



**Testimony of Admiral Thad W. Allen
Commandant, U. S. Coast Guard**

“Interagency Ocean Policy Task Force Process and Coastal and Marine Spatial Planning”

**Before the Senate Committee on Commerce, Science, and Transportation
Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard**

November 4, 2009

INTRODUCTION

Good morning, Madame Chair, Senator Snowe, and distinguished members of the Subcommittee. I am pleased to be here today to discuss the Coast Guard’s role in the Interagency Ocean Policy Task Force that President Obama established in June. A new national ocean policy especially as it creates a unified framework for effective coastal and marine spatial planning – is critical to the Nation and to the ability of the Coast Guard to execute its mission. I will also briefly discuss several objectives the Coast Guard would like to see addressed as this important ocean policy process moves towards completion and initial implementation.

IMPORTANCE TO THE COAST GUARD OF A BETTER NATIONAL OCEAN POLICY

Ms. Nancy Sutley – the chair of the White House Council on Environmental Quality and leader of this Task Force– has presented an excellent overview of the substance and purpose the Task Force, and what it hopes to accomplish in promoting the health and productivity of our oceans, coastlines, waterways, and Great Lakes. I would like to discuss in some more detail the benefits of a national ocean policy to the Coast Guard and the Nation as a whole.

For well over two centuries, the Coast Guard has worked to safeguard our Nation and its citizens, to secure our maritime borders, and to serve as a responsible steward of our oceans, coastlines, intercoastal waterways and the Great Lakes. As the principal federal maritime law enforcement agency, the Coast Guard protects our coastal waters and marine resources, ensures safe and secure navigation, and performs other essential tasks such as search and rescue, servicing aids to navigation, and counter-drug operations.

Our Nation is facing many new challenges in marine spaces. Potential new shipping lanes burgeon as Arctic ice melts. The size and volume of commercial shipping around the world continue to increase. There is increasing interest in our continental shelves for oil and gas production. Overfishing and other destructive practices proliferate. Parts of the ocean are suffering acidification. Invasive species are being introduced and migrating to new areas. Critical coastal habitats and the environmental benefits they provide are being lost. A comprehensive approach is imperative to address these many challenges.

These challenges are not new. Most of these have been well documented in the past – by the Stratton Commission report in 1969, the Pew Commission report in 2003, and the report of the U.S.

Commission on Ocean Policy in 2004. For its part, the Coast Guard produced a strategy document in 2007 titled “The U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship.” After quoting from the Final Report of the U.S. Ocean Policy Commission on maritime regimes, and noting the increased security challenges following the 9/11 terrorist attacks, I provided the following observation in that strategic document: “In ocean policy, the United States needs integrated regimes that address concerns ranging from increased use of the Exclusive Economic Zone (EEZ) to new uses in the Arctic. To fill these gaps, and create a more integrated system, the Coast Guard must work to strengthen existing maritime regimes, and develop new ones where necessary.” That need has become increasingly apparent to me as I have continued to serve as the Commandant of the Coast Guard.

Although the work of producing the Interim Ocean Policy Task Force Report was limited to 90 days, the Department of Homeland Security and the Coast Guard are proud of what the Task Force produced in this timeframe. This report provides admirable focus on, and balance of safety, security, economic resource and environmental stewardship issues. The report emphasizes a number of areas that the Coast Guard views as critical to achieve safe, secure, and environmentally prudent commercial shipping, such as: ecosystem-based management of coastal waters; adaptive management; coastal and marine spatial planning; plans for addressing changing conditions in the Arctic; science-based decision-making; and improved maritime domain awareness. The Department of Homeland Security and the Coast Guard look forward to working across government and the maritime community to implement any national ocean policy that may result from the work of the Task Force. In order to ensure that any policy takes the concerns of all stakeholders into account, the Task Force will continue to solicit and consider suggestions from the public and other stakeholders as to the substance of its proposals.

I would also like to emphasize a key point upon which all Task Force members agree: the time has long since come for the United States to join the 1982 Convention on the Law of the Sea. Task Force Chair Sutley, Dr. Jane Lubchenco, Administrator of the National Oceanographic and Atmospheric Administration (NOAA), and I co-authored an op-ed piece in the Seattle Times (published Sept. 4), in which we noted the crucial importance of acceding to the Convention as the Task Force completes its work. Among other things, accession to the Convention is essential to promote our vital national interests in the Arctic. The Clinton, Bush, and Obama Administrations have all made clear their strong support for the Convention. So, too, have the Joint Chiefs of Staff and a diverse array of other national security leaders, environmental policy experts, and the entire spectrum of maritime industry stakeholders. To this overwhelming body of opinion, we recently added the unanimous conclusion of the Interagency Ocean Policy Task Force. In comments the Task Force has received from policy experts, industry, and other knowledgeable citizens, support for the Convention has been overwhelming. I strongly urge the U.S. Senate to provide its necessary consent for the United States to join the Convention as soon as possible.

COAST GUARD’S ROLE IN THE PROCESS

The Coast Guard strongly supports the goals of the Task Force and has been enthusiastic to take an important role in its work. Soon after the President established the Task Force on June 12, 2009, the Secretary of Homeland Security and I discussed how best we could represent our Departmental obligations in carrying out the mission of the Task Force. Because the Coast Guard has great experience and expertise in ocean policy and marine spatial planning, Secretary Napolitano named me as the Department’s representative on the Task Force. The Coast Guard has a long-standing and vested interest in developing, implementing, and carrying out a comprehensive ocean policy for the

United States. My senior staff and I, along with a wide spectrum of Coast Guard operational and policy subject-matter experts, are actively participating in every aspect of this important interagency process.

In August, I hosted a Task Force trip to the North Slope of Alaska. Several members of the Task Force – including two members of the Task Force, the Chair, Nancy Sutley and Dr. Jane Lubchenco traveled with me to see the increasingly fragile environment of Arctic and to learn what the Coast Guard, other governmental agencies, local tribal governments, and non-governmental groups are doing to enhance stewardship of this critical region. During our trip, we met with leaders of several of the indigenous peoples in the Arctic region, visited oil and gas production facilities, and witnessed first-hand the increasing number of challenges at-risk coastal communities face due to coastal erosion associated with global climate change.

Toward the end of that trip, we participated in a formal public hearing that the Task Force had arranged in Anchorage. We heard from a wide variety of experts and interested citizens on a broad range of topics related to ocean policy, ecosystem-based management, and marine spatial planning. Since that field hearing in Anchorage, senior Coast Guard leaders and I have participated in public hearings in San Francisco, Honolulu, Providence, New Orleans, and Cleveland. These public hearings have been very worthwhile and informative, and the work of the Task Force has been well received. The Coast Guard continually strives to increase our awareness of the many challenges facing our ocean and coastal waters, and we consistently engage the maritime community to define and promote the necessary steps that we can take together to overcome these challenges. The Task Force has been taking this approach at the national level.

The Coast Guard has provided physical, personnel, and administrative resources to the Task Force's efforts. A Coast Guard helicopter tour of the Louisiana coastline allowed the Task Force to observe first-hand the remaining effects of the devastation of Hurricane Katrina as well as the remarkable resilience of the region. During our flight, we were briefed on hypoxic "dead zone" caused by polluted water from the Mississippi River – often larger in area than the State of Massachusetts – in the Gulf of Mexico coastal waters.

Coast Guard participants in the Task Force have also actively provided administrative support for research, workshops, outreach to the public and other stakeholders, drafting assistance, and other coordinating efforts on the work products for the Task Force. The Interim Report – which contains a draft ocean policy, governance framework, and implementation strategy was sent to the President on Sept. 10, reflects a remarkable achievement of interagency cooperation, containing a draft ocean policy, governance framework, and implementation strategy.

We continue to support the development of a final strategy through briefing congressional staffers and holding expert roundtable discussions designed to hear suggestions and provide answers to the public and other stakeholders.

IMPORTANCE OF COASTAL AND MARINE SPATIAL PLANNING

The Coast Guard was also involved in the second phase of tasks the President laid out in his June 12 Executive Memorandum. Specifically, Coast Guard staff attorneys and other subject-matter experts are actively participating in the Working Committee and the subgroups established to develop a framework for effective coastal and marine spatial planning (CMSP).

The Task Force's work in improving coastal and marine spatial planning (CMSP) is critical to the Coast Guard's ability to perform our important work. For years, the Coast Guard has essentially performed a limited form of marine spatial planning in many different ways, especially in regard to vessel traffic separation. However, these actions are undertaken on an ad hoc, case-by-case basis. The Nation would greatly benefit from a framework to implement ocean management principles that takes into account the impact of the use of U.S. waters on all alternative uses and users, as well as the entire ecosystem. A comprehensive, integrated, transparent planning process for current and anticipated uses of off-shore maritime space would reduce conflict and adverse environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to better meet environmental, economic and security objectives.

The 2004 report of the U.S. Commission on Ocean Policy expressed the challenge and opportunity as follows: "While legal, policy, and institutional frameworks exist for managing some ocean uses, there remain increasingly unacceptable gaps. The Nation needs a coordinated offshore management regime that encompasses traditional and emerging uses and is adaptable enough to incorporate uses not yet clearly foreseen."

From the perspective of the Coast Guard, the federal government needs to establish a multi-purpose process that allows for identification and resolution of potentially competing uses of maritime resources and spaces prior to the emergence of conflicts; that balances ocean uses and conservation; and that creates a transparent means to determine and resolve "trade-offs" between potentially conflicting uses that reflects national and regional ocean use priorities; and that creates an accepted and expedited dispute-resolution mechanism when conflicts do arise. We need to provide a more coordinated, comprehensive, uniform, and integrated approach to exercising federal legal authorities related to ocean use and management. Based on the work of the Task Force so far, we anticipate that an effective system of CMSP will better address the "gaps" in current ocean management regimes and better manage ocean uses. This will allow the Coast Guard to more effectively execute its many missions in support of safety, security, and stewardship in our ocean and coastal waters.

Policy experts presented case studies of CMSP in other parts of the world, as well as in a handful of U.S. states. In 1975, Australia became the first to establish a system of marine spatial planning, which strove to protect the fragile and unique ecosystem of the Great Barrier Reef while minimizing undue interference with essential shipping activity and other commercial and recreational uses. The Task Force also studied the experiences of several other European coastal countries that have implemented marine spatial planning to provide for off-shore alternative energy production, particularly wind farms and hydrokinetic applications.

The processes that these countries have implemented have led to the establishment of shared priorities for the ocean and coasts, and a framework for balancing the shared interest in the marine environment with commercial and industrial activities. Properly structured and implemented, CMSP can streamline and simplify the permitting process, balance competing uses effectively, explicitly identify and evaluate trade-offs, provide administrative certainty, and expedite dispute resolution, all while better protecting the marine environment through science- and ecosystem-based and adaptive management. All of these benefits would help the Coast Guard accomplish its missions more efficiently and effectively.

The Coast Guard's limited involvement in marine spatial planning most obvious in its establishment and enforcement of vessel traffic separation schemes in U.S. waters, especially at the

entrance to major. These traffic schemes help ensure navigational safety and security by defining where specific shipping and other activities may take place. One recent example where the Coast Guard, NOAA, and other federal agencies employed adaptive management principles to better preserve at least one critical component of a marine ecosystem was by modifying the vessel traffic system in the approaches to Boston Harbor. In light of new scientific evidence concerning the preferred feeding and basking locations of North Atlantic right whales in Cape Cod Bay, the Coast Guard and our partner agencies weighed the benefit of amending the vessel traffic system to reduce the likelihood of vessel traffic passing through the areas with the highest incidence of whale observations. In 2007, the Coast Guard worked with other interested stakeholders to slightly shift existing shipping lanes and establish new ones nearby to reduce the likelihood of whale strikes as vessels entered and departed from the port of Boston, all while minimizing any adverse impacts on the large daily volume of commercial shipping.

This is only one example of the type of prior work conducted in applying the basic technique of marine spatial planning to strategic management of our oceans, coasts, and the Great Lakes. The Coast Guard has statutory authority to establish and enforce vessel anchorage areas in U.S. ports and coastal waters, where the need to accommodate different vessel types and varied uses must be weighed against environmental impacts and the burden of maintaining such measures. Likewise, the Coast Guard has the authority to establish security zones and regulated navigation areas in U.S. ports and waters. The Coast Guard also plays a key role as a cooperating agency helping to determine whether and under what conditions various offshore activities should be authorized, such as deep-water ports, hydrokinetic or wind-based renewable energy proposals, or traditional uses such as oil and gas exploration and production. Moreover, while undertaking these responsibilities, the Coast Guard engages and listens to a wide variety of stakeholders, including the shipping industry, port authorities, and in some instances the International Maritime Organization in the process of reviewing and making recommendations for such plans.

A system of effective CMSP would greatly improve and enhance the effective collaboration of federal and state agencies, affected local governments and tribes, and other stakeholders to determine the most efficient and prudent uses of our oceans, coasts, and Great Lakes.

Given the significance of these issues, the remarkable cooperation that we have seen from all the members of the Task Force, the positive tenor and text of the Interim Report, and all other indications, the Coast Guard is fully confident that the process to develop a recommended framework will continue to properly address the Coast Guard's, and other Task Force members' interests. .

In the meantime, the Coast Guard and its interagency partners are working within the current structure to make the ocean and our coastal and Great Lakes waters safer, more secure, more productive, and as environmentally sound as we can. On October 16, the Coast Guard, the State Department, the Environment Protection Agency, and NOAA cosponsored a 2009 World Maritime Day event in New York, with several parallel events taking place in major port cities throughout the country. Representatives from a broad range of government agencies, maritime industries, non-governmental organizations, and the general public, participated in these events. Dr. Holdren, Director of the White House Office of Science and Technology Policy, gave the key-note presentation on the topic of global climate change and pollution, and its impacts on the ocean's ecology. Other discussion topics at the event included shipping safety, maritime security, and how climate changes present challenges to the maritime community. Many of those in attendance applauded the Administration's commitment to moving forward with a national policy for the

oceans, coastlines, waterways and Great Lakes, and developing a framework for effective coastal and marine spatial planning.

CONCLUSION

To meet our national responsibilities in our oceans, coastlines, intercoastal waterways and the Great Lakes, our Nation, the Department of Homeland Security, the Coast Guard, and the other agencies concerned must develop and implement the best possible national ocean policy and structure. We are all convinced that this should include a comprehensive, integrated, transparent, and ecosystem-based planning process for the various uses of coastal and marine space. We share the goal in the vision statement the Task Force expressed in its Interim Report: “An America whose stewardship ensures that our oceans, coastlines, intercoastal waterways and the Great Lakes remain healthy, resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.”

Thank you for your attention and your interest in this important topic. I would ask that my written remarks be entered into the record. I am ready to respond to any questions that you may have.