

**WRITTEN TESTIMONY OF
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U.S DEPARTMENT OF COMMERCE**

**LEGISLATIVE HEARING ON
H.R. 1672, THE *NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE
REAUTHORIZATION ACT OF 2009*, AND
H.R. 2548, THE *KEEP AMERICA'S WATERFRONTS WORKING ACT OF 2009***

**BEFORE THE
SUBCOMMITTEE ON INSULAR AFFAIRS, OCEANS, AND WILDLIFE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES**

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INTRODUCTION

Good afternoon Chairwoman Bordallo, Ranking Member Brown, and Members of the Subcommittee. My name is David Kennedy, and I am the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management at the National Oceanic and Atmospheric Administration (NOAA). Thank you for giving me the opportunity to testify before you today on NOAA's efforts to protect, restore, and manage coastal resources in Puget Sound, and on how we are working to ensure adequate and diverse access to coastal resources around the United States. In addition, my testimony provides views on H.R. 1672, the *Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009*, and H.R. 2548, the *Keep America's Waterfronts Working Act of 2009*.

In fulfilling its mission to lead the Nation's efforts to manage and conserve ocean and coastal resources, NOAA's Office of Ocean and Coastal Resource Management (OCRM) oversees programs of national scope that also account for local resources and needs. Examples of these programs include the Coastal Management Program, the Coral Reef Conservation Program, the Coastal and Estuarine Land Conservation Program, and the National Estuarine Research Reserve System (NERRS). OCRM has been working with coastal and Great Lakes states and U.S. territories for over 30 years as partners under the *Coastal Zone Management Act of 1972*. OCRM and other NOAA offices provide scientific information, education and training, and competitive funding to states to help them balance economic development with environmental conservation and manage ocean and coastal resources for the benefit of current and future generations.

NOAA'S EFFORTS TO PROTECT AND RESTORE PUGET SOUND

Coastal resources in the Pacific Northwest are environmentally, economically, and aesthetically vital to the region, and NOAA devotes considerable energy and resources to protecting,

restoring, and managing these coastal resources through a wide diversity of programs and partnerships. For example, NOAA provides Washington residents and businesses with such essential services as weather and flood warnings, tsunami warnings, daily marine forecasts, real-time oceanographic data to ensure maritime safety, and living marine resource conservation and management. Through its Northwest Fisheries Science Center and its Pacific Marine Environmental Laboratory, NOAA conducts research to advance our understanding of, and ability to conserve and protect, Puget Sound resources as well as establish ecological forecasts to manage these resources more efficiently. In addition, the NOAA Restoration Center promotes habitat restoration projects in the Pacific Northwest region through funding and technical assistance efforts. Through such programs as Washington Sea Grant and the Padilla Bay National Estuarine Research Reserve (Padilla Bay Reserve), NOAA conducts educational, training, and outreach activities with local citizens, businesses, and coastal managers, and engages these stakeholders in the ecologically and economically sustainable use of Puget Sound's vast coastal resources.

NOAA recognizes regional entities excel at identifying and communicating needs at the regional, state, and local levels, and are uniquely motivated to focus their energy on the areas of greatest need to provide appropriate stewardship of regional resources. The Administration currently supports a number of regional collaborative partnerships, including the West Coast Governors' Agreement on Ocean Health, Puget Sound Partnership, Northeast Regional Ocean Council, Gulf of Mexico Alliance, and Great Lakes Regional Collaboration. NOAA and the State of Washington have a long-standing relationship in the management of coastal resources, through the Washington Department of Ecology, Washington Coastal Zone Management Program, and Padilla Bay Reserve. Through these programs and other competitive funding opportunities, NOAA partners with state and local entities and provides resources to help these organizations address local needs. The Northwest Straits Marine Conservation Initiative is another example of this type of partnership.

NOAA and the Northwest Straits Marine Conservation Initiative

The Northwest Straits Marine Conservation Initiative (the Initiative) combines science-based information with community-based stewardship to address local priorities with respect to the protection and restoration of coastal habitat and marine resources in the Northwest Straits region. NOAA recognizes the value of the Initiative's grassroots approach to marine conservation, particularly its efforts to leverage county, state, tribal, and federal resources to implement protection and restoration projects locally.

Although NOAA does not have a program in place specifically to support the Initiative, it has worked collaboratively with the Initiative through grants awarded to the Northwest Straits Marine Conservation Foundation (the Foundation). For example, in July 2009, NOAA awarded \$4.6 million in *American Recovery and Reinvestment Act* funds to the Foundation to remove derelict fishing gear, which is responsible for the deaths of countless fish, shellfish, seabirds, and other marine animals, in Puget Sound. This project combines NOAA's understanding of the ecological and economic impacts of derelict fishing gear with the Initiative's local capacity to implement gear removal projects. Additional funding for the Initiative has been administered by NOAA through the Padilla Bay Reserve, and therefore managed by the Washington State

Department of Ecology. Although their missions are similar in scope, the role of the Padilla Bay Reserve, with regards to the Initiative, is limited to administering the paperwork necessary to fund the Initiative and to provide office space for staff from the Northwest Straits Commission (the Commission).

H.R. 1672, the *Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009*

The stated purpose of H.R. 1672 is to promote the protection of resources of the Northwest Straits. NOAA and the Administration currently direct considerable resources toward protecting, restoring, and managing marine resources in the Northwest Straits and surrounding Pacific Northwest region. NOAA supports the goals and objectives of the Initiative, and applauds the Initiative's significant efforts to protect coastal resources in Puget Sound. NOAA is involved in and recognizes the value of collaborating with regional, state, and local organizations to more effectively and efficiently achieve its goals.

NOAA supports the intent of this legislation and appreciates the opportunity to offer the following comments and suggestions to improve the bill:

- H.R. 1672 directs that a NOAA employee would be designated as a liaison to the Commission and would "attend meetings and other events of the Commission as a nonvoting participant." Under the bill, members of the Commission would be charged with providing "resources and technical support" and other support to the Initiative. While NOAA expects to provide significant and meaningful input to the Commission, the legislation would be strengthened by including language to make clear that nonvoting participants are not bound to the same goals and duties assigned to the members of the Commission (which are defined elsewhere in the bill).
- Regarding the proposed expansion of responsibilities for the Director of the Padilla Bay Reserve outlined in sections 407 and 409 of the bill, NOAA looks forward to working with the Committee to refine these sections.

NOAA looks forward to opportunities to support the Initiative in protecting the marine resources of Puget Sound. We strongly encourage the Initiative to continue to pursue competitively-awarded federal grants, such as those available through NOAA's marine debris and habitat restoration programs, to help support its various activities.

NOAA, THE *COASTAL ZONE MANAGEMENT ACT*, AND WATERFRONTS

Coastal areas generate billions of dollars annually from fisheries, recreation and tourism, ports, and other marine businesses. While coastal areas represent a very small portion of the total national land area, they support a disproportionately large range of uses and activities that are critical to the health, wealth, and safety of Americans. Waterfronts along our coasts are experiencing increased pressure from competing demands including residential property development, land acquisition for conservation, offshore energy, marine transportation and commerce, and other demands, which have accelerated the need to sustainably manage finite spaces and coastal and ocean resources. At the same time, climate change impacts are expected

to amplify these challenges. The cumulative impacts of increasing population, natural resource use and loss, and vulnerability to coastal hazards will affect the daily lives of Americans as they live and conduct business in coastal areas, use products shipped into U.S. ports, consume seafood, and vacation along the coasts.

NOAA's Waterfront-Related Mandates and Activities Pertaining to CZMA

The *Coastal Zone Management Act (CZMA)* recognizes the importance of waterfronts and declares that as a matter of national policy, state coastal management programs should give priority consideration to coastal-dependent uses, such as fisheries development, recreation, ports and transportation, commercial and industrial development, and energy. Furthermore, states should be given assistance in redeveloping deteriorating waterfronts and ports and in preserving and restoring historic, cultural, and aesthetic coastal features [16 U.S.C. § 1452(2)(D), (F)]. There are currently 34 states and territories with approved coastal zone management programs, and an application for approval from Illinois is pending. Under the *CZMA*, NOAA provides assistance to these states and territories for the purposes of revitalizing waterfronts, preserving public access and other coastal-dependent uses, enhancing maritime commerce and transportation, and restoring coastal features. Through the Coastal and Estuarine Land Conservation Program, NOAA invests in coastal and estuarine lands that have particular ecological, conservation, recreational, historical or aesthetic values. NOAA's Sea Grant College Program, a national network of 32 university-based state programs, conducts extensive outreach and education activities with coastal stakeholders, particularly the fishing industry, to ensure that our ocean and coastal resources are used in an economically-sound and environmentally-sustainable manner.

The Maine Coastal Program, a federal-state partnership program between NOAA and the state, is an active member of Maine's Working Waterfront Coalition and helps to manage a working waterfronts grant program that provides funds to help purchase, preserve, and protect key properties on the coast for commercial fisheries activities. The Maine Coastal Program matches federal funds with state dollars to support program implementation.

Working with the U.S. Environmental Protection Agency, the International City/County Management Association, and Rhode Island Sea Grant, NOAA recently developed a waterfronts-specific smart growth guide for planners, local government officials, developers, and residents titled "*Smart Growth for Coastal and Waterfront Communities*" (available at http://coastalsmartgrowth.noaa.gov/smartgrowth_fullreport.pdf). The guide provides an overview of the unique development challenges and opportunities along the water and builds on the ten smart growth principles to outline strategies for coastal and waterfront development. The guide will help decision-makers identify key issues and considerations, and includes tools, specific approaches, and case studies from around the Nation.

H.R. 2548, the *Keep America's Waterfronts Working Act of 2009*

NOAA recognizes the importance of providing waterfront access for a diversity of coastal-dependent commercial, residential, and recreational uses. H.R. 2548 would amend the *CZMA* to

establish a regionally equitable, competitive process to preserve, acquire, and expand waterfront access for a subset of commercial purposes and for waterfront planning. The intent of the *CZMA* is to balance economic development with environmental conservation in the coastal zone, and to ensure access to coastal and ocean resources for the full suite of public and private uses. The *CZMA* includes waterfronts as an element of the larger coastal picture, and a holistic approach will be needed to maintain healthy, resilient, and sustainable oceans, coasts, and Great Lakes resources for the benefit of this and future generations. The stated purpose of the bill is to increase access to waterfronts for coastal-related businesses. NOAA supports the objectives of this legislation, and particularly the goal of promoting sound waterfront land-use, which can be achieved through its current coastal zone management program and without the creation of a separate grant program in NOAA. There are existing economic redevelopment grant programs within the Department of Commerce that could support the objectives in H.R. 2548. NOAA recognizes the importance of working waterfronts and is committed to balancing competing priorities within our Nation's coastal zone.

CONCLUSION

These two pieces of legislation touch on a critical aspect of NOAA's mission: the protection and restoration of environmentally and economically valuable marine resources. To achieve its mission, NOAA pursues partnerships and collaborative efforts with regional, state, and local governments as well as community-based stewardship organizations, such as the Initiative. By leveraging local capacity-building with state and federal resources, these partnerships enable NOAA to more effectively and efficiently manage coastal and ocean resources. NOAA recognizes the value of local stewardship and applauds such efforts. NOAA also appreciates the importance of preserving adequate waterfront access for commercial and recreational use. We thank the sponsors of these two bills and the Subcommittee members for focusing on these coastal issues, and we look forward to working with you.