

# U.S. OCEANS COMMISSION

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Mr. Chairman, Members of the Commission:

Thank you for the opportunity to testify before you today, and welcome to the beautiful Pacific Northwest.

The Pacific Ocean is woven throughout the fabric of our culture, our history, and our lives. Native peoples depended upon the ocean for their livelihood and spirituality. For explorers, the Ocean sparked their curiosity and inspired exploration. And for immigrants from around the world it was, and continues to be, a highway to new lives and new opportunities. But global population growth, increased international trade, and rising resource demands have strained our oceans. What were once perceived to be vast limitless resources are now facing serious decline. We must now adopt to these challenges with new ideas and focused resources.

The past year has seen our nation faced with serious challenges. The events of 9/11 have altered our view of the world and our place in it. We now understand that we must think globally when we consider the consequences of our local actions. But we are faced with a second challenge – limited fiscal resources at the state level. This will require an increased contribution from the federal government. It will also require us to seek out opportunities for greater cooperation between government and stakeholders as we attempt to stretch limited resources. You will find these themes of resource needs and opportunities for cooperation woven throughout the recommendations that follow.

## **INVASIVE SPECIES**

As our nation responds to one form of threat, another threat facing our shores comes from invasive aquatic species. Many of these species enter our waters onboard vessels, either in ballast water or clinging to the sides of the vessels. Currently, the National Invasive Species Act (NISA) provides that vessels entering U.S. waters have a three-year window of opportunity to undertake a voluntary open-ocean exchange. If this voluntary approach proves unsatisfactory, a mandatory requirement may be developed. It's doubtful if such a mandatory requirement will be implemented largely because open ocean exchanges can be a tricky proposition, especially in the frequently stormy waters of the Pacific.

Given that open ocean exchange can be difficult, on-shore methods of ballast water treatment should be developed. Unfortunately, the private sector has yet to develop a treatment method that works. Until such a system is produced, Congress should allow for a regional response to invasive species. Also, coastal ports are very competitive. No state will want to adopt ballast water treatment options that increase costs for ships visiting their ports, thus making them less competitive. Finally, shipping frequently moves between ports along the West Coast. Consistency in regulation would provide cost certainty for shipping companies.

**Recommendation: The Commission should recommend to Congress that regional approaches to invasive species response be allowed.** Such plans could vary to meet the unique demands of each region, and be developed with input from various stakeholder interests. Furthermore, states should be permitted to assess appropriate fees to cover the costs of implementing ballast water programs.

**Recommendation: The Coast Guard should be provided sufficient resources to work with states, and the federal government should provide specific focus in discussions with other nations to develop international plans for the control of the spread of invasive non-native species.** Any approach to invasive species control and response will require cooperation between the states and the federal government. Plans that incorporate regional needs will provide regulatory certainty for the shipping industry, which will increase the likelihood of success.

## **LAND USE**

Ocean and estuarine shorelines have always been attractive places for development, both commercial and residential. As population grows, more development has occurred in these fragile areas. Many states, including Washington, have laws to protect shorelines, ensure recreational and public access, and to enhance wildlife habitat. And many states, again Washington included, try and balance these values with the need to provide opportunities for marine dependent commercial activity.

History has shown that our activities have sometimes had dramatic negative impacts on our oceans and our shorelines. For the past several decades we have acknowledged these mistakes, and great strides have been made in correcting them. However, some of these impacts are difficult to erase. For example, contaminated sediments in bays and estuaries create a challenge for cleanup. But progress is being made. Locally, the regional EPA office was worked with stakeholders around Commencement Bay near Tacoma to develop a sediment cleanup plan. And several federal, state and local agencies have teamed-up in the Puget Sound Nearshore Restoration Project, which will work to reverse some of the historic impacts of shoreline development.

Even with this progress, more work needs to be done.

**Recommendation: Reauthorize and amend the Coastal Zone Management Act (CZMA), creating a new coastal communities program to assist states in working directly with local governments to improve planning and management that balances growth and economic needs, protects critical resources, and revitalizes waterfront areas.**

The design of the coastal communities program would include: (i) resources for assessment of growth, infrastructure, and open space needs; (ii) provision of management-oriented research, development of decision making tools, and technical assistance to solve local problems; (iii) piloting of new approaches through demonstration projects; and (iv) allocation of funding for the preparation, adoption and implementation of local plans and strategies. Funding for this program should begin at a minimum of \$30 million a year. Because many states rely on current CZMA funding, new funding for a new coastal communities initiative should not come at the expense of these existing efforts.

**Recommendation: We urge support for the establishment of a Coastal and Estuarine Conservation Fund - a permanent, dedicated funding source for coastal land conservation and habitat restoration.**

Such a fund could be an asset for coastal communities, particularly rural communities. The program would provide for protection of these valuable resources, habitats and species. And in coastal and ocean environments, such protection actually enhances fisheries and shellfish by protecting water quality and critical habitats. The fund could also provide another tool in responding to the challenge presented by coastal erosion by purchasing property from willing sellers.

**Recommendation: Congress should provide financial assistance for state and local governments implementing the Clean Water Act.**

As the Commission's own report on marine pollution indicates, the increasing threat to our oceans and estuaries is from run-off, untreated waste, and residential activities such as fertilizer and pesticide use. Stormwater systems that control and restrict the flow of contaminated waters directly into the bay or ocean are expensive to construct. Adding to these costs are the upcoming new requirements under the Clean Water Act. Known as Phase II, these requirements mean that smaller jurisdictions will need to install waste treatment facilities. Even before the downturn in the economy, many of the jurisdictions were hard-pressed to be able to finance these projects. The fiscal need is even more critical today. The federal government can help in this work by providing financial assistance.

## **OIL SPILLS**

Washington's unique and highly sensitive natural resources can be heavily impacted by major oil spills. Our priority in Washington is to prevent these spills by focusing on large vessels and marine facilities, while working in close partnership with the Coast Guard and our stakeholders. This approach also requires attention to the unique trans-boundary nature of Washington's waterways. This is important because oil spills can affect our extensive shared borders with British Columbia in the North Puget Sound area, and Oregon on the Columbia River.

Expanding international maritime trade is important to the diversification of Washington's economy. We believe that this expansion of trade must not place our environment at increased risk. In order to provide this protection, our Department of Ecology's (Ecology) Spill Program has been very active providing national leadership on a number of spill prevention and response issues.

The coastal waters of Washington can be one of the most hazardous regions in the nation for shipping. Storms whip in from the North Pacific, striking the northern tip of our state. Neah Bay, located just inside the Strait of Juan de Fuca, is ideally situated for the stationing of a rescue tug which responds to disabled vessels off the coast.

A tug has been in place during the winter season since 1999, at a cost of roughly \$1.5 million per year. Our legislature has once again funded the tug through next season. The tug has demonstrated its effectiveness by assisting 18 vessels and helping to rescue the decommissioned oil tanker ATIGUN PASS. That tanker was being towed to a Chinese scrap yard when the "tow-wire parted", and the vessel drifted off our coast in a major storm last Thanksgiving.

**Recommendation: The Oceans Commission should urge the federal government to provide matching funds to support a dedicated rescue tug at Neah Bay.**

Until the Coast Guard establishes effective and comprehensive salvage regulations that ameliorate these risks, states must be prepared take actions necessary to protect their economies, environment and quality-of-life. Other areas of the world including Europe, Alaska, Asia and South Africa have rescue tugs - our coastlines certainly deserve equivalent protection.

**Recommendation: The Coast Guard and Department of Justice should be provided additional resources to address the intentional and illegal dumping of oil.**

The intentional and illegal dumping of oil by vessels bypassing their oil-water separators appears to be a widespread phenomenon. Working together, the Washington Department of Ecology, U.S. Coast Guard, Environmental Protection Agency, and the Department of

Justice have taken aggressive steps to curtail this practice locally and nationally. Unfortunately, the Department of Justice is unable to keep up with the caseload, and the prosecution of offenders is being delayed. Congress should appropriate sufficient funds to continue this work and ensure enforcement actions will proceed.

**Recommendation: A recent U.S. Supreme Court decision has made it critical that the federal government delegate appropriate inspection authority to states that have well-funded and effective oil spill prevention and response programs.**

The 2000 U.S. Supreme Court's INTERTANKO decision limited Washington's (and other states') authority to protect their coastal resources and economies from the risk of vessel spills. One of the areas that require additional attention is the inspection of certain classes of vessels, marine facilities and oil transfer operations. Where a state has an effective spill response and prevention programs, they should be allowed to implement such a program without limitation. This will augment increasingly strained Coast Guard resources while still provided valuable local protection.

### **Fisheries and Marine Habitat**

There was a time when it seemed that the ocean's resources were limitless. We now know this isn't true. Over fishing has driven many ocean species to precarious levels. Obviously, these practices have dire consequences for ocean ecosystems. But they also drive many fishermen out of business. Sustainable fisheries management will not only enhance ocean ecosystems, but will also ensure long-term, family-wage jobs.

In order to improve fisheries management, more data is needed on a variety of ocean species. Unless we know population sizes, reproduction rates, and habitat needs, we cannot develop harvest levels that will be sustainable.

**Recommendation: The Commission should recommend to Congress that as they consider the reauthorization of the Magnuson-Stevens Fisheries Act, that a system be put in place to provide for research and monitoring that will inform management decisions that will lead to a long-term sustainable fishery.**

Sound fisheries management must be based on sound science. Too often, harvest levels and quotas are established with insufficient data. We cannot maintain numbers of specific species while allowing harvest without an understanding of populations and habitats. Our goal should be to maintain the species while providing long-term sustainable fisheries.

**Recommendation: The Commission should support regional marine research by recommending increased resources and national focus on these activities.**

The manner in which research is conducted must recognize that the boundaries of coastal ecosystems do not conform to political subdivisions at any scale. Understanding and managing regional features of ecosystems such as coastal ocean currents, estuarine habitats, and drainage basins often requires a regional approach. The overriding importance of regional-scale research programs is well documented and is fundamental component of research priorities identified by the states.

Washington State has jointly funded and directed the Southwest Washington Coastal Erosion Study with the US Geological Survey to develop scientific capacities to enhance the management of the physical resources within the Columbia River Littoral Cell, a 100-mile stretch of coast spanning northwest Oregon and southwest Washington, including 3 major coastal estuaries. Continuing regional marine research is vital to assessing the ecological effects associated with the human-induced alteration of water and sediment flows through sensitive coastal and estuarine environments.

**Recommendation: The Commission should support regional monitoring efforts.**

Regional monitoring programs that are designed by the states and use core parameters within a national framework (e.g., consistent protocols, standards for data exchange, etc.) are needed. These will augment and add value to current local, state and federal monitoring programs. Additional sampling sites, times, and measurements may be required to address issues of significance to regional resource managers. Regions should be supported to develop and implement regional plans provided matching funds are available.

Washington supports enhanced investment in coastal research and monitoring. Our Department of Ecology has had a positive working relationship with the U.S. Geological Survey (USGS) in our work on the 5-year Southwest Coastal Erosion Study. We are now trying to work with the USGS to continue a state-federal partnership for longer-term, ongoing monitoring of our coastal beaches. We also need follow-through research that addresses critical questions such as how to optimize the nearshore placement of dredged material to supply sand to the beaches while minimizing habitat impacts to Dungeness crab. These kinds of efforts are challenged by limited funding and we support efforts to build up these programs nationally.

Recently, the Puget Sound Nearshore Ecosystem Restoration project has begun as part of the Corps of Engineers General Investigation. The project has resulted in the creation of a tremendous partnership of local, state, federal, and tribal representatives along with ports, non-governmental organizations (NGOs), and others. However, the Corps funding is in jeopardy. The USGS has been brought in and they have been supportive. We need

funding support to both of these agencies to help bring the necessary federal horsepower to this important research and restoration effort for Puget Sound.

### **Conclusion**

Our region is inextricably linked to the ocean. It is an essential component in the culture of Native Americans. The sea provides us with food, jobs and recreation. The waters off our coast and in our estuaries contain some of the most diverse species and habitat found anywhere in the world. But as our knowledge of the ocean increases, we understand more of our impacts on the sea. We must work together to address these impacts. Only by working together can we strike the necessary balance to protect the ocean ecosystem and still provide those values that are so much a part of what makes the Pacific Northwest such an incredible place.

Thank you again for the opportunity to testify today.