



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL  
DIVISION OF SOIL AND WATER CONSERVATION

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January 29, 2002

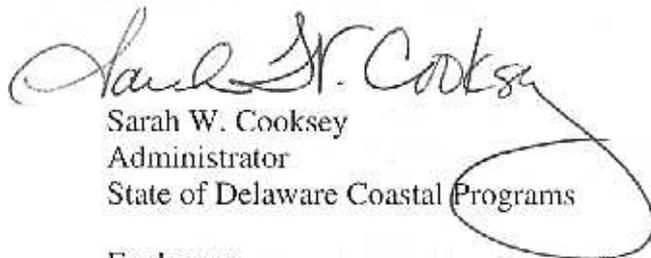
Admiral James D. Watkins, USN (Ret.)  
Chairman  
Commission on Ocean Policy  
2300 Clarendon Boulevard  
Suite 1350  
Arlington, VA 22201-3367

Dear Admiral Watkins:

On behalf of the National Governors Association (NGA), it is my pleasure to convey NGA's response to your questions concerning our position on ocean policy requested in your December 12 letter. In the enclosed memo, NGA also responds to the additional questions posed by commissioners at the conclusion of our statement on November 14.

The Governors very much appreciate the commission's interest in the states views. Should you require any additional information, please feel free to contact me directly or contact Bob Sullivan of the NGA staff at 202/624-7804.

Sincerely,

  
Sarah W. Cooksey  
Administrator  
State of Delaware Coastal Programs

Enclosure



*John Engler*  
Governor of Michigan  
Chairman

*Paul E. Patton*  
Governor of Kentucky  
Vice Chairman

*Raymond C. Scheppach*  
Executive Director

Date: January 29, 2002

To: Admiral James D. Watkins, USN (Ret.)

From: National Governors Association

Subject: December 12, 2001 letter from Commission on Ocean Policy

On behalf of the nation's Governors, we would like to thank you for the opportunity to present our views on ocean issues to the Ocean Policy Commission at its second meeting on November 14, 2001. It is our pleasure to respond to the commission's questions concerning our public statement contained in your letter dated December 12, 2001. We also would like to take this opportunity to respond to the additional questions presented by commissioners after the conclusion of our statement on November 14.

With respect to your first question, you asked about the level of integration of federal programs requiring state cooperation. There are multiple federal agencies with marine-related responsibilities ranging from oil spill response to fisheries management. Currently, no centralized federal authority has responsibility for overseeing, managing, or directing federal marine policy. As a result, states, like other members of the regulated community, are required to deal with each program and each agency independently. This has become increasingly challenging in recent years as the number of federal marine programs have proliferated.

In your second question, you asked about policies that would ensure better input by states in ocean policy. The Governors believe that steps must be taken to overcome the imbalance that has resulted from the rapid expansion of federal programs dealing with ocean policy. Federal programs dealing with the ocean environment should recognize the broad trustee and police powers that states possess over fish and marine resources within their borders, including those outside the three-mile jurisdictional limit. Also, the proliferation of detailed federal programs must be ended, and states must be given greater flexibility in policymaking. Towards these ends, the Governors recommend the following changes.

- The number of joint federal-state programs should be reduced by a sorting out of responsibilities between the two levels of government.
- Where federal programs are to be maintained, grant conditions should not be used to force state program changes not related to the specific purposes for which the grant is provided, and federal funding should not always require state or local matching funds.
- Federal regulations should rely on state laws and procedures for the administration of federal programs.

- Where a joint federal-state role is to be retained, federal grants should be consolidated into general block grants.
- While local governments must be assured that resources will be made available for priority needs, the federal government should end the bypassing of state governments. Direct grants to local governments must be consistent with state plans and should be approved jointly by Governors and the federal government. In this respect, the Coastal Zone Management Act and its consistency requirements provide an excellent model for federal, state and local cooperation.

In addition, we believe that any new federal ocean programs can be implemented most effectively through a full partnership between the states and the federal government. One way to accomplish this partnership is through a collaborative federal-state rulemaking process. This process can be used to help define the standards and guidelines for state participation in the federal program. States should be eligible for grant money to cover additional administrative costs that may be incurred as a result of any delegation of authority. If a state chooses not to -- or is unable to -- take a lead role in a program, it should remain a full partner in administering the federal program to ensure that its authorities, on-the-ground expertise, and working relationships with local governments are fully utilized and that duplication is minimized.

With respect to the questions raised by commissioners at the November 14 meeting, we are pleased to respond as follows:

*Question from Commissioner Sandifer:* How can the commission help with the Conservation and Reinvestment Act (CARA)?

In our statement on November 14, we referred the commission to the Governors position on CARA and are enclosing a copy of our position paper on the issue. We believe that the commission's final report will provide a much needed platform for educating the federal government and the public at large on the critical role of the states in planning and carrying out ocean and coastal activities. In this regard, the Governors urge the commission to use its final report to recommend legislative vehicles, such as CARA, that will enable states to reinvest nonrenewable resource revenues in assets of lasting value.

*Question from Commissioner Ballard:* Would the states support using CARA funds to assist farmers in coastal zones to implement Best Management Practices (BMPs)?

The Governors believe that CARA revenues would provide an excellent opportunity for states to continue to invest in farmland conservation. However, the Governors feel that CARA should never mandate any particular conservation management tool. Programs

such as BMPs should be part of a complete suite of tools that Governors can rely upon at their discretion to address their state's unique natural resource challenges.

*Question from Commissioner Rosenberg:* How can consistency under the Coastal Zone Management Act (CZMA) be improved?

In the event that the CZMA is reauthorized, we believe it will be important to reaffirm that the term "consistent to the maximum extent practicable" means that any federal inconsistency should be resolved in favor of the state management plan.

It is our pleasure to share our views with you on the future of the nation's oceans. We wish to express again our willingness to work with the commission as it formulates its recommendations for a new national ocean policy. If you have any questions, please feel contact Bob Sullivan of the National Governors Association staff at 202/624-7804.