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October 16, 2009

Ms. Nancy Sutley, Chair, and Members
Interagency Ocean Policy Task Force
C/o Council on Environmental Quality
722 Jackson Place NW
Washington, DC 20503

Re: CSO Comments on the *Interim Report of the Interagency Ocean Policy Task Force*

Dear Chair Sutley:

On behalf of the governors of the nation's thirty-five coastal states, CSO appreciates the significant work, energy, and thought of the members of the Interagency Ocean Policy Task Force and federal agency staff who contributed to the vision laid out in the *Interim Report*. Since 1970, CSO has represented the interests of the Governors of the nation's thirty-five coastal states and territories, including the Great Lakes states, on issues relating to the sound management and development of coastal and ocean resources. CSO applauds the *Interim Report* as a balanced approach to addressing the many challenges that plague ocean and coastal management including the lack of a clear national policy, unclear and sometimes competing authorities, and uncoordinated efforts of governmental agencies. CSO also greatly appreciates the inclusiveness of CEQ and the Task Force in its efforts to hear from all stakeholders in the ocean, coastal, and Great Lakes communities; the CEQ outreach has been stellar, especially considering the condensed time period in which to craft the *Interim Report*.

The *Interim Report* effectively reflects that the Nation's economy and security depend on the health of oceans and coasts and especially on the resilience of coastal communities and marine and coastal environments. CSO supports the cornerstone of ecosystem based management identified in the *Interim Report* and a national commitment to the use of sound science in management decisions. Also, CSO applauds the efforts toward a more functional governance approach at the federal and regional level, specifically the mandate identified for the National Ocean Council and the inclusion of dispute resolution mechanisms which will be key for effective implementation by the many participating agencies.

As the Task Force continues its work toward a final report in December 2009, CSO recommends several key elements to strengthen the National Policy as articulated in the *Interim Report*.

First, CSO appreciates the creation of the Governance Advisory Committee and the efforts toward representation by states and regions. However, the creation of an Advisory Committee does not substitute for a strong policy statement of the vital role of states in creating and implementing a National Policy. CSO recommends that the National Policy clearly state that the programs and authorities of coastal states for managing and protecting ocean and coastal resources are and will be principal components of a national framework for stewarding the Nation's ocean and coastal assets. The reasons for this are evident: coastal states and territories have unique Constitutional authorities and jurisdictions over coastal resources and activities. They are fellow coastal landowners and have Public Trust responsibilities for the nation's coastal submerged lands and state ocean waters and for



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protecting fish and wildlife resources in these areas. States regulate and manage these marine and coastal resources, often in partnership or consultation with federal agencies. In addition, the specific authority delegated to coastal states and territories under the Coastal Zone Management Act ensures that activities and permits of federal agencies that may affect their coastal zone are consistent with approved state policies. Without a clear policy statement, the role of the states is diminished and the National Policy suffers.

Second, CSO recommends that the role of the Governance Advisory Committee be clarified. As a body with representation by states, regions, and tribes, CSO recommends that, similar to the *Interim Report's* treatment of the Ocean Resource Management Interagency Policy Committee and the Ocean Science and Technology Interagency Policy Committee, that the final report call for a charter for the Governance Advisory Committee. The charter should clarify the role of the Committee, how often it would convene to support the NOC, and which issues must be referred to the Committee (such as regional issues or resource management issues that span federal and state lines). States, regional partnerships and tribes are on the front lines of the work of balancing competing uses in the coastal zone, managing the development of traditional and renewable energy sources, and adapting to climate change impacts; this Committee will be vital in better collaboration of federal, regional and state efforts toward effective stewardship.

Finally, CSO recommends that the National Policy contain a clear statement that federal efforts must build onto the work accomplished at the state and local level in the Priority Objectives, especially the Coastal and Marine Spatial Planning objective and the areas of special emphasis. States, territories, tribes and local governments have conducted studies, implemented policies and laws, collaborated and developed trust with stakeholders, and, most importantly, have a vested sense of place in coastal and ocean areas. In this context, it is vital that the National Policy call for federal actions to recognize the work accomplished by its fellow governmental partners and build onto such work in collaboration with those partners.

The states and territories strongly support the Task Force in its work and look forward to working with the agencies to implement a National Policy.

With my best regards,



Kristen M. Fletcher
Executive Director, Coastal States Organization