

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement/Testimony

TESTIMONY OF

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INTRODUCTION

Good morning, Mr. Chairman, and members of the Subcommittee. My name is Terry Garcia. I am the Assistant Secretary for Oceans and Atmosphere for the National Oceanic and Atmospheric Administration (NOAA). I thank you for this opportunity to testify today on the reauthorization of the Coastal Zone Management Act, or CZMA. The CZMA is a landmark resources management law that has benefitted the Nation, the States and the citizens of our country since its enactment in 1972. My testimony will focus on the President's Lands Legacy Initiative and the following four points raised in your letter to Dr. Baker:

- the clarity of the coastal management program's goals;
- the mechanisms that are in place to measure the effectiveness of the program in meeting those goals;
- the effectiveness of the program in meeting those goals; and
- ideas regarding the 1999 reauthorization of the CZMA.

The President's Land Legacy Initiative

The President recently announced a \$1 billion Lands Legacy Initiative to expand federal efforts to save America's natural treasures. The Lands legacy Initiative would provide \$105 million to NOAA to protect America's valuable ocean and coastal resources and to strengthen state and local efforts to address the problems caused by sprawl.

America's ocean and coastal areas are under siege by a whole suite of activities, including coastal population growth, development, maritime commerce, commercial and recreational fishing, and tourism. The economic and environmental well-being we derive from the essential natural resources and beauty provided by these areas is being undermined by the economic and aesthetic uses that make these diverse areas valuable to the Nation. Escalating losses and degradation of coastal wetlands, fisheries habitat, and coral reef ecosystems must be reversed.

The Lands Legacy Initiative will target funds to strengthen and expand protection of the nation's most significant ocean and coastal areas; restore critical coastal habitat and vibrant coral reef ecosystems; and provide states and local governments with the tools and resources for environmentally-sound smart growth strategies. This includes \$32 million for Partnerships to Promote Community Based Smart Growth; \$15 million for the enhancement of our National Marine Sanctuaries; \$14.7 million to enhance the protection of critical estuaries through the National Estuarine Research Reserve System; \$10 million to determine ways to use dredged material in environmentally-sound beneficial ways; \$10 million to help restore fragile coral reefs injured by human impacts; and \$22.7 million to increase the number and geographical scope of community-based fish habitat restoration efforts.

The Lands Legacy Initiative provides us with a unique opportunity to ensure that our coastal and ocean areas are used, conserved and protected for the benefit of present and future generations.

The Clarity Of The Coastal Management Program's Goals.

The CZMA's goals and objectives, as provided for in the Act's findings and policy statements, are clear and reflect current coastal and estuarine management issues and needs. These objectives describe the importance to the nation of the coastal zone for its variety of natural, commercial, recreational, ecological, industrial and aesthetic resources; and the need to preserve, protect, develop and restore or enhance these resources for this and succeeding generations. The CZMA defines and authorizes the Coastal Zone Management Program and the National Estuarine Research Reserve System. It emphasizes a partnership with the states. It is a critical national authority that works with all sectors of government to comprehensively manage and address the many and increasing pressures on the use of our coastal areas and our coastal and ocean environments.

The coastal management program is implemented by state coastal management programs and National Estuarine Research Reserves, in partnership with the federal government. Participation is voluntary and eligible states may develop coastal management programs or reserves pursuant to federal requirements. As part of federal approval, state coastal management programs and reserves receive annual operating funds through cooperative agreements with NOAA. These funds are used by state agencies and local governments for a variety of management, research, permitting, enforcement, education and project specific activities. In addition, federal approval of a state coastal management program triggers the CZMA federal consistency requirement. Federal consistency requires that certain actions, in or outside the coastal zone, that affect any coastal use or resource must be consistent with the enforceable policies of state coastal management programs. The federal consistency requirement is a powerful tool that states use to address effects on coastal uses or resources that are the result of federal actions.

For over twenty-five years the CZMA has provided national goals, priorities and guidance for how states and the Federal Government manage the Nation's coastal and ocean resources. States have made great strides implementing federally approved management programs which reduce threats to coastal wetlands, improve coastal water quality, expand public access to the coast,

revitalize urban waterfronts and educate the public about the need to manage and protect coastal and ocean resources.

While the goals of the CZMA are clear, much remains to be done. Implementation of the CZMA's goals by state coastal management programs, estuarine research reserves, and NOAA requires ongoing vigilance, effort and resources to meet increasing pressures on coastal and ocean resources. Stresses on coastal and ocean resources are increasing dramatically, and so are the resulting management challenges. For example, from 1996-2015, the coastal population is projected to increase from 141 million to 161 million with the accompanying increases in solid waste production, urban runoff, losses of green space

and wildlife habitat, water quality declines, and other stresses on the coastal and marine environment. These challenges include continued rapid population growth in coastal areas at much higher rates than inland, loss and degradation of habitats and biodiversity, water quality problems, continued user conflicts, and increased separation of coastal residents from natural resources. This is why the reauthorization of the CZMA in 1999 is so important to NOAA, the coastal states and to the nation.

The Mechanisms That Are In Place To Judge The Effectiveness Of The Program In Meeting Its Goals.

There are mechanisms in place to judge the effectiveness of the implementation of the CZMA. These include both statutory and administrative mechanisms. Statutory mechanisms include (1) program oversight by NOAA, (2) required program evaluations under section 312 of the CZMA, and (3) the submission and federal approval of program changes.

(1) The CZMA requires that NOAA provide on-going oversight of state coastal management programs and estuarine research reserves. Such ongoing interaction provides NOAA and the states with opportunities to assess the effectiveness of management activities on a regular basis and work together to revise annual work plans and specific projects and activities as needed.

(2) The periodic section 312 program evaluations provide a more extensive and systematic mechanism to assess the effectiveness of the state programs. Through the section 312 process, NOAA, every three years, conducts an intensive investigation of state coastal management and estuarine research reserve programs to ensure that states are adequately implementing their approved programs. These reviews include substantial input from other federal agencies and the public. NOAA's findings identify program accomplishments, any deficiencies and emerging issues. While NOAA has found that states are adequately implementing their management programs, the findings often include necessary actions to address program deficiencies or emerging issues, which the state programs are required to address in the next annual work plan and cooperative agreement. These evaluations have documented the effectiveness of the programs and have helped ensure the vitality of the programs. For example, one evaluation found that the implementation of Mississippi's wetland permit program was inadequate. As a result, the state re-allocated funds to improve monitoring and enforcement, which enhanced the state's ability to continue to meet the CZMA's national objectives to protect wetlands.

(3) While not as direct a method for determining effectiveness as program oversight or section 312 evaluations, the effectiveness of state programs is also evaluated through the CZMA's program change requirement. State coastal management programs are required to submit changes to their programs to NOAA for federal approval. The need to make program changes is determined through NOAA's program oversight role, the section 312 evaluations, or, in most cases, by a state's own determination.

NOAA has also recently begun to more efficiently administer and evaluate the program. The Coastal and Marine Management Program (CAMMP) information system is a data collection and retrieval program that is designed to allow states to submit grants and other program information electronically. NOAA, the coastal states, reserves, local governments, other federal agencies, academic institutions, think tanks, and other interested parties, will be able to compile, manipulate and report on coastal management activities. The CAMMP system is a high priority for NOAA and the first phase of the system was implemented this month. The Grant Application and Reporting Section of the CAMMP system will allow state coastal management programs and estuarine reserves to prepare annual grant applications via the Internet, and, over the next few years, to conduct the entire grant application process over the Internet.

In addition to these mechanisms, NOAA funded an Effectiveness Study. This study is an intensive and comprehensive analysis of the effectiveness of state programs and was begun in 1995 by several academic institutions and consultants across the country. Draft results have been submitted within the last few months and the results are expected to be published later this year. The Study found that state programs are effective in addressing key CZMA objectives. However, to better determine effectiveness in the future, the Study recommends that there be a more systematic and sustained collection of outcome information. This is precisely what the CAMMP system will allow NOAA to do: assess, quantify and report on the effectiveness of state programs.

The Effectiveness Study found that most states are effective or very effective in protecting estuaries and coastal wetlands, that state programs have progressively upgraded their management tools to improve how they deal with impacts to beaches and dunes, that state programs are national leaders in improving access to the coast, that state programs have been instrumental in waterfront revitalization leveraging over \$430 million in non-CZMA funds, and that a substantial number of states are effective in the development of large seaports.

The Effectiveness Of The Program In Meeting Its Goals.

The state and federal coastal management program is effective in many ways. This is evidenced by the near-unanimous non-partisan support among Congress over the years, and the wide-spread support of state and local governments, interest groups and the public. The benefits of the CZMA and the support it fosters can be seen in the effectiveness of the national system of state coastal management programs, the growing network and use of estuarine research reserves, the vitality of our coastal economies, and the protection and sustainability of important coastal resources and habitats.

Some of the accomplishments include the following: The national system of coastal management programs is nearly complete with 95,142 miles, or 99.7 percent, of the 95,439 miles of the nation's shoreline under management by 32 federally-approved state, territorial, and commonwealth coastal programs. Twenty nine of these states have also received conditional approval of their coastal nonpoint pollution control programs. Demonstrating the growing state interest in this federal program, three new state coastal management programs, those of Ohio, Georgia, and Texas, have been approved by NOAA within the past three years. The nation's 33rd coastal management program, Minnesota's, only awaits final transmittal by the new Governor, before approval by NOAA. In addition, we anticipate receiving Indiana's draft program for review later this year. Of the nation's 35 coastal states and territories eligible for participation under the CZMA, only Illinois is not currently participating.

The effectiveness of the CZMA's goals is also seen in the growth and importance of the National Estuarine Research Reserve System. Reserves are protected land and water areas in 19 states and territories that are part of a national system administered by NOAA. The states operate the individual reserves, participate in developing goals for the System, and implement System-wide activities. Reserves protect representative examples of estuarine habitat and conduct a suite of activities that improve the stewardship of estuaries, including: long-term research, system-wide water quality monitoring, technical training for coastal decision makers, public education and interpretation programs, and demonstration projects. Reserves are important for habitat protection since they manage discrete protected

lands and waters and help forge community-based solutions to

estuarine environmental problems, such as voluntary changes to farming practices, development of new septic tank standards, or restoration of wetlands.

There are 23 federally designated National Estuarine Research Reserves in nineteen states and territories, including the Jacques Cousteau reserve designated in New Jersey just last year and the Kachemak Bay (Alaska) reserve designated this month. Four additional reserves are in development in Grand Bay (Mississippi), Guanama-Tolomato-Matanzas (GTM)(Florida), San Francisco Bay (California), and in the St. Lawrence River in upstate New York. The Grand Bay and GTM reserves are on schedule to be designated by NOAA in the Summer of 1999. Over 900,000 acres of estuarine habitat are now protected by the National Estuarine Research Reserve System. Habitat protected by the System will increase this year to over 1,000,000 acres with additional acquisitions by existing reserves, and with the designation of the Mississippi and Florida reserves. Visitors to reserves now number over 1 million per year.

The reserve system has initiated a unique system-wide monitoring program for water quality and weather parameters that can link short-term events to habitat changes. Reserves also are helping local decision makers and professionals in coastal areas apply new and innovative methods and technologies. In response to the Administration's Clean Water Action Plan, Reserves are joining their efforts with EPA's National Estuary Programs to share more broadly lessons learned with coastal programs and communities. In addition, the CZM programs are working to further enhance their links with NEPs and to work together in providing support to local coastal communities to address impacts and pressures on estuary resources.

The Biennial Report that NOAA sends to Congress documents the effectiveness of these programs. This report should be delivered to Congress shortly. The report, as required by the Act, is a comprehensive account of the accomplishments of NOAA, the coastal states and reserves, in advancing the goals of the CZMA during the fiscal years 1996 and 1997. Before I move on to specific reauthorization recommendations, let me highlight for you some specific CZMA and Reserve success stories.

In San Francisco Bay, the San Francisco Bay Conservation and Development Commission, a federally approved

CZMA program, has reversed wetland loss from 2,300 acres per year to only 4 acres per year. This effort has been aided by the efforts of the California's Department of Fish and Game, and other Federal agencies including the Department of Interior's Fish and Wildlife Service, the Environmental Protection Agency, and the Army Corps of Engineer.

Under section 306A of the CZMA, the Coastal Resource Improvement Program, states have used federal and state funds to provide substantial public access to the coast through coastal parks, fishing piers, boat launches, dune walkovers, foot and bike trails, beach clean-ups, parking lots and access roads, land acquisition, historic structure restoration, urban waterfront revitalization and other projects. Rough estimates show that state have used over \$50 million in federal funds, equally matched with state and local funds, since 1985 for over 1,000 access and resource protection projects.

State coastal management programs have provided support to numerous coastal communities for environmentally-sound waterfront revitalization. Virginia has used limited CZMA funds to spur development of an eco-industrial park in Cape Charles, Virginia. The City of Wilmington, North Carolina used CZMA funds to develop a riverfront plan that served as a catalyst for \$4 million in public investment and \$100 million in private investment along the Cape Fear River. This project restored dilapidated warehouses and piers, created vessel and public access to the City's waterfront, and turned the waterfront into a vibrant economic and social center for the City.

These are just a few of the examples of the effectiveness of the CZMA program. The Biennial Report will provide additional examples.

Ideas Regarding The 1999 Reauthorization Of The CZMA.

Turning now to the 1999 reauthorization of the CZMA, NOAA fully supports the CZMA and is committed to working with Congress, the coastal states, and other interests, to continue the Act's national programs. The Congress and the Administration have an opportunity to position the CZMA to meet the requirements of the next century, while maintaining the aspects of the CZMA that have served the country well for over a quarter of a century. These include the flexibility of the state-federal partnership, using state programs as the "on the ground" delivery mechanism, and consideration of the national interest in coastal uses and resources.

NOAA suggests that Congress consider the following concepts to address these issues and challenges:

- address emerging habitat issues, such as protection of coral reefs, protection of essential fish habitat, and habitat restoration;
- focus the implementation phase of the coastal nonpoint pollution control program within the CZMA on NOAA's traditional habitat protection and restoration mission, and specify state coastal management program agencies' responsibilities in the management of polluted runoff;
- provide support to local coastal communities to develop environmentally protective solutions to the impacts and pressures on coastal uses and resources by encouraging revitalization of previously developed areas;
- improve coastal management decision-making by strengthening the ability of coastal states and NOAA to provide technical assistance, management-oriented research, innovative technology development and mediation services;
- enhance the link between the estuarine reserves and coastal management programs; and
- make other technical amendments to improve the effectiveness, efficiency and flexibility of the CZMA's state-federal partnership.

Conclusion

In closing, the 1999 reauthorization of the CZMA provides a unique opportunity to provide a vision and a framework

for coastal and ocean resources management and stewardship into the 21st century. The effectiveness of the CZMA and the broad-based support for the Act can enable the Administration and the Congress to accomplish the Act's objectives. A reauthorized and enhanced Act, with adequate funding authorized and appropriated, will set in motion the means by which we can ensure that the Nation's coastal and ocean uses and resources are used, conserved and protected for the benefit of present and future generations. The Administration looks forward to working with you on this task. That concludes my remarks and I would be glad to answer any questions.

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