

Testimony for the Subcommittee on Fisheries, Wildlife, and Oceans

Committee on Natural Resources

U. S. House of Representatives

June 18, 2006

Madam Chairman, Members of the Committee, thank you for this opportunity to contribute to your review of the National Marine Sanctuary Program.

My name is DeWitt John. I am Director of Environmental Studies at Bowdoin College in Brunswick, Maine and a Fellow of the National Academy of Public Administration.

My contribution is based on two studies by the Academy. Eight years ago, we visited 12 sanctuaries and interviewed program staff, citizens, and employees of other agencies about how well the program is working at the local level. Two years ago, we evaluated the program's planning, management, and budgeting systems.

I will offer four ideas today for consideration by the Committee.

1. The National Marine Sanctuary Program is designed and is working well.
2. The program embodies many of the recommendations of the two recent national commissions on ocean policy. Sanctuaries can play an important role in broader federal ocean policy as participants in and as models of effective ocean governance.
3. The sanctuary program deserves strong support from top officials in NOAA and the Department of Commerce.
4. Therefore, I would encourage that the Committee
 - a. take action to reauthorize the Sanctuary Program so that it can continue to grow and
 - b. ask NOAA to explore and report to the committee whether NOAA, its component agencies, and ocean governance in general would benefit from adopting the "civic", multi-purpose approach that the Sanctuary Program utilizes.

1. Design and Operation of the Program

Many people do not think of the Sanctuary Program as a high-performing agency, partly because it had a skeletal staff and small budget in its early years and is still a very small agency compared to many others, and partly because its mission and statutory mandates are poorly understood.

Some people wish that marine sanctuaries were managed 100% as wilderness areas or parks. They think an area that is called a "sanctuary" should be free of any commercial activity.

But Congress did not establish sanctuaries to be wildernesses. The authorizing legislation says clearly that sanctuaries should both “protect marine resources” and also “facilitate” other public and private uses that are “compatible” with protection.

Sanctuaries use many tools to protect resources – regulation, education, scientific research, and others. Some have helped create Marine Protected Areas (MPAs) where commercial activities like fishing are not allowed.

The Academy’s two reports were not full-scale evaluations of the Sanctuary Program. But the information we gathered strongly suggested that within the constraints of its limited resources, the program is doing a good job of balancing the goals of protection and facilitating compatible uses, and that its capacity to make these decisions has improved substantially in recent years.

We found that the Sanctuary Program is doing well because it has a distinctive approach to ocean governance – specifically their ability to build public understanding and to mobilize support for protection of the sanctuaries from a very broad range of community leaders and citizens.

Where the program has fallen short, it may be that the difficulty is that Congress has directed the sanctuaries to balance protection with compatible use but that the Sanctuary Program is still building its capacity – its funding, staffing, and standing in our complex system of ocean governance.

2. Sanctuaries as a Model of Effective Ocean and Marine Governance

Both recent National Ocean Policy Commissions were very critical about how our nation manages coastal and ocean areas. The Commission on Ocean Policy said that our system lacks “an overarching vision critical to a coherent national ocean policy” so we have “zigged and zagged”. Both commissions said that ocean governance is oriented towards narrow goals and thus highly fragmented, lacking clear goals and measurable objectives, and too often mired in conflict and litigation.

They both recommended some kind of regional councils to pull together diverse perspectives and frame coherent policies.

The Sanctuary Program has experience doing just this. The program’s Sanctuary Advisory Councils have been remarkably successful in engaging a diverse array of agencies, organizations and citizen leaders to develop balanced, comprehensive management plans and to solve problems. The Academy said that the program’s

“civic approach to ocean governance – participatory, multi-purpose, and locally-based with clear national goals – may be the key to governing effectively”.

The Academy’s 2006 report looked closely at how the Sanctuary Program balances national goals with the objectives and viewpoints that communities and state governments bring to the process. We found that the program was developing solid reports describing current conditions in each sanctuary, and that these condition reports were beginning to be used, along with the program’s national strategic plan and its performance measures, to set priorities and guide management decisions.

Managing the oceans will never be easy. Ocean management is a four-dimensional problem, not two-dimensional as on land. We don't generally worry about what happens 500 feet above or below us and we don't have to deal with currents and tides. Even more important, on the ocean there are very limited little private property rights, no local government and thus less social interaction and community-building, so enforcement is more difficult. And we know less about our oceans than about land.

The task of governing marine sanctuaries is to manage a four-dimensional world that is hidden from most people and has no citizens.

In that four-dimensional world, the Sanctuary Program plays a role that is quite unlike the roles played by the National Park Service, the US Forest Service, or other federal agencies that manage resources on land. Governance in sanctuaries is organized around cooperative problem-solving rather than through systematic planning and regulation by federal experts. This model is working well and is working better as the Sanctuary Program gets stronger. It is a model that deserves close attention and support by Congress.

3. Need for strong support from NOAA.

The Sanctuary Program is far from perfect. It is small, has limited resources, and sometimes lacks influence. It is an under-utilized asset.

The Inspector General of the Department of Commerce recently released an excellent report that discussed these matters in some detail. It recommended that top officials at NOAA could take steps to ensure that other NOAA agencies to work cooperatively with the sanctuaries and help enforce sanctuary regulations.

The Academy found in 2006 that often management plans which individual sanctuaries and their advisory councils had developed – with impressive detail, remarkably broad citizen participation, and clear performance goals –languished for far too long at the national level because of coordination issues.

4. Recommendations for the Committee.

Action by the Committee to move ahead with reauthorization will give a clear signal that it recognizes the importance of the National Marine Sanctuary system.

The Committee could also direct NOAA to follow the Academy's recommendation that NOAA explore how lessons that can be learned from the Sanctuary Program's distinctive approach – participatory, multi-purpose, and locally-based with clear national goals – could be applied to the operations of other NOAA agencies and more broadly to ocean and coastal governance.

Some changes to the statutory authorization for the Sanctuary Program might be useful in my view. For example, the moratorium on creation of new sanctuaries might be lifted, the authority to issue regulations consistent with the purposes and policies of the program might be clarified, and the cap on appropriations

authorization might be limited. But the basic design and authority of the program is sound.

As I see it, the dual crisis of energy shortfalls and climate change will put dramatic new demands on our coasts and ocean. We can try to bluster through with our current fragmented, top-down, expert-driven system of governance, or we could learn how to engage local communities in meaningful ways, plan comprehensively and then act decisively. The distinctive approach that marine sanctuaries have developed offers lessons that we need to learn and act on.

Thank you.

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