Alaska Department of Natural Resources (DNR), Office of Project Management and Permitting (OPMP) which now administers the Alaska Coastal Management Program (ACMP) for the State of Alaska, it is very obvious local control and input for the management of the Alaska Coastline will be ignored or fall on deaf ears. We recognize that legislative mandates direct DNR/OPMP to develop new regulations. The DNR asserts that these regulations respond to requirements in HB 191 (Chapter 23 SLA 03). Contrary to this assertion, it is readily apparent that the regulations have gone beyond the legislation, and imposed strict limitations on district enforceable policies such as removing the largest freshwater lakes in Alaska from the coastal management program. We compare this unrealistic requirement to the Federal Government informing one of the States bordering the Great Lakes they cannot participate in the Coastal Management Program. These new policy guidelines require scientific substantiation for policies and require mapping that delineates specific areas of concern as the basis of local district policies, new restrictions on coastal zone boundaries, restrictive definitions, and extensive changes to the statewide standards.

These regulations were developed under the pretense that they would provide a clear, "predictable" permitting process. Having read through them, and having seen convoluted, seeming deceptive techniques of multiple or shifting references (some of the references are referring to other parts of the code, two to three times removed, or, where the actual code references are changed precluding requirements for public notice), or to definitions buried in the Federal Code of Regulations. We compare portions of the new Regulations 11 AAC 110, 11 AAC 112 and 11 AAC 114 as the new IRS code.

In summary it is a difficult to understand how the State of Alaska can require each coastal district and Borough to write new coastal management policies, which take away local input and eliminate critical resource producing lakes and streams from the Coastal Management Program while the Federal Government is encouraging the inclusion of watersheds in the ACMP and local involvement from the citizens of the coastal areas.

The Lake and Peninsula Borough Coastal District appeals to the U.S. Commission on Ocean Policy to speak on behalf of local communities and coastal districts that represent the citizens who live on the coast so that the ideals expressed in its findings and its recommendations are allowed to reach a meaningful conclusion strongly encouraging State Government to include local voices in Coastal Management decisions. We are proud to be an integral part of the State of Alaska, which has the longest coastline in the entire United States.

We thank you for the opportunity to comment on behalf of the Lake and Peninsula Borough. If you have questions or need additional information please contact me at 907-246-3421.

Sincerely,

Marvin R. Smith
Lake and Peninsula Borough
Community Development Coordinator
King Salmon, AK

Comment Submitted by Dan Hanes, Santa Cruz, California

May 9, 2004

The National Ocean Council should develop a national program to assess the rates of coastal erosion, the factors contributing to coastal erosion, the impacts of coastal erosion upon ecosystems, human well being, and infrastructure, and the dissemination of this information in useful form to managers and educators. This program should involve the U.S. Geologic Survey, the National Science Foundation, The National Oceanic and Atmospheric Administration, The National Aeronautics and Space Administration, The Office of Naval Research, The U.S. Army Corp of Engineers, The U.S. Department of Transportation, and The U.S. Environmental Protection Agency.

Dan Hanes
Santa Cruz, California

Comment Submitted by David Wilson Jr., Ocean City, Maryland

Dave Wilson Jr.
Ocean City, Maryland

Dear Sir or Madam,

Thank you for allowing me the opportunity to comment on this excellent document. I am writing this as a non-affiliated individual. According to the report, more than 37 million people and 19 million homes have been added to coastal areas over the past 30 years. Non-point source pollution from development and agriculture has left hundreds of miles of dead zones and degraded estuarine systems.

Citing coastal development as a principal challenge, the report says that burgeoning coastal populations have created significant coastal hazards, degraded wildlife habitat, altered natural hydrology, and created coastal pollution problems. Nowhere has this been more obvious than in the coastal bays watershed (where I live) where forest loss and stormwater runoff have caused serious wildlife and water quality declines over the past three decades. The coastal bays watershed population increased 50 percent from 1990-2000.

The centerpiece of their work is a call for \$7 billion in funding which would double the nation's current annual investment over the next five years. The figure represents about 4 percent of the cost of the war on Iraq.

The commission also recommends that "coastal decision makers be given more capacity to plan for and guide growth away from sensitive and hazard prone areas."

In this vein, I ask that as much emphasis as possible be placed on land conservation and planning in coastal areas. The report should highlight the need for permanent conservation of riparian forests and large areas of contiguous open space, and should earmark the funds to accomplish this coastwide.

Thank you for your hard work.

Sincerely,

Dave Wilson Jr.