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

ON H.R. 21, THE OCEAN CONSERVATION, EDUCATION AND NATIONAL STRATEGY
FOR THE 21ST CENTURY ACT

JUNE 18, 2009

Chairwoman Bordallo and Members of the Subcommittee:

I greatly appreciate your invitation to appear before the Subcommittee to share our views on the Ocean Conservation, Education and National Strategy for the 21st Century Act (Oceans 21). My name is Christopher Mann and I serve as a Senior Officer with the Pew Environment Group in Washington, D.C. The Pew Environment Group is the conservation arm of the Pew Charitable Trusts. We are dedicated to advancing strong environmental policies that are informed and guided by sound science on climate change, wilderness protection and marine conservation. I manage a number of Pew's marine conservation initiatives, including our efforts to establish a national policy to protect, maintain and restore the health of ocean, coastal, and Great Lakes ecosystems. Prior to joining the Pew Environment Group, I was Ocean and Coastal Policy Director for the Pew Oceans Commission, where I assisted the Commission in developing its recommendations for ocean governance reform.

I am pleased to be here today to offer the support of the Pew Environment Group for H.R. 21 and the vital concepts of ocean governance reform that it embodies. As you know, last Friday President Obama established a federal task force to develop a national ocean policy, an implementation plan to carry it out, and a framework for ecosystem-based coastal and marine planning. With support in Congress and the Administration, I am encouraged that we will soon see substantial progress on these important changes to way we view and manage ocean, coastal, and Great Lakes ecosystems and resources.

It has now been six years since the Pew Oceans Commission released its final report. A year later, the U.S. Commission on Ocean Policy issued its report. The two commissions came to remarkably similar conclusions. Our use and misuse of marine resources—from overfishing, water pollution, habitat destruction, and other activities—has led to widespread marine environmental degradation. The damage from human activities to marine ecosystems was documented exhaustively in the reports of the oceans commissions. The case has since been bolstered by dozens of additional scientific studies, so I won't belabor the point today. Suffice it to say that no marine ecosystem is immune to anthropogenic effects, and these effects are harming the ability of marine ecosystems to deliver the goods and services that society wants and needs.

There is no better example of the Tragedy of the Commons than our oceans. For millennia, humankind viewed the oceans as vast and their resources inexhaustible. Particularly after World War II, however, technology allowed us to strip living resources from the oceans far faster than the oceans could replace them. Technology now allows us to remove minerals and carry out offshore activities, such as renewable energy production and aquaculture, in places never before accessible. With no overarching framework for their management and no single entity responsible for their wellbeing, the oceans are bearing the cumulative effect ad hoc resource use decisions.

To address these shortcomings, the ocean commissions recommended that narrow, single-sector resource management give way to a more integrated and comprehensive approach implemented at the regional level. This would be a transformative change in both the way society views the oceans and in the way we manage our use of the oceans. Transformative change is, alas, hard to achieve. This is especially true when constituencies have developed around the single-sector management processes that have built up over time. Although many participants recognize the shortcomings of these processes, it is at least the devil they know.

Since the ocean commissions released their findings, progress has been mixed. A number of states have adopted a more comprehensive approach to ocean planning and management, and are working with adjacent states on regional planning and management in state waters. With this Committee's leadership, Congress has enacted important reforms to put fisheries management on a more sustainable course. The damage to our fish stocks was done over many years and cannot be quickly repaired. Based on the latest National Marine Fisheries Service report to Congress on the status of fish stocks, nearly a quarter of the stocks that have been assessed and have status determinations are overfished, subject to overfishing, or both. I urge the committee to be vigilant in ensuring that from now on science, not politics, maintains the upper hand in fisheries management.

That's the good news. The bad news is that marine ecosystems are about much more than fish. Single-sector management approaches are simply not up to the task of addressing the complex interactions and effects of multiple stressors on the oceans. After all, you can drill for oil, float wind turbines, or ship cargo, over a warm, dead ocean, but you can't fish in it and you wouldn't want to swim in it. Science-based fisheries management is a critical element of sound ocean management, but sound fisheries management alone cannot by itself safeguard the health of marine ecosystems. And it is the overall health of marine ecosystems on which fisheries ultimately depend. That is why broader aspects of ocean governance reform are complimentary to, not in competition with, fisheries management. Until recently, however, efforts to get the federal government to adopt an ecosystem-friendly ocean policy and the interagency mechanisms to carry it out have met with indifference or outright opposition.

During this time, the threat to marine ecosystems has only grown. As we struggle to transform our energy economy, there is renewed interest in offshore oil and gas extraction, as well as emerging opportunities for ocean renewable energy development. The effect of climate change on the oceans has now come into much sharper focus, including its potentially disastrous effects on marine ecosystems and their productivity. These new challenges to marine ecosystem health are perhaps nowhere more evident than in the Arctic, where a poorly understood system already

under stress from rapid environmental change is at the same time being exposed by reduction in ice cover to increased resource extraction and maritime traffic. Conservation and management in the Arctic and other regions would benefit from the ecosystem perspective and the multi-objective management process that would be established by Oceans 21.

The bill contains three key elements that we believe are essential to achieving the ocean governance reform recommended by the ocean commissions. First, it establishes a national policy to protect, maintain and restore the health of marine ecosystems and requires federal agencies to work within current law to carry out this policy. Congressman Farr and the sponsors of Oceans 21 have wisely recognized that it is not feasible or even desirable to dismantle the system of marine resource management laws we have in place. We need regulatory regimes for individual resources, but these programs need to work in concert. Federal agencies have considerable discretion in implementing federal law, and Oceans 21 seeks to harness that discretion both to secure better resource use decisions under individual laws, and to promote more meaningful consideration of the effects on other resources and other resource users in making these decisions.

Second, the bill sets up a process and a structural framework for implementation of the policy at both the federal and regional levels. Within the federal government, it codifies the interagency Committee on Ocean Policy established administratively by President George W. Bush, and assigns it clear responsibility to facilitate implementation of the national policy. It also establishes regional ocean partnerships as the focal point for ocean planning and management. Under the bill, regional planning would be mandatory for federal agencies but voluntary for the states and tribes. It is hoped that, in addition to funding, the opportunity to craft an integrated ocean policy from the shoreline out 200 miles will provide a substantial incentive for state and tribal participation in regional ocean planning and management.

Third, Oceans 21 establishes a federal trust fund to support regional ocean planning and management. While ecosystem-based management is essential for ocean health, no one would argue that it is inexpensive, at least as far as up-front costs are concerned. However, increased investment in planning and management should good dividends for our coastal and ocean economy. A shortcoming of Oceans 21 is that the trust fund established by the bill provides only an authorization of appropriations. Both ocean commissions recommended that a permanently appropriated, dedicated fund for ocean and coastal management be established and that it be capitalized at least in part with revenue derived from commercial activities on the Outer Continental Shelf. Although it is not unanimously supported within the environmental community, early concerns that such a funding structure would provide an incentive for offshore oil and gas development have largely been resolved or made moot by subsequent developments in OCS policy.

To provide more effective and reliable support for ocean conservation and management, the Pew Environment Group supports the ocean commissions' recommendation to establish a dedicated, permanently appropriated trust fund capitalized with a portion of annual OCS receipts. The trust fund language included in Chairman Rahall's May 13 staff draft of the Federal Lands and Resources Energy Development Act of 2009 appears to be a good model. Our understanding is that it complies with congressional pay-go rules. The proposed trust fund would be used to

support three classes of activities for protection, maintenance and restoration of marine ecosystem health: grants to states based on a formula similar to that used to allocate funds under the Coastal Zone Management Act; competitive grants for ocean conservation and management available to public and private entities; and grants to support regional ocean partnerships. In the early years of the fund, it would be subject to appropriation similar to the Land and Water Conservation Fund. In later years, the unappropriated balance and new receipts would become available without appropriation under the guidelines of the legislation.

These three components are the essential package of ocean governance reforms which, in combination with sustainable fisheries management, are needed to protect, maintain and restore marine ecosystems.

This hearing is timely, given the Administration's announcement last week. It is hoped that the interagency task force, led by the Council on Environmental Quality, can lay the administrative foundation for a comprehensive national ocean policy and a constructive framework for coastal and ocean planning and management. The Pew Environment Group continues to believe that an Executive Order will be needed to firmly establish the national policy, along with the structure and process for its implementation. Changing fundamentally the way we approach and manage ocean resources is not going to be easy or quick. Any changes worth making should be codified into law because they will be needed well beyond the span of a presidential administration.

Madame Chairwoman, we look forward to working with both Congress and the Administration to advance the establishment of a national ocean policy. I thank you again for the opportunity to provide the views of the Pew Environment Group and I would be happy to answer any questions you may have.