

Public Comments on the U.S. Commission on Ocean Policy's Preliminary Report

Topic Area: Restoring Coastal Habitats

Comments Submitted by:

- Carolyn Cummins, Ocean City, Maryland
- Mark Wolf-Armstrong , Restore America's Estuaries
- Jeanne Christie, The Association of State Wetland Managers, Inc.
- Larrell Brown and Caroline Unger, Alliance for a Living Ocean
- Gary A. Davis, Conservancy of Southwest Florida

Comment Submitted by Carolyn Cummins of Ocean City, Maryland

Ocean City, MD

May 25, 2004

U.S. Commission on OCEAN POLICY

Re: Preliminary Report on Oceans Policy

Thank you for the opportunity to review and comment on the U.S. Commission on OCEAN POLICY report. Although I found much of the report to be redundant because of how it was set up by agency or department of government, I must admit that I concur, from personnel experience, with the findings and many of the recommendations. With some modifications I would encourage both the executive and legislative branches of government to endorse the policy and procedures set forth in this report.

Since I have no academic or agency title to “go with” my name, it is important to establish my credibility as a reviewer for this document before I elaborate on the details. I am a business operator with over 25 years of experience in the camping and convenience store industries in a coastal community with a significant tourism and agricultural based economy. I serve my community as a Worcester County, MD planning commissioner (1990-95 and 2000 to present) including 3 years as the chair & 4 years as the vice chair. I have also served as an officer in my community association since 1990. I am a volunteer with the MD Coastal Bays Program of the National Estuary Program where I served as the citizen chair for the 3 years of the comprehensive conservation management planning and now serve as vice chair of the foundation that oversees the staff and the implementation of the management plan. I have also served on countless committees since 1990 including review of both the county and the state storm water management regulations and the state wetlands and forestry policy. It has been my pleasure to work with some fine public servants from many agencies within the federal, state and local governments. I have firsthand experience with many of the programs and agencies assessed by the U.S. Commission on Ocean Policy in this report.

As I stated above, I concur with the report’s findings and most of the recommendations. My greatest unease with this report is in the recommendation for creation of another federal agency, The National Ocean Council, and in the expansion of authority within NOAA. Like the report, I believe there are already too many agencies implementing coastal policy and that achievement is hampered by the lack of coordination. Unlike the report, I believe there is already an agency perfectly positioned to oversee this task. I can only make my case by relating personal experience.

In 1996 I was fortunate to be given the opportunity to participate in the creation of a management plan for MD coastal bays (often known as MD’s forgotten bays) when our coastal watersheds were designated as a Tier 5 participant in the National Estuary Program. Twenty-seven stakeholders from the local community met at least monthly over the next three years to prepare the conservation management plan. We worked with representatives of the MD university system, MDGS and the MD Departments of Planning, Agriculture, Environment and Natural Resources, as well as with representatives from NOAA, USGS, FWS, NPS, NRCS, NMFS & RFMC, Coast Guard & ACOE and with representatives from various departments

within our local county and municipal governments. Three years of intense planning produced an ecosystem-based document with some 500 actions for improving our waterways and making our resource use sustainable. Since implementation began, the Coastal Bays Program has effectively become the coordinator of all the efforts by these many agencies within our community.

Key to our planning was the set up of our management plan. We dealt with more than the traditional water quality planning issues. Our plan also included actions in habitat restoration, water based activities and community development. We have begun implementation on about 400 of the 500 actions. Among them we have created:

- 1) Navigation and Dredging plan that deals with the same issues as the recommendation in this Report on dredging management. We have a channel dredging plan to keep boats out of the shallow water habitat and a habitat restoration plan for wetlands and migratory shorebirds but cannot obtain funding for it (latest AOCE habitat restoration project just died this Spring because of diversion of funds within the federal government).
- 2) Sensitive area mapping so aquatic species can be protected from human activities and hopefully so the County Commissioners at the next Comprehensive Plan review will guide growth away from the sensitive and hazard prone areas.
- 3) A forestry management plan that seeks to move the local timber industry from a monoculture to a diverse species basis as well as creating more interior dwelling bird habitat.
- 4) A state land preservation plan implemented by the County (called Rural Legacy) that targets easements along the more pristine portions of our bays & creeks and connects those lands with our state forests and our local national park.
- 5) The County has implemented small watershed plans with citizen driven restoration and preservation strategies. We have Watershed Restoration Action Strategies (WRAS) for 3 of our 5 subwatersheds.
- 6) An aggressive public education program has produced, among other things, a home owners guide that has been adapted nationally by other communities. Our outreach program has created a strong sense of stewardship in our community and fostered an understanding of the sustainability issue in our residents.

I could go on with accomplishments, but you can garner my point from the few I have listed. **This national estuary program is implementing most of the recommendations made in the Ocean Policy report.** It is facilitating inter & intra agency cooperation and in fact I consider our greatest accomplishment to be serving as the clearinghouse of all the work already being done in our watersheds when in the past the government agencies operated without recognition of what other agencies were doing or coordination of their research.

Where the Coastal Bays Program has run in to obstacles, those are also mentioned in this Ocean Policy report. Our two biggest obstacles are lack of enforcement for current regulations and lack of monitoring for determining the effectiveness of the actions we have implemented. Both are issues because of lack of adequate funding for appropriate agencies. One thing that can be said about Maryland is that there is no lack of adequate regulation or lack of dedication from state employees - there is, instead, a lack of adequate money resources and far from enough staff to implement the regulations.

I would consider it a **much better recommendation for the enhancement of partnerships among federal, state and local stakeholders** if the Ocean Policy Report were to ask for the

establishment of every estuary along our coastline as a national treasure with Congress and the President adequately funding the implementation of the management plans developed through the National Estuary Programs. I would recommend focusing on discovering what has made the successful National Estuary Programs so successful and adopting policy that would recreate that wheel, not trying to re-invent the wheel like this Report recommends.

Another significant obstacle in the implementation of our management plan is the makeup and operation of the National Marine Fisheries Council. **I strongly endorse the recommendations in the Ocean Policy Report on changes for the NMFC and the RMFC.** They both now operate as the “fox running the hen house” and contribute to the lack of sustainability for our fishing industry. The citizen participants of Coastal Bays Program have been extremely frustrated by the lack of interest in our regional council toward using the results of local studies on the impacts of recreational fishing and local surveys of daily catch information so they can adequately reflect those results and impacts in their catch calculations. Most of the government agencies have been cooperative and adaptive to our local management strategy, but these two Councils continue to work separately and divergently from the rest of “us”.

And this just gets to another point, **the strength of our estuary program is in the local (citizen as well as government) participation and the focused effort.** The Chesapeake Bay Program has been operating for some 20 years without achieving its nutrient reduction improvement because it has been focused on too large a watershed. The Chesapeake will only be improved by tackling one subwatershed at a time. When the focus is on the local community, the environmental ethic is strong but when the focus is on a larger region, there is always someone else to blame. **The management of any new ocean’s policy has to be housed in locally based organizations not in a national agency.** That again is the strength of the national estuary program – focusing on local solutions to local challenges.

Although my comments could go on for many more pages & perhaps become as long a document as this Report, I will conclude by making specific points about recommendations 9.2, 9.4 & 11.1 and two points not really detailed in this Report but most significant to the improvement of water quality and quality of life in our coastal communities.

- 1) **The manner in which TMDLs are determined has to change.** Presently the total maximum daily load is based on nitrogen loads. Nitrogen is only one thing that needs to be measured. Currently developers are demonstrating that the change in land use from agriculture to residential is an improvement because the nitrogen load is reduced. The nitrogen load does not include any calculation for the impact of the additional housing, the additional roads & more traffic that come with intense development or the additional boating use & fishing pressures placed on the local waterways. The daily load does not include the impacts of chemicals and pathogens from the new development and the additional motorized watercraft that accompanies that development. TMDLs do not as they are currently implemented create a fair playing field.

Furthermore, research in our Chincoteague Bay and Newport Bay subwatersheds indicates that the best management practices implemented by our farmers are working and our water quality is much more impacted by ground water infiltration than by surface runoff.

- 2) **Federal dollars for public sewer are encouraging more intense development of our coastal communities** when it should encourage development of larger lots (less intensity) with nitrogen removal septic systems if we really want to be protective of our water quality, nearshore habitat and aquatic life. There is a great example of this right here in our community. An approximate 150lot subdivision on the Sinepuxent Bay has been able to develop only about half its lots because the others won't perk. Since the 1960s when this development began, coastal storms have impacted it and several of the homes have been destroyed three times, but instead of buying out those homes, the federal government has chosen, just this year, to subsidize a public sewer system that will allow an additional 78 homes to be built in a coastal hazard zone. Government has got to stop speaking one way and acting another. The federal government in particular has to learn to talk with its various parts and coordinate policy.
- 3) **Congress should consolidate (9.2) area-based coastal management programs but not in NOAA.** NOAA is not focused at the state and local level. Eco-system management must be focused watershed by watershed. Plus Congressional oversight of the Department of Commerce is not natural resource based. Watershed management has to be natural resource based. Additionally, Department of Commerce programs are not reviewed by the Office of Management and Budget with a natural resource orientation. **It is much more appropriate to house the coastal management programs within the National Estuary Program of the EPA.**

Recommendation 9.4 should state that Congress should amend those laws, etc but should be changed to state that the NEP, not a National Ocean Council, should develop guidance, etc. If the NEP is "frowned upon" for some reason not apparent to me, then the Coastal Zone Management branch of NOAA has been a very effective partner & as implemented in Maryland at least has shown great vision. If Congress must do something within a NOAA agency, I would recommend additional funding and additional authorization given to CZM over creating another agency within NOAA. But the reservations I expressed in the paragraph above about 9.2 still outweigh the placement of this program within any Department of Commerce agency in my mind. Watershed management has to be natural resource based. I fear natural resource protection will get lost in all the other efforts of the Department of Commerce!

Recommendation 11.1 should authorize a land conservation program using the Maryland Rural Legacy program and the Worcester County implementation of it as a model for how communities should proceed nationally.

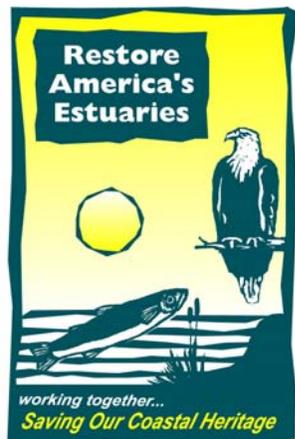
Thank you for taking the time to review my comments. I will be happy to provide further detail if you so request. **Again, I emphasize that I fully support the findings of this Commission but have major reservations about creating another federal agency and with housing the management of the issues discussed in this report in a department of government that does not have the environment and natural resources as its focus.** I strongly recommend adjusting the policy recommendations to reflect the achievements of an already existing federal agency with a track record of eco-system management and placing the implementation of this effort under their purview - the National Estuary Program

As you can tell, not only do I consider my community as the poster child for smart growth because we have concentrated our development around our three historic towns and in the

northeast corner of our county but I also envision this community as the poster child for sustainable coastal community development. We have already begun implementing much of the report's recommendations and look forward to becoming **the pilot project for wherever these ocean's policy recommendations get housed!**

Sincerely,

Carolyn Cummins



Comment Submitted by Mark Wolf-Armstrong , Restore America's Estuaries

May 20, 2004

James D. Watkins
Admiral, U.S. Navy (Retired)
Chairman
U.S. Commission Ocean Policy
1120 – 20th Street NW
Suite 200 North
Washington, DC 20036

Dear Chairman Watkins:

We appreciate the opportunity to comment on the Preliminary Report of the U.S. Commission on Ocean Policy (Governor's Draft, April 2004).

We applaud the recognition that the U.S. Commission on Ocean Policy has given to the importance of coastal habitat restoration in this report. We are particularly supportive of four themes that are varyingly expressed in Chapter 11 and elsewhere in the report. These themes are:

1. Carry out restoration at all scales of restoration from community-based restoration to regional and watershed restoration to achieve real and lasting results.
2. Recognize the need for a high degree of collaboration and involvement all sectors – public, private, voluntary and scientific - and the general public.
3. Coordinate strategic approaches to habitat conservation and restoration.
4. Invest substantial public resources in order to:
 - a. make restoration successful
 - b. build better science
 - c. secure public support and awareness
 - d. test new and innovative technologies

In particular, we appreciate the acknowledgement of the potential that exists in the Estuary Restoration Act of 2000 (ERA), and the recognition of the attributes of the ERA which would advance the Commissions goals and which are consistent with its guiding principles. This law was passed unanimously in both chambers of Congress in 2000. However, since enactment, less than 1% of the authorization has been appropriated.

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Some of the important features of the ERA:

1. Establishment of the national goal to restore 1 million acres of estuarine habitat by 2010.
2. Creation of the “Estuary Habitat Restoration Council”.
3. Requirement of the Council to develop a national strategy to achieve the 1 million acre goal.
4. Authorization of \$275 million toward the achievement of that goal.

In the context of these comments, we respectfully request that the following changes be adopted and incorporated in the final report (recommended amendments are in bold italics):

Recommendation 11–1:

Congress should amend the Coastal Zone Management Act to authorize and provide sufficient funding for a dedicated coastal and estuarine land conservation program and ***fully fund the Estuary Restoration Act***. In order to achieve this each state coastal management program should identify priority coastal habitats and develop a plan for establishing partnerships among willing landowners for conservation purposes, with participation from local government, nongovernmental, and private-sector partners.

Recommendation 11–2:

The National Ocean Council should develop national goals for ocean and coastal habitat conservation and restoration efforts and should ensure coordination among all related federal activities. ***These goals should include the national goal to restore 1 million acres of estuarine habitat and incorporate the national strategy to achieve this goal as called for in the Estuary Restoration Act of 2000.*** The regional ocean councils and regional ocean information programs should determine habitat conservation and restoration needs and set regional goals and priorities that are consistent with the national goals.

We wish to thank the Commission for its hard work and due diligence in crafting a comprehensive oceans strategy for the nation. Its recognition of and willingness to grapple with the complexities of this realm are courageous and laudable.

It is our hope that the Congress and the Administration will adopt the recommendations of the Commission, and take the necessary steps to ensure that the spirit and substance are sustained.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Wolf-Armstrong', with a stylized flourish at the end.

Mark Wolf-Armstrong
President

Comment Submitted by Jeanne, Christie, The Association of State Wetland Managers, Inc.



The Association of State Wetland Managers, Inc.

“Dedicated to the Protection and Restoration of the Nation’s Wetlands”

June 3, 2004

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Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
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Dear Sirs:

The Association of State Wetland Managers, would like to commend the Commission and the Administration for focusing on a complex and important topic. As a nation we need to continue to improve our collective understanding of the relationship between coastal economies, communities and natural resource protection. In order to achieve real improvements for coastal communities we offer the following general comments:

- Throughout the recommended actions in the report, dedicated funding for on-the-ground action that reflects priorities established at the state and regional level should be a priority.
- Current successful, initiatives should not be overlooked. The report should be amended to recognize that there are numerous regional restoration and conservation initiatives at a variety of scales that will require significantly more resources than identified in this report. It is important to maintain support for these activities and assess future needs particularly for those programs that address: state fisheries, coastal zone and watershed management, wetlands, water quality protection, losses from natural hazards (floods, hurricanes), and habitat and wildlife conservation.
- ASWM supports increased integration at the federal level. However, the report should be amended to clarify throughout that federal integration activities should support implementation of coastal and ocean management plans and strategies developed at the local, state and regional level. Specifically, recommendations should increase federal agency coordination around the goal of ecosystem-based management, establish a lead agency and clear lines of responsibility for coordination with states, avoid new bureaucracy, and encourage innovation at the regional and state level.
- Adaptive, Ecosystem-Based Management can be accomplished by increasing support for integrated coastal, watershed and shoreline management including reauthorization of the Coastal Zone Management Act (CZMA).
- It is also essential for the federal government to increase its commitment to making data and information readily available to managers at the proper scale, and to support technical assistance and stronger links between the management and science communities. Specific to wetlands, the National Wetlands Inventory should be completed, digitized and old maps should be updated using the improved remote mapping technologies that are now available. Nationally consistent, accurate maps of wetland acreage and type are important to ecosystem-based management.

Jim Powell
AK Dept. of Environmental
Conservation

- There are unrealized opportunities to assure consistency of federal investment with ecosystem-based plans. Guidance should be issued supporting watershed and ecosystem-based partnerships between states and USDA as part of implementation of the Conservation Provisions of the Farm Bill. The guidance should encourage partnerships to focus incentive funding to areas where it will address protection and conservation of critical resources.
- Hazards mitigation funding should be increased. In recent years emergency management for floods, hurricanes, etc., has shifted emphasis and resources away from prevention of natural hazard losses to emergency response (after-the-fact) and this shift is inconsistent with the comprehensive management approaches embodied in the Oceans report. Federal incentives for building in high hazard areas including infrastructure development funding should be eliminated.

Recommendations and comments specific to wetlands

The report includes the following recommendation specific to wetlands in Chapter 11 of the report. *Recommendation 11-4 states:* The Ocean Council should coordinate development of a comprehensive wetlands protection program that is linked to coastal habitat and watershed management efforts and should make specific recommendations for the integration of the CWA Section 404 wetlands permitting process into that broader management approach.

While revisions to Section 404 and the development of a comprehensive wetland strategy are long overdue, there is little prospect for progress at this time. There is a lack of consensus concerning the components of amendments to the Clean Water Act and a comprehensive wetlands program that is either part of Clean Water Act or a separate piece of legislation. In addition, there is a widespread misconception that Section 404 is mostly a wetlands program. In many parts of the country, at least half of the 404 permits are for alteration of streams, rivers, lakes etc. This is important because changes and revisions to Section 404 affect many, many waters of the U.S. A comprehensive wetland protection program is a worthy goal, however, there are significant, immediate actions that can be taken that may also develop the consensus necessary to pass future legislation.

The report should be amended to include the following actions:

1. **Complete and update the National Wetlands Inventory.** This recommendation was also included in the general comments above. Accurate data concerning the location of existing wetlands is a basic building stone for developing wetland programs at the local, state and federal level. This information is critical to a comprehensive ecosystem/watershed planning approach and the application of adaptive management solutions as well. The federal government in partnership with the states should establishing minimum mapping criteria for wetland mapping to ensure maps are comparable across state lines. In addition the U.S. Fish and Wildlife program should receive funding sufficient to complete, digitize, and update the NWI.
2. **Fund Implementation of State Wetland Programs** States should receive support for implementing regulatory and nonregulatory wetland regulatory programs. Unlike other water programs under the CWA, generally states have shouldered the entire burden of funding wetland programs delegated or assumed by the states. Funds currently available for wetland program development should be increased (the President's budget includes an additional \$5 million for FY05) and a new grant authority should be created to provide implementation as well as development for both regulatory and nonregulatory programs.
3. **Increase emphasis on increasing the state role in wetlands conservation, protection and management** Guidance supporting 404 assumption, state programmatic general permits,

programmatic general permits, deference to 401 certification conditions based on state water quality standards, joint permitting and other existing opportunities to better integrate and streamline permitting should be issued by the administration. A strategy for improving state wetland programs should be developed and carried out through a process similar to the one currently underway to implement the National Mitigation Action Plan for wetlands.

4. **Address Wetlands Exotic and Nuisance Species** Invasive, exotic species are invading natural and recently altered or restored wetlands throughout the country. Strategies to reduce the impact of exotic species in coastal areas should encompass wetlands.

Thank you for the opportunity to comment. Please contact Jeanne Christie at 207-892-3399 for any clarification of any of these comments.

Sincerely,

Jeanne Christie
Executive Director

Comment Submitted by Larrell Brown and Caroline Unger, Alliance for a Living Ocean

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Re: Coastal and Ocean Initiatives for Public Comment

Alliance for a Living Ocean (ALO) is a grassroots organization devoted to promoting and maintaining clean waters and a healthy coastal environment. Our mission is supported by a membership that spans twenty-nine states. We fear that the water challenges now facing New Jersey due to over-development are an even greater threat to our ecosystems, tourism, and health than the beach closings that prompted the founding of ALO in 1987.

That there is a veritable threat is no longer based on some anecdotal information or the propaganda of eccentric “green groups.” Reports such as *America’s Living Oceans* by Pew Oceans Commission released May 2003 and the federal report by the U.S. Commission on Ocean Policy released April 2004 suggest that there are substantial challenges to protect water quality and the marine environment. On a local level, the draft report released by the New Jersey Department of Environmental Protection (NJDEP), *Status of the Water Supply of Southeastern New Jersey* makes clear the point that groundwater in our aquifers is not being used in a sustainable way.

It is crucial that the **NJDEP employ its statutory and regulatory authority** to boldly *protect* the environment. Pro-development, anti-environmental loopholes have become the norm. In no uncertain terms, **stronger language is needed with stricter enforcement**. In our own community, we have witnessed wetlands being filled in with discussion about the legalities ensuing afterwards. Surprisingly, at this point in time, the NJDEP sanctions filling in isolated wetlands of up to one acre through a provision known as General Permit Six, as if the wetlands were of little significance. Nothing could be further from the truth.

[Wetlands function like natural sponges, storing water and slowly releasing it, allowing for groundwater recharge. They also allow for filtration from nonpoint source pollution (NPSP). Nutrients from fertilizer, manure, leaking septic tanks, and municipal sewage are absorbed by plant roots and microorganisms in the soil.] A fact sheet from the United States EPA states that 75 percent of commercially harvested fish and 95 percent of shellfish species are wetland dependent. It also states that one acre of wetland can store 1-1.5 million gallons of floodwater. Wetland-related ecotourism adds billions to the national economy. Yet, per the USEPA, 60,000 acres of wetlands are lost annually. Knowledge is power. If our state and federal EPAs know all this, why are they so powerless to protect the environment they are entrusted with?

[To understand all that lies in the balance, we must look at the big picture. Excessive housing development increases water demand which has historically been met in our county by the Kirkwood-Cohansey aquifer. Our rivers and freshwater streams also rely on groundwater from this source. Lowered water depths threaten fish who can't survive in shallow waters. Estuaries which are the nursery habitat for fish and shellfish are also threatened by increased salinity. Ultimately, man is also threatened by salinity as the movement of saline water into freshwater aquifers causes saltwater intrusion into what was once a potable water supply.

Over-development threatens not only water quantity but quality as well. An increase in the amount of asphalt and concrete means that less water supply is naturally filtered by the soil and root systems of plants and trees. As water runs directly to the stormdrains and into our streams and bays, it carries NPSP including motor oil, fertilizer, pesticides, household hazardous products and pet waste. The discharge of excessive nutrients, especially nitrogen, causes deadly algae blooms. These blooms use up oxygen and also block sunlight from subaquatic vegetation which are necessary for fish and crab nurseries.

Pro-development sympathizers point to an inverse correlation between the number of ratables and tax burden. What is not openly discussed is the hidden cost of additional schools, water & sewer infrastructure, police personnel, road maintenance, etc. There will undoubtedly be **additional costs to make the water drinkable**, creating astronomically high rates that could severely impact the region's economy.]

Measures must be put into place at all levels of government to immediately reverse the insidious trend. Because all water flows from the "raindrop to the ocean" we must **steer growth away from sensitive areas such as wetlands and large interior forests.**

Until the final results are available from aquifer studies, a **moratorium on major development** is not unrealistic. Development can always be ensued at a later date. Complete depletion of a threatened water supply, however, will cause irreparable damage.

No new water allocation permits should be issued to remove groundwater from the Kirkwood-Cohansey aquifer system for non-potable uses (Ex. golf course irrigation).

Consideration should be given to **recharging the aquifers with processed "clean" water from sewer plants** rather than dumping freshwater into the ocean. New Jersey discharges nearly 170 million gallons of treated freshwater per day into the Atlantic Ocean, amounting to nearly 65 billion gallons annually. This is freshwater which would gratefully refresh our bays and estuaries. ALO voiced concerns to the Ocean County Utilities Authority (OCUA) early in 2003 about this practice. The results of an OCUA feasibility study investigating "the beneficial reuse of reclaimed wastewater" are currently pending.

One of the best and most cost effective ways to protect water supplies is to protect the land. **Aggressive purchasing of open space** is a necessity. The taxpayer has two choices: Spend the money now to preserve open space or spend it later for desalination and tertiary treatment plants to make the water potable again.

Some New Jersey public opinion polls have resident dissatisfaction with sprawl as high as 92%. The people are talking – every paper has an editorial or story describing disgruntled ploys to slow or stop development. It is essential that **local land use decision-making officials exercise their statutory authority** to make certain that new developments will not threaten local water supplies. We can not wait to ensure a long-term plan for sustainability of the region’s water supply, even if it means stopping development long enough to take a hard look.

Sincerely,

Larrell Brown
President, ALO Board of Trustees

Caroline Unger
Issues Committee Chairperson



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June 4, 2004

U.S. Commission for Ocean Policy
1120 20th Street, N.W.
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Re: Preliminary Report, April 2004

Dear Commissioners:

The Conservancy of Southwest Florida is a regional conservation organization that began protecting estuaries and coastal watersheds along the Gulf Coast of Florida in the 1960s. The first land we acquired for conservation formed the nucleus of the Rookery Bay National Estuary Research Reserve. Our area of operation also includes the Charlotte Harbor National Estuary Program. We have long recognized the importance of estuaries and coastal watersheds for the health of our oceans and have devoted our policy advocacy and scientific research to their protection and restoration.

Southwest Florida is one of the fastest growing coastal regions in the United States. As a result of this growth, our coastal watersheds are being rapidly drained and paved over and our water quality is declining. The Conservancy is actively involved in local land use planning processes and state and federal permitting processes that are failing to prevent the destruction of the coastal watersheds that are critical to the health of our estuaries and the Gulf of Mexico. For instance, the U.S. Army Corps of Engineers is permitting over 900 acres per year of wetlands loss for new residential development in just two Southwest Florida counties—Lee and Collier. A 2000 regional Environmental Impact Statement prepared by the Corps and the U.S. Environmental Protection Agency found that the loss of wetlands is the chief cause of a decline in water quality in the region's coastal watersheds. Stormwater pollution, and particularly nutrients, is causing algae blooms and lowering dissolved oxygen.

Within this context, we strongly support additional attention on the federal level to the management of coasts and their watersheds, to conserving and restoring coastal habitat, and to addressing coastal water pollution. In particular, we support Recommendations 9-1, 9-3, and 9-4, regarding coastal zone management, federal funding and infrastructure programs, and watershed management. As currently implemented, the Coastal Zone Management Act has little impact on destruction of coastal watersheds in Southwest Florida. As for other federal programs, the U.S. Army Corps of Engineers wetlands permitting program in Florida should have a thorough review. The failure of the Corps' permitting program to prevent cumulative impacts on a regional scale in Southwest Florida will not be rectified by a gradual changeover to a watershed approach. There continues to be an unwillingness to seriously consider avoidance, alternatives and cumulative impacts under the internal policy that "the Corps is not a land use agency." If necessary, further legislative direction should be given to the Corps for the protection of coastal watersheds.

We support Recommendations 11-1 through 11-4. Through the Comprehensive Everglades Restoration Plan (CERP) we are beginning to see real restoration of coastal watersheds in Southwest Florida that will improve the health of our estuaries. Wetlands are being restored in Southern Golden Gate Estates, a 55,000-acre area that was once part of a planned 500,000-person subdivision that is the headwaters of the Ten Thousand Islands Estuary. As noted in the Preliminary Report, however, the CERP is only part of a restoration program for South Florida. There will have to be a long-term commitment to funding Everglades Restoration and to funding other major restoration programs in South Florida, as well as those for coastal areas throughout the United States. For instance, CERP calls for a feasibility study of restoration projects for the portions of Southwest Florida that were not included in the "Restudy" that led to CERP. Due to lack of funding and staffing, federal and state agencies charged with the Southwest Florida Feasibility Study have delayed completion of this study by more than 5 years.

We also strongly support Recommendations 14-1 through 14-14 on coastal water pollution. The filling of wetlands and the increase in impermeable surfaces in our coastal watersheds in Southwest Florida, as well as the lack of adequate stormwater treatment for existing and new developments, have resulted in nutrient pollution and an overall decline in water quality. Yet, Florida, like many states, has not adopted numerical water quality criteria for nutrients. The U.S. EPA has recommended criteria but has not aggressively pushed the states to adopt them. EPA has also lagged behind in developing effective stormwater rules, despite requirements in the Clean Water Act to do so, and in implementing the TMDL program. Furthermore, EPA and the Corps of Engineers have accepted a methodology for assessing the water quality impacts of wetlands permitting in Southwest Florida that rewards wetlands filling by assuming that wetlands pollute and by assuming that traditional stormwater treatment ponds are much more efficient at removing nutrients than has been shown in the literature. Strengthening federal efforts to address nonpoint source pollution is badly needed, but these recommendations will meet with strong resistance.

Finally, we support the recommendations of Chapter 15 concerning water quality monitoring. The lack of comprehensive, coordinated monitoring in Southwest Florida has made it difficult for the Florida TMDL program to determine whether waters are meeting water quality standards. State and local governments often lack resources, both financial and scientific, for developing and maintaining monitoring programs.

In conclusion, we believe that the recommendations of the U.S. Commission on Ocean Policy would go a long way toward protecting and restoring our coastal watersheds and the health of the oceans. We urge that they be carried forward into the final report. If you have any questions about these comments, please contact me at 239-403-4222 or by email or letter.

Sincerely,

Gary A. Davis, Director
Environmental Policy