

## Participating Organizations

Alliance for a Living Ocean  
American Littoral Society  
Arthur Kill Coalition  
Asbury Park Fishing Club  
Bayberry Garden Club  
Bayshore Regional Watershed Council  
Bayshore Saltwater Flyrodders  
Belford Seafood Co-op  
Belmar Fishing Club  
Beneath The Sea  
Bergen Save the Watershed Action Network  
Berkeley Shores Homeowners Civic Association  
Cape May Environmental Commission  
Central Jersey Anglers  
Citizens Conservation Council of Ocean County  
Clean Air Campaign, NY  
Coalition Against Toxics  
Coalition for Peace & Justice/Unplug Salem  
Coast Alliance  
Coastal Jersey Parrot Head Club  
Communication Workers of America, Local 1034  
Concerned Businesses of COA  
Concerned Citizens of Bensonhurst  
Concerned Citizens of COA  
Concerned Citizens of Montauk  
Concerned Students and Educators of COA  
Eastern Monmouth Chamber of Commerce  
Fisher's Island Conservancy  
Fishermen's Conservation Association, NJ Chapter  
Fishermen's Conservation Association, NY Chapter  
Fishermen's Dock Cooperative, Pt. Pleasant  
Friends of Island Beach State Park  
Friends of Liberty State Park, NJ  
Friends of the Boardwalk, NY  
Garden Club of Englewood  
Garden Club of Fair Haven  
Garden Club of Long Beach Island  
Garden Club of RFD Middletown  
Garden Club of Morristown  
Garden Club of Navesink  
Garden Club of New Jersey  
Garden Club of New Vernon  
Garden Club of Oceanport  
Garden Club of Princeton  
Garden Club of Rumson  
Garden Club of Short Hills  
Garden Club of Shrewsbury  
Garden Club of Spring Lake  
Garden Club of Washington Valley  
Great Egg Harbor Watershed Association  
Green Party of Monmouth County  
Green Party of New Jersey  
Highlands Business Partnership  
Holly Club of Sea Girt  
Hudson River Fishermen's Association  
Jersey Shore Captains Association  
Jersey Shore Parrot Head Club  
Jersey Shore Running Club  
Junior League of Monmouth County  
Keypoint Environmental Commission  
Kiwans Club of Manasquan  
Kiwans Club of Shadow Lake Village  
Leonardo Party & Pleasure Boat Association  
Leonardo Tax Payers Association  
Main Street Wildwood  
Mantoloking Environmental Commission  
Marine Trades Association of NJ  
Monmouth Conservation Foundation  
Monmouth County Association of Realtors  
Monmouth County Audubon Society  
Monmouth County Friends of Clearwater  
National Coalition for Marine Conservation  
Natural Resources Protective Association, NY  
NJ Beach Buggy Association  
NJ Commercial Fishermen's Association  
NJ Environmental Federation  
NJ Environmental Lobby  
NJ Main Ship Owners Group  
NJ Marine Education Association  
NJ PIRG Citizen Lobby  
Nottingham Hunting & Fishing Club, NJ  
NYC Sea Gypsies  
NY State Marine Education Association  
NY/NJ Baykeeper  
Ocean Wreck Divers, NJ  
Paddle-Out.org  
Piscataway Saltwater Sportsmen Club  
Raritan Riverkeeper  
Religious on Water  
Riverside Drive Association  
Rotary Club of Long Branch  
Rotary District #7510—Interact  
Saltwater Anglers of Bergen County  
Save Barnegat Bay  
Save the Bay, NJ  
SEAS Monmouth  
Seaweeds Garden Club  
Shark Research Institute  
Shark River Cleanup Coalition  
Shark River Surf Anglers  
Shore Adventure Club  
Sierra Club, NJ Shore Chapter  
Sisters of Charity, Maris Stella  
Sons of Ireland of Monmouth County  
Soroptimist Club of Cape May County  
South Jersey Dive Club  
South Monmouth Board of Realtors  
Staten Island Tuna Club  
Strathmere Fishing & Environmental Club  
Surfers' Environmental Alliance  
Surfrider Foundation, Jersey Shore Chapter  
TACK I, MA  
Terra Nova Garden Club  
Three Harbors Garden Club  
Unitarian Universalist Congregation/Monm. Cty.  
United Boatmen of NY/NJ  
Village Garden Club  
Volunteer Friends of Boaters, NJ  
WATERSPIRIT  
Women's Club of Brick Township  
Women's Club of Keypoint  
Women's Club of Long Branch  
Women's Club of Merchantville  
Women's Club of Spring Lake  
Women Gardeners of Ridgewood  
Zen Society



*Ocean Advocacy  
Since 1984*

# Clean Ocean Action

[www.CleanOceanAction.org](http://www.CleanOceanAction.org)

## ■ Main Office

18 Hartshorne Drive, Suite 2  
Highlands, NJ 07732-0505  
Telephone: 732-872-0111  
Fax: 732-872-8041  
SandyHook@CleanOceanAction.org

## □ South Jersey Office

Telephone: 609-729-9262  
732-272-2197  
SJprogram@CleanOceanAction.org

**October 16, 2009**

**Interagency Ocean Policy Task Force  
c/o Ms. Nancy Sutley, Chairwoman  
White House Council on Environmental Quality  
722 Jackson Place  
Washington, DC 20503**

## **Re: Interim Report on National Policy for the Oceans, Our Coasts, and the Great Lakes**

Dear Chairwoman Sutley and members of the Interagency Ocean Policy Task Force:

It was a pleasure to meet you, along with Dr. Lubchenco and Laura Davis at the public listening session in Rhode Island. I'm sure you were impressed by the compelling testimony in support of long overdue ocean protection— even if it was only in three (3) minute increments—haikus not withstanding. While we appreciate the public venues and this opportunity to comment, Clean Ocean Action, with over 25 years of successful ocean advocacy experience, as well as on the ground, real world implications and results of many policies (good and bad) requests the opportunity to participate in the “Expert Roundtables” the Interagency National Ocean Policy (herein the “INOP”) Taskforce is holding.

As you may recall, Clean Ocean Action (COA) is a regional, broad-based coalition of 125 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups with a mission to improve the degraded water quality of the marine waters of the New Jersey/New York coast. To be clear, these comments are focused on efforts that will eliminate or reduce ocean pollution sources.

For over 25 years, COA has been actively engaged in ocean management to ensure a vibrant, diverse, economically robust ecosystem. From successfully closing eight ocean dumpsites, to forestalling offshore drilling and stopping strip-mining vast ocean regions, citizens have worked hard to ensure a clean ocean economy.

Most recently, we have participated in the national Outer Continental Shelf (herein the “OCS”) energy development discussions and have provided extensive comments on several energy projects proposed off the New Jersey coastline, including three commercial-scale wind facilities, three liquefied natural gas facilities and oil/gas exploration and development. COA was also instrumental in developing the federal Clean Ocean Zone legislation, set to be introduced in the U.S. Congress by our New Jersey legislators, which includes important marine spatial planning principles. COA

shares President Obama's vision to ensure the continued protection of the ocean today and for future generations and we look forward to contributing to his efforts to develop of a long-overdue national policy. Below please find our review of the Interim Report (herein the "Interim Report" of the INOP Taskforce released on September 10, 2009. We compared our previously submitted recommendations to the INOP Taskforce for ensuring an effective and protective national policy based on best-available, scientifically-valid information, including important actions that are required to support this policy, such as ecosystem-based management, precautionary principle, adaptive management, cumulative impacts and public participation. We look forward to reviewing the INOP Taskforce's follow up report focused on marine spatial planning and emerging issue such as offshore renewable energy development.

In his June 12, 2009 Memorandum on National Policy for the Oceans, Our Coasts, and the Great Lakes (herein the "Ocean Policy Memo"), President Obama made clear his expectations of a definitive national policy whose core value is to "*ensure(s) the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources.*"<sup>1</sup> He also called for "*a comprehensive, ecosystem-based framework*"<sup>2</sup> to provide the underpinnings of an effective and protective national policy that is based on objective, scientifically valid information.

The Interim Report accurately captures the need for a National Ocean Policy by providing definitive examples of both the positive ecological and societal benefits of clean, healthy and resilient oceans and coasts, as well as identifying the many challenges that currently threaten these important ecosystems. These benefits and challenges should also be included in the final ocean policy document, as they provide much needed context to guide the future debates and discussions that will arise as policy becomes practice. It is crucial that we enact as strong an ocean policy as possible, without compromise, at this time. History tells us that compromises will follow as industry increases pressure and harmful administrations take control of councils and interpret policies. Policies with good intentions but without limiting the discretion and loopholes for harm can be used by future officials to undermine progress. The best way to prevent a bad administration from using something good to undermine environmental protection is to establish a framework that leaves no doors open and does not moderate on important issues.

Moreover, the ocean is one large fluid, interconnected system and this unique condition makes it a much more challenging ecosystem to manage than land, as a spill, dead-zone, or physical constraint can have wide ranging effects.

### **National Policy for Our Oceans, Our Coasts, and Great Lakes**

We commend the Interim Report's recommendations that our National Policy is to have Ocean, Coasts, and Great Lakes that are

- Healthy and Resilient,
- Safe and Protective,
- Understood and Treasured

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<sup>1</sup> President Barack Obama to Heads of Executive Departments and Agencies, Memorandum regarding National Policy for the Oceans, Our Coasts, and the Great Lakes, June 12, 2009, The White House Office of the Press Secretary.

<sup>2</sup> Ibid.

The adoption of this National Policy would appropriately focus national efforts on protecting, maintaining, and restoring healthy, productive and resilient oceans and coastal ecosystems, and this concept is further supported and clarified by the detailed bullets under each of these descriptive adjectives.

**Principles:** We also support the Principles laid out in the Interim Report and again, commend the INOP Taskforce for the consistent focus on ecosystem health and resiliency as the standard on which future ocean management decisions are to be based. Some important concepts that Clean Ocean Action included in our previous comments that have been incorporated into these principles include utilization of adaptive management strategies, assessment of cumulative impacts, development of standard protocols for accurately predicting risks to organisms and habitats, and reliance on science-based decision making. In fact, the repeated emphasis on the ongoing collection and utilization of scientific data and information to help direct and inform policy and management is also consistent with President Obama's campaign promise to "*restore the basic principle that government decisions should be based on the best-available, scientifically-valid evidence*"<sup>3</sup>. We also support the INOP Taskforces recommendation that the United States join the Law of the Sea Convention.

### **National Policy Implementation Strategy**

Again, COA is pleased to find many of our recommendations have been incorporated into the proposed Implementation Strategy put forth by the INOP Taskforce, including employing a comprehensive ecosystem-based management approach, utilizing coastal and marine spatial planning (herein "MSP"), adopting an adaptive management strategy, accounting and protecting for cumulative impacts and requiring ongoing, meaningful public participation.

### **Additional Recommendations**

**Vision:** COA urges the INOP Taskforce to revise the Vision to make it more consistent with the recommended National Policy and Principles. The underlined, bolded words represents our recommended word change to the Vision proposed in the Interim Report: "*An America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured, **which will** promote the well-being, prosperity, and security of present and future generations.*" This subtle, yet fundamental distinction is critical to promoting an effective national policy that will achieve a healthy ecosystem and by consequence, provide for present and future generations. **It is crucial that the ultimate purpose of a National Ocean Policy not be directed to achieving unfettered human wants and needs, as this will undermine many conservation efforts and threaten ecosystem health, as history demonstrates.**

**Precautionary Principle:** The Interim Report rightfully supports the utilization of a precautionary approach and cites the Rio Declaration of 1992 which finds "*where threats of serious or irreversible damage exist, lack of full scientific certainty shall not be used as a*

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<sup>3</sup> ScienceDebate2008, (August 30, 2008) "Presidential Answers to the top 14 Science Questions facing America", last visited August 14, 2009, from <http://www.sciencedebate2008.com/www/index.php?id=40>

*justification for postponing action to prevent environmental degradation.*”<sup>4</sup> This citation focuses on utilizing the precautionary approach to support positive actions such as restoration or conservation, but fails to address the use of a precautionary approach when assessing projects that may result in negative environmental impacts. Therefore, to provide a more complete concept of the precautionary approach, we recommend the addition of the 1998 Wingspread Conference definition, which states the Precautionary Principle is “(w)hen an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.”<sup>5</sup> Full realization of a precautionary approach to our national oceans and coastal policy should embrace both of these scenarios, and result in judicious and responsible management practices, based on best available science<sup>6</sup> and that puts the burden on the proposed action to show no undue harm.

**Public Engagement:** Even the most well-planned and efficient governance structure will fail if it does not include a clear requirement for meaningful public participation at all levels of government and at each stage of development. COA recognizes the initial efforts already undertaken by the INOP Taskforce to engage the public, including the convening of expert roundtables at the federal level to assist in meeting the challenges spelled out in President Obama’s Ocean Policy Memo. COA urges the INOP Taskforce to continue to seek out a diversity of experts from throughout the country and include regional organizations such as Clean Ocean Action, which employs highly experienced and educated individuals, including two Ph.D’s and a J.D., as well as an Executive Director with over 25 years of experience influencing local, state and federal ocean policy. In addition, the INOP Taskforce must realize that these expert panels do not complete the requirement for open transparent and meaningful public participation. The Task Force has also been holding public hearings, one per coast, to seek public input. While a good start, with only one meeting to cover thousands of miles of coastline and only 2-3 minutes allowed per speaker, this public participation is clearly not meaningful or robust.

**To ensure meaningful and robust public participation, Principle 9.i. should be changed from “encourage broad public participation” to “require broad public participation”.** Similar language also needs to be inserted into the Policy Coordination section, requiring the National Ocean Council to include the interested public. Requiring regular, sustained inclusion of the interested public at all stages of the process leads to stronger, more resilient plans and policies by identifying conflicts, providing knowledge about issues/problems present at all scales (national, regional and local) and allowing for the development of common solutions that lead to public support and ownership of policies, programs and activities. Getting the public to “*buy in*” to a policy developed from the top down is often not successful. Instead, the best public policies start from the grass-roots up. The interested public must “*be in*” on policy development early at the most local level, often and sustained, including regular and continuous communication and dialogue. Some objectives, such as MSP will require trade-offs and conflict resolution that can only be achieved through group consensus. Ultimately, determinations regarding appropriate

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<sup>4</sup> U.S. Commission on Ocean Policy (2004) An Ocean Blueprint for the 21<sup>st</sup> Century. Final Report of the U.S. Commission on Ocean Policy, Washington, D.C.

<sup>5</sup> Wingspread Conference, Racine, Wisconsin, 23-25 January 1998

<sup>6</sup> D.F. Boesch (2006) Scientific requirements for ecosystem-based management in the restoration of Chesapeake Bay and Coastal Louisiana. Ecological Engineering. 26: 6-26.

ocean uses, allocation of space and resources, and protection of those resources will be based on societal choice. Public support for the preservation and protection of environmental resources is based on their understanding of environmental issues and their active role in developing management solutions. Therefore, the development and implementation of a National Policy for the Oceans, Coasts and Great Lakes must continue to include an explicit requirement for robust and ongoing public participation in the form of workgroups and/or taskforces active at each level of governance (federal, regional state and local). Each step in the process, from data sharing to policy development, must include open transparent, meaningful opportunities for interested groups to interact and share ideas and knowledge to develop these policies and plans.

**Funding National Ocean Policy Implementation:** Clean Ocean Action is deeply concerned about the inherent conflict of interest that will be created if funding for the development and implementation of our National Ocean Policy includes direct revenue produced by expanding or establishing new ecologically-harmful industrial use such as oil and gas drilling. Although several others have proposed the formation of an “Ocean Trust Fund” utilizing this type of funding mechanism, after careful consideration, COA believes such an approach threatens the very foundation of an effective and protective national ocean policy by potentially encouraging activities that do not protect, maintain, and restore healthy, productive and resilient ocean and coastal ecosystems.

We propose an alternative funding method for the Ocean Trust Fund that would include a permanent and dedicated annual federal allocation from general revenues. The U.S. Commission on Ocean Policy reported that our oceans, coastal watersheds and the Great Lakes combine to contribute over 4.5 trillion dollars to the annual total National Gross Domestic Product (herein the “GDP”) (as estimated in 2000)<sup>7</sup>. This equates to an impressive 50% of the total GDP. The Western Governor’s Association determined the Ocean Trust Fund would require “*a dedicated source of revenues eventually reaching \$4 billion annually to support the management, protection, and understanding of the natural and economic resources along our nation’s coasts, oceans, Great Lakes, and islands.*”<sup>8</sup> Therefore, to fully fund the Ocean Trust Fund would only require an allocation of less than 0.1% of the total revenue generated by these valuable ecosystems. This direct allocation is completely justifiable given the substantial revenues they generate, not to mention a prudent investment that is necessary to sustain current returns.

**In conclusion,** Clean Ocean Action commends the INOP Taskforce for providing a strong foundation for the ongoing process of developing an effective and protective National Policy for the Oceans, Our Coasts, and the Great Lakes that ensure the maintenance and restoration of these important ecosystems. We look forward to participating in this ongoing process and including representation on any formal or informal public workgroups or taskforces being utilized by the CEQ or INOP taskforce to achieve the goals set forth in the President’s Ocean Policy Memo.

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<sup>7</sup> U.S. Commission on Ocean Policy. (2004) *An Ocean Blueprint for the 21st Century*, Final Report., Washington, DC

<sup>8</sup> Western Governor’s Association “Policy Resolution 09-10” submitted by Shanna Brown, Deputy Director of Washington D.C. Office to the White House Council on Environmental Quality.  
<http://www.westgov.org/wga/policy/09/oceans.pdf>

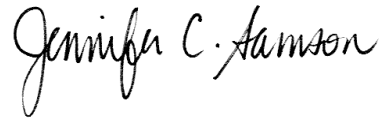
Sincerely,



Cindy Zipf  
Executive Director



Heather Saffert, Ph.D.  
Staff Scientist



Jennifer Samson, Ph.D.  
Principal Scientist



David Byer, Esq.  
Water Policy Attorney