

**Testimony of Vikki Spruill
President and CEO of Ocean Conservancy**

Before the

**Subcommittee on Fisheries, Wildlife and Oceans
U.S. House of Representatives Committee on Natural Resources**

Hearing on

**The Sanctuary Enhancement Act of 2008, H.R. 6537, and the Thunder Bay
Underwater Preserve Boundary Modification Act, H.R. 6204.**

July 24, 2008

INTRODUCTION

Good morning Madam Chairwoman and Members of the Subcommittee, I am Vikki Spruill, President and CEO at Ocean Conservancy, the country's oldest and largest ocean non-profit harnessing over 35 years of policy and scientific expertise to anticipate ecological threats and deliver sustainable solutions that protect our ocean and improve our quality of life. I'd like to thank Chairwoman Bordallo for her leadership on the issue of ocean conservation and for moving the critical reauthorization of the National Marine Sanctuary Act forward with the introduction of the H.R. 6537, the Sanctuary Enhancement Act of 2008. My testimony today will focus on this bill and I will leave the discussion of the Thunder Bay Underwater Preserve Boundary Modification Act, H.R. 6204, to other panelists with greater relevant expertise on it.

As is probably true for many of us here, the ocean has been a constant throughout my life. I was fortunate to grow up along the panhandle of Florida, with its sugar-sand beaches and emerald waters that attract countless tourists each year. And, I went to school in New Orleans, not far from the Gulf of Mexico where oilrigs dot coastal waters and refineries light the night. For over a decade, I have been closely involved in ocean conservation and I am constantly reminded of the extraordinary vision, wisdom, and, in many cases, courage it takes to conserve our majestic ocean places. I am honored to represent the half a million ocean conservancy members and volunteers from across the country and thank you for this opportunity.

It seems, at every turn, we are reminded of the critical role that the ocean serves as Earth's life support system. The ocean covers 2/3 of the planet and provides much of the air we breathe, the food we need, and moderates the climate that sustains us. Yet, most take it for granted. So it falls to us to be the stewards of the ocean to put in place the kinds of policies that will conserve and protect the ocean. That is what brings us together today.

While I am here representing the conservation community, there is also a sea change afoot throughout our culture, particularly in the business community. In recent years, we have seen the emergence of a new “ocean ethic” in which American businesses are starting to recognize the comprehensive value of the ocean, rather than as a collection of discrete resources to be extracted. I, too, had a lengthy career in the private sector and I related to the stories from the businesswomen and men who testified in favor of National Marine Sanctuary Reauthorization before this committee in June. They told personal stories about the positive impact sanctuaries had on their businesses and their communities. Even though it is not the focus of today’s hearing, I must say that I hope this ocean ethic prevails as the Congress debates whether to lift the moratorium on offshore drilling, even though doing so would do nothing to lower today’s gas prices and there are cheaper, faster, safer ways to solve our energy crisis.

The National Marine Sanctuaries Act (NMSA) is one of the cornerstones of the conservation work we do. Is it perfect? Certainly not! Is it a critical instrument in our conservation toolbox that allows us to create a healthier, more resilient ocean? Absolutely! Therefore, it is our duty to make the National Marine Sanctuaries Act the strongest law it can possibly be, because the ocean is in trouble. Given the existing and growing threats to ocean ecosystems, we need a strong and robust National Marine Sanctuary System now more than ever.

Today there is widespread scientific recognition that multiple stressors including overfishing, pollution, poor land use practices, and habitat modification have been degrading marine ecosystems for decades, if not centuries, and are now pushing them beyond the breaking point. Superimposed on these multiple stressors and exacerbating their impacts, global climate change is increasingly affecting marine ecosystems and degrading them further. The good news is that there are practical steps we can take to turn the tide and restore our oceans and make them more resilient to these threats. There is increasing evidence that MPAs, especially marine reserves and other highly-protected ones, can help protect and restore ecosystems, maintain ecological integrity, increase ecosystem resilience, and provide an important hedge against global climate change and other stressors. Some of this new evidence is for the first time coming from within our National Marine Sanctuary System, as a result of the marine reserve networks that have been set up in the Florida Keys and California. In spite of the many challenges it faces, our existing Sanctuary System is already contributing to ocean health and resilience. The new and ambitious marine reserve network recently implemented to help protect the Great Barrier Reef from global climate change and other threats is also already showing positive results.

Today, I believe, you have a watershed opportunity to clarify, strengthen, and reauthorize the National Marine Sanctuaries Act. This reauthorization gives us an unprecedented opportunity to build on the Act’s successes and ensure that it achieves its broader mandate—and we speak for many when we thank you for moving forward today. By far, one of the most comprehensive ways to achieve our goal of a healthy ocean is through a sound National Marine Sanctuary System. We urge you to make this happen by

expediting approval of the strong reauthorization bill that has been introduced, with some minor modifications.

SUMMARY OF OCEAN CONSERVANCY VIEWS ON H.R. 6537

We are very pleased with the bill you have introduced. We believe it is thoughtful, balanced, and would go a long way toward addressing the priority issues that Ocean Conservancy Executive Vice President, Dr. Dennis Takahashi-Kelso, and others identified when this subcommittee met in Santa Barbara last November. We believe the limited, key, and targeted clarifications and improvements that you have included will greatly improve the National Marine Sanctuary System's ability to fulfill its critical mandate. We are especially supportive of and pleased to see that you have included language that will help to:

1. Update the National Marine Sanctuary System's Findings Based on New Science: The Clarification of Findings, Purposes, and Policies in section three would greatly clarify, improve, and strengthen the NMSA. The finding in the new section 301(a)(3) of the Act would recognize recent scientific advances in delineating ocean boundaries and ecosystems that will help pave the way for inventorying U.S. marine ecosystems and developing a more complete, robust and representative Sanctuary System. New finding 301(a)(4) would similarly recognize the large and growing body of scientific evidence confirming the value of marine reserves and other highly-protected areas for restoring living marine resources; maintaining natural ecosystem resistance and resilience to multiple anthropogenic threats, now including and exacerbated by the growing threat of global climate change; and providing the potential to supply eggs and larvae to replenish populations within and adjacent to the marine protected areas.
2. Clarify and Strengthen the NMSA's Purposes and Policies: Section three of the bill would also help clarify and strengthen the NMSA's Purposes and Policies by making several key changes to section 301(b) of the Act. The new paragraph (2) makes clear that the overarching priority of the System is the long-term protection and conservation of nationally significant marine ecosystems and their living and non-living resources, thus removing misconceptions about the core purpose of the Sanctuary System. New paragraph (3) would make it a purpose of the System to include within the NMSS the full range of marine biological diversity and ecosystems, setting the stage to expand the system and make it more representative. New paragraph (8) retains, clarifies, and improves language allowing for the regulated public and private uses of the System's resources to the extent that such uses are compatible and not prohibited by this statute or other authorities. Ocean Conservancy supports these changes to clarify and strengthen the NMSA's purposes and policies.
3. Encourage the Use of Zoning within Sanctuaries, including the Potential Use of Marine Reserves, Other Highly-protected Areas and other Spatial and Temporal

Management Tools: We are very pleased that H.R. 6537 includes strong language to encourage the use of temporal and spatial zoning, among other innovative management techniques (section 3(b)). The proposed new section 301(b)(10) of the Act., especially when used together with other language in the bill referring to the “purposes and policies” of the Act, could go a long way toward implementing zoning and marine reserves where they are needed. We strongly support this language with some fine-tuning, and recommend including parallel language within the “Procedures for Designation and Implementation” (16 U.S.C. 1431 §304) that would more specifically and directly require the consideration of these tools. Requiring such consideration would help ensure that the best available science-based management tools to achieve comprehensive resource protection are available to resource managers and that they are evaluated during the development, review, and revision of sanctuary management plans and regulations, but it would not mandate their use. There is a precedent for such language contained in the Florida Keys National Marine Sanctuary and Protection Act of 1990, which successfully led to the development of the Florida Keys NMS initial zoning plan and the subsequent Tortugas Ecological Reserve.

4. Recognize the Office of National Marine Sanctuaries (ONMS) and Provide a Clear and Unambiguous Mission: Earlier this year, the National Marine Sanctuary Program was administratively elevated to become the Office of National Marine Sanctuaries. Language contained in H.R. 6537 section .4 would recognize this elevation in statute and also provide the NMSS with a strong, clear, and unambiguous mission, consistent with the stated and long-standing priority and purpose of the NMSA, to protect nationally-significant marine ecosystems. Ocean Conservancy is very supportive of the elevation to office level, and eventually higher, and of the proposed NMSS mission which would greatly improve the System’s probability for success by providing a strong, clear and explicit mission for the NMSS.
5. Create a Process for Identifying Waters to be included in the National Marine Sanctuary System and Set a Goal for Expansion and Representativeness: Ocean Conservancy supports and appreciates the inclusion of H.R.6537’s section 6, “Living and Nonliving Resource Classification, Identification, and Inventory.” This new section would help to expand the Sanctuary System, ensure that each of the biogeographical provinces in U.S. waters is well-represented, and include areas that protect rare, critical, unique, outstanding, or otherwise special resources. The ultimate, anticipated, and highly-desirable goal of this process would be to provide a rational framework for identifying, prioritizing, and developing new sanctuary sites. We further support the language included in section 6 that calls for a new Site Evaluation List and sets a system expansion and representativeness goal to be achieved by 2030. Achieving this goal will clearly require adequate budgetary and human resources for the Office of National Marine Sanctuaries.

6. Remove the Moratorium on New Sanctuaries. Ocean Conservancy supports and appreciates the language in H.R.6537 in section 7 repeal the limitation on designation of new National Marine Sanctuaries, which is currently contained section 304(f) (16U.S.C. §1434(f)). This moratorium was originally purported to be temporary in nature and a means to prioritize making existing, recently added, sanctuaries functional before adding additional new sites. Regardless of its initial intent, the moratorium has clearly outlived its proposed purpose and now constitutes a severe impediment to the rational development of an effective National Marine Sanctuary System. Despite the moratorium, the continued demand for marine protected areas has persisted and may force a greater reliance on the use of Marine National Monuments and Congressionally-designated National Marine Sanctuaries. Regardless, the time to lift the moratorium is now.

7. Improve the Process for Development of Sanctuary Fishing Regulations: Ocean Conservancy supports and appreciates the language contained in sections 7 and 10 of H.R. 6537. related to developing sanctuary fishing regulations. This language preserves the important role of fishery management councils in assisting the Office of National Marine Sanctuaries with the development of sanctuary fishing regulations, but clarifies the process, provides criteria and timelines, and ensures that resulting fishing regulations will be consistent with the NMSS's and the individual sanctuaries' purposes and policies. We are concerned that there may still be some ambiguity in the process, particularly with respect to the process the councils must employ to develop the regulations, and would be happy to work with you to make sure the bill will achieve its intended purpose.

8. Provide an adequate budget to accomplish these objectives: Ocean Conservancy strongly supports the increased authorization levels contained in H.R.6537, and greatly appreciates your recognition of the critical importance of the Sanctuaries Act and Program.. In our November 3, 2007 testimony before the Subcommittee in Santa Barbara, we suggested that a budget on the order of \$100 million was appropriate for the NMSS, and H.R. 6537 would authorize appropriations at roughly that level. We continue to believe that this level is well-justified, would provide for a reasonable and manageable rate of growth, and still be an order of magnitude below comparable authorization levels for terrestrial protected area programs, such as those managed by the U.S. National Park Service. In fact, an increased level could well be needed, given the increased responsibilities of the program and the expansion goal contained in this bill. In particular, the increased authorization level of \$10 million annually specifically to implement the new section 303(c) (the bill authorizes \$5 million) would help ensure a comprehensive resources classification and inventory, and a site selection list that represents the full range of marine ecosystems and results in an expanded System.

CONCLUSION:

H.R. 6537 provides a strong framework for reauthorization of the National Marine Sanctuaries Act and addresses some key shortcomings in the existing law. We look forward to working with you on making further improvements to this bill and addressing any remaining concerns. There have been calls for more far-reaching changes to the NMSA which may warrant further consideration, but your approach goes a long way toward clarifying and improving the NMSA and addressing its most critical and urgent needs.

In closing, I want to reiterate Ocean Conservancy's commitment to working with you and thank you again for showing your dedication by holding this important hearing.

Thank you.