



THE CZMA AND THE NATION'S POLICY ON THE OCEAN, COASTS, AND GREAT LAKES: ITS ROLE AND ITS POTENTIAL

253 RUSSELL SENATE OFFICE BUILDING, WASHINGTON DC

OCTOBER 9, 2009

SEMINAR SUMMARY

The Environmental Law Institute (ELI), the Coastal States Organization (CSO), and the National Estuarine Research Reserve Association (NERRA) sponsored a briefing on the role of the Coastal Zone Management Act (CZMA) in our nation's ocean, coastal, and Great Lakes policy. The panelists discussed the current role and future potential of the CZMA in the context of the ongoing national debates on energy, climate change, and a national ocean policy. Representatives of federal and state agencies, the private sector, and non-governmental organizations addressed the role of CZMA, the effect it has on coastal ecosystems, and potential changes to make it stronger.

SPEAKERS

- Donna S. Wieting, Acting Director, NOAA Office of Ocean & Coastal Resource Management
- Sarah W. Cooksey, Administrator, Delaware Coastal Programs
- Jim Lanard, Managing Director, Deepwater Wind
- Kenny Wright, Executive Vice President & Chief Financial Officer, Seagrass Recovery

MODERATOR

- Jordan Diamond, Staff Attorney, Environmental Law Institute

Ms. Jordan Diamond introduced the seminar topic and the panelists. She highlighted the national changes that are occurring that make it important to discuss the current effects of the CZMA and how its role might be strengthened through reauthorization. Climate change is having increasing effects on coastal areas, the emphasis on new energy sources is expanding offshore alternative energy efforts, and there is a continuing need to better the linkages between science and management. The Interagency Ocean Policy Task Force, which has been tasked with developing recommendations for a national policy for our ocean, coasts, and Great Lakes, recently released an interim report that reiterates calls made by the U.S. Commission on Ocean

Policy and the Pew Oceans Commission to adopt a more comprehensive and integrated approach to ocean governance. Ms. Diamond explained that through its unique incentive-based state-federal partnership, the CZMA holds tremendous potential for supporting and implementing comprehensive management within the coastal zone. However, to fulfill this potential and to accommodate the emerging and expanding uses of coastal areas and challenges associated with climate change, the CZMA may need to be strengthened when reauthorized. In recent years both NOAA and CSO have worked on draft reauthorization bills that highlight these new challenges. In addition, ELI has issued recommendations for strengthening ecosystem-based management within the CZMA, such as by requiring ecosystem assessments, addressing cumulative impacts, and establishing a process for determining tradeoffs.

Ms. Donna Wieting shared NOAA's perspective on the CZMA and stressed that coastal management is an integral part of the prosperity of our nation's coastal communities. She also highlighted the need to change how coastal management is perceived: the coasts are the most severely affected part of the environment, and yet also the most commonly ignored. Citing the Department of Commerce's strong support for NOAA's economic programs, she noted that there is currently a window of opportunity in the government – especially at the local level – to achieve a new image for coastal zone management.

Ms. Wieting explained that the CZMA is a key tool to support the nation's coastal resources. She described how the statute's unique state-federal partnership is designed to address coastal resource protection, water quality, public access to waters and shorelines, coastal hazards, community development, working waterfronts, and other coastal dependent uses. Ms. Wieting asserted that Congress should amend the CZMA to better align it with national priorities, and identified three specific focus areas: sustaining healthy coastal ecosystems, increasing coastal community resilience, and adapting to climate change. She emphasized the importance of science-based management and how technical assistance and capacity-building are needed to help improve decision-making. Over 80% of land use decisions are made by local resource managers who are not fully equipped to address issues of coastal land and water conflicts, and federal and state agencies could provide them with better support.

Ms. Wieting stated that there should be a stronger federal role to link together a more coordinated and incentivized program for the CZMA. She recommended that NOAA take the lead role in creating national objectives and performance measures for management programs, and in establishing boundaries for a watershed-based nationwide coastal planning area. Ms. Wieting further recommended conducting periodic assessments of coastal communities and ocean resources. In addition to a stronger federal role, Ms. Wieting outlined the creation of a stronger, objective-driven role for the states, which would include creating a plan to address the threats to and vulnerabilities of coastal communities and resources, and the strengths and weaknesses of coastal management programs. It should have measurable objectives, based on periodic resource assessments, and be implemented by all appropriate local, state, and federal management programs. Ms. Wieting concluded by noting that many of NOAA's recommendations for reauthorizing the CZMA complement the recommendations in the Interagency Ocean Policy Task Force's interim report, including supporting ecosystem-based management and regional ocean governance, improving the link between state coastal planning and multi-jurisdictional marine spatial planning, and increasing coordination between all levels of government.

Ms. Sarah Cooksey from the Delaware Coastal Program began by identifying the national priorities of the CZMA. She stressed the importance of resilient coastal communities and

economies. She also pointed out the need to protect and restore coastal ecosystems, waters, and habitats. She noted that the CZMA must prepare for climate change impacts as well as coordinate and integrate interstate and regional issues. The draft reauthorization bill that CSO developed provides a 5-year action plan, with measurable performance objectives, to address national priorities. The CSO bill proposes improved coordination and cooperation among regional NOAA program offices and alignment of federal programs to support national priorities. She suggested creating a cabinet-level council to ensure that state and federal governments work towards national priorities.

As an example of what the CZMA can achieve in practice, Ms. Cooksey described how a jetty built by the Army Corps of Engineers in Delaware Bay had created a habitat for rare migratory species, such as the Red Knot. The Red Knot flies 7000 miles non-stop to Delaware Bay during their northward migration. Sand from the channel and nearby was pumped in and created a new and more desirable beach habitat. In addition, the bay's abundant supply of horseshoe crab eggs provides migrating birds with fuel, making it a popular stopover point. The Delaware Coastal Management Program has also partnered with the Delaware Bay National Estuarine Research Reserve, the Delaware Chapter of The Nature Conservancy, and the Partnership for the Delaware Estuary to carry out a campaign to showcase the beauty and amenities of the bay. The *Thank You Delaware Bay* campaign created a website to highlight the benefits of the bay, such as job creation and flood protection, and encourages action to help protect its health and resources. Ms. Cooksey closed by acknowledging the CZMA's 35 years of policy and management success, working on difficult issues such as coastal change and facility siting by using applied science, intergovernmental coordination, and best practices to protect, restore, and enhance the nation's coastal zone. She noted that the time for reauthorization is now in order to address climate change, renewable energy, and working waterfronts.

Mr. Jim Lanard discussed the growing offshore wind industry and how the CZMA factors into the development process, including the potential siting of facilities and/or transmission lines. Offshore wind power is generated near densely populated areas, and electric users in coastal areas are often forced to pay high electricity prices due to congested transmission lines. Viewshed concerns can be avoided by placing utility-scale wind farms over 20 miles from shore. Offshore wind presents a huge potential source of renewable energy in the U.S – for example current initiatives in the northeast may amount to 4,270MW. Offshore wind can aid efforts to fight climate change and sea level rise by generating enough power to avoid 965,125 tons of CO₂, 1,292 tons of SO₂, and 1,132 tons of NO_x annually.

Mr. Lanard noted current state coastal management program initiatives and research and how they intersect with offshore wind development. For example, the Rhode Island Ocean Special Management Area Plan, which is under development, may propose zones to protect or enhance current habitat uses, commercial and recreational uses, shipping, and planning for future uses of offshore resources. The New Jersey Department of Environmental Protection has undertaken environmental assessments and potential impact studies on wind power, which analyze the effects on aquatic life, birds, marine mammals, and air and water quality, among other factors. Wind development will also be affected by marine spatial planning efforts, such as those encapsulated in the Massachusetts draft Ocean Plan and the California Ocean Resources Management Program.

Mr. Lanard discussed the importance of regulatory and scientific certainty to the growth of the offshore wind industry, noting that failure to address uncertainties may limit the important role renewable energy can play in our country's efforts to combat climate change and prevent the creation of thousands of new jobs. He emphasized that an expedited intergovernmental, multi-

agency dispute resolution process is needed for conflicting and competing uses of ocean and coastal resources. Mr. Lanard encouraged initial research addressing the question of where offshore wind farms should be allowed, and posed the question of whether coastal states will adopt permitting and economic policies that encourage and support the development of offshore wind. Mr. Lanard closed by stressing the importance of making offshore wind part of the solutions debated in current energy and climate change discussions.

Mr. Kenny Wright from Seagrass Recovery discussed the reauthorization of the CZMA from the perspective of small businesses. Seagrass Recovery has been successfully pursuing seagrass mitigation, restoration, and research projects throughout the world for the past 12 years. Mr. Wright discussed the significant role that seagrass plays in climatic and oceanic carbon cycles as well as coastal protection. A recent United Nations press release named seagrass as one of the most widespread shallow marine ecosystems in the world, but 15% of seagrass has been lost in the last 10 years. Mr. Wright added that seagrass is found in virtually every coastal zone state in the United States, and the largest seagrass meadow in the world is located off Florida. Mr. Wright emphasized the importance of seagrass in the resilience of the coastal zone and the battle against sea-level rise and climate change. Because over one billion people around the world live in close proximity to seagrass meadows, it is important to protect this resource and understand its relevance to coastal communities.

Mr. Wright drew attention to the benefits of CZMA on small businesses. Coastal restoration projects rely heavily on hiring local people, which creates private sector green jobs. One large restoration project related to recovery of coastal habitats may create 109 jobs for a full calendar year. Such coastal restoration projects also create research opportunities which require cooperation between researchers, resource managers, nongovernmental organizations, and the private sector. Furthermore, economic development and preservation of existing industries in specific regions is furthered through ecologically significant restoration projects.

Mr. Wright provided detailed suggestions as to what a responsible and successful CZMA bill will include. He stated that funding should be readily provided for larger scale ecologically significant projects in the coastal zone. He stressed coordination and collaboration across coastal states towards coastal zone initiatives. He advocated for the continued existence of National Estuarine Research Reserves as well as recognition of the importance of coastal habitats and their role in healthy coastal zones. Mr. Wright stressed that CZMA must directly encourage the development of new technologies for coastal restoration as well as tracked and measurable success of any existing projects. Mr. Wright also noted the importance of the work of the Interagency Ocean Policy Task Force to small business and the role of the CZMA in implementing the recommendations.