
Habitat Hotline Atlantic

Issues of Concern for Atlantic Marine Fish Habitat

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Two Ocean Commissions Recommend Action for Improved Marine and Estuarine Fish Habitat

Two independent efforts to review our nation's ocean policy were undertaken during the early 2000s. The Pew Oceans Commission (Pew Commission) presented their recommendations in a final report released in June 2003. The U.S. Commission on Ocean Policy (U.S. Commission) presented its recommendations for review and comment in a preliminary report recently released in April 2004. Both efforts were modeled after the work of the Stratton Commission, which over 30 years ago, conducted the first comprehensive study of U.S. ocean policy. The Stratton Commission held regional hearings and meetings and made 126 recommendations in a 1969 report, *Our Nation and the Sea*. However, much has changed since then and there are new issues to address and some continuing issues to rework. Thirty years ago, policy efforts were focused on ending foreign fishing in our coastal waters and developing a strong U.S. fishing industry. Now, policies are focused on moving to a more ecosystem approach for fisheries management. Consequently, the Pew Commission and the U.S. Commission offer some new and timely recommendations.

The recommendations in both reports are being discussed throughout the nation and are receiving a lot of attention. This article highlights the marine and estuarine fish habitat related recommendations contained in both reports.

Pew Oceans Commission

The Pew Commission was a bipartisan, independent organization formed for an inquiry into the state of U.S. oceans, the problems they face, and what might be done to address these problems. It consisted of 18 members representing a diverse group of leaders in science, fishing, conservation, government, education, business, and philanthropy, led by the Honorable Leon Panetta as chairman. Pew Commissioners traveled around the country to talk firsthand with interested stakeholders and worked with leading scientists to publish a series of reports on marine reserves, pollution, invasive species, fishing, aquaculture

and coastal development. The final report, *America's Living Oceans, Chartering a Course For Sea Change*, includes recommendations on pollution, coastal development, fishing, invasive species, aquaculture, and climate change issues.

U.S. Commission on Ocean Policy

The U.S. Commission is a presidentially appointed commission, mandated under the Oceans Act of 2000 to develop a new coordinated and comprehensive national ocean policy. The sixteen members, under the chairmanship of Admiral James D. Watkins, USN (retired), include representatives of federal, state and local governments; private industry; and research and academic institutions involved in ocean-related issues. Four working groups were tasked with reviewing and analyzing issues within specific subject areas, such as governance; investment and implementation; research, education, and marine operations; and stewardship. Like the Pew Commission, the U.S. Commission held regional meetings to hear directly from interested stakeholders and scientific experts. The report, *Preliminary Report of the U.S. Commission on Ocean Policy Governors' Draft*, was recently presented to the country's Governors and stakeholders for comments.

Commission Recommendations

Both commissions sound a clear call to action for implementing reforms to address growing concerns about the health and sustainability of our ocean ecosystems and recommend changing to an ecosystem approach in ocean policy, management, and education. Both commissions make recommendations for improving habitat conservation and restoration, cleaning coastal waters, guiding sustainable marine aquaculture, and increasing ocean research.

The recommendations from the two commissions often share common goals, but can differ in scope and degree, resulting somewhat from their respective focus areas and ranges in expertise.

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For example, both commissions make recommendations for improving habitat conservation and restoration, however, the specific actions recommended differ. The Pew Commission recommends establishing a national system of marine reserves to protect significant species and habitats, while the U.S. Commission recommends developing national goals and guidelines leading

to a uniform process for the effective design and implementation of marine protected areas. In addition, some recommendations call for very specific action, while others are more general in nature. Hence, the results of the two efforts offer a wide variety of actions for consideration, ranging from small to large changes in government policies, programs, practices and structure.

Table 1. Summary and comparison of the Pew Commission and U.S. Commission habitat-related recommendations. Note the U.S. Commission recommendations are located in the shaded background. The U.S. Commission made recommendations for managing sediment, and the Pew Commission recommended action to address the effects of global climate change on marine environments.

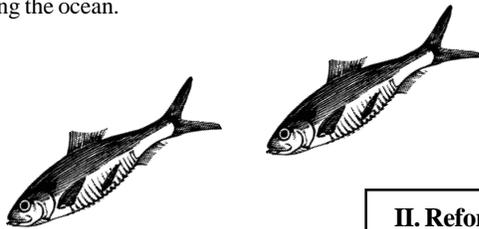
Pew Oceans Commission Recommendations:

U.S. Commission on Ocean Policy Recommendations:

I. Improving Ocean Governance

- Enact a new U.S. ocean policy, the **National Ocean Policy Act (NOPA)** to protect, maintain, and restore the health of marine ecosystems and guide their sustainable use.
- Establish **regional ocean ecosystem councils** to bring fishermen, scientists, citizens, and government officials together to develop ocean management plans to protect, maintain and restore marine ecosystems.
- Establish a **national system of marine reserves** that reflects regional priorities and protects significant species and habitats.
- Establish an **independent oceans agency** and an interagency **National Oceans Council** with ties to the White House to ensure that most ocean responsibilities are within one agency and to better coordinate the efforts of agencies with jurisdictions or activities affecting the ocean.

- Establish **regional ocean councils** to address issues of regional concern, realize regional opportunities, and identify regional goals, e.g., to bring together various stakeholders in the design and implementation of marine protected areas.
- Develop **national goals and guidelines** leading to a uniform inclusive process for the effective design and implementation of **marine protected areas**.
- Phase-in to an ecosystem-based federal structure by (1) strengthening the existing **National Oceanic and Atmospheric Administration (NOAA)**, (2) consolidating ocean functions and programs from other agencies into NOAA, and (3) including oceans and coasts within a unified federal agency structure to manage all natural resources according to an ecosystem-based management approach.
- Establish a **National Ocean Council** with ties to the White House to provide enhanced federal leadership and coordination for the ocean and coasts.



II. Reforming Federal Fisheries Management

- Redefine the principal objective of American marine fishery policy to protect marine ecosystems.
- Implement ecosystem-based planning and zoning that requires fishery management plans to be developed based on how the entire ecosystem that supports the fishery will be affected by fishing. Managers should evaluate species' life history and habitat needs to determine appropriate area management tools, including habitat protection areas.
- Regulate the use of fishing gear that is destructive to marine habitats by creating a fishing-gear zoning program designed to protect seafloor habitats. Develop regulations to prohibit mobile bottom fishing gear in sensitive habitat areas, such as coral habitat and seagrass beds.
- Establish a permanent **fishery conservation and management trust fund** to be used for improving fishery research, data collection, management, enforcement and habitat restoration.
- Change designation of essential fish habitat from a species-by-species to a multispecies approach and, ultimately, to an ecosystem-based approach. The approach should draw upon existing efforts to identify important habitats and locate optimum-sized areas to protect vulnerable life-history stages of commercially important species. The National Marine Fisheries Service (NMFS) should work with other management entities to protect essential fish habitat when such areas fall outside their jurisdiction.
- Require Scientific and Statistical Committees to supply Regional Fishery Management Councils with scientific information necessary to make fishery management decisions including reports on habitat status.
- Develop an annual, prioritized list of management information needs and provide to NMFS to be incorporated in NMFS's research, analysis, and data collection programs.

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Pew Oceans Commission Recommendations:

U.S. Commission on Ocean Policy Recommendations:

III. Improving Habitat Conservation and Restoration

- Identify and protect from development habitat critical for the functioning of coastal ecosystems. Congress should consider revenue derived from outer continental shelf oil, gas and mineral development as a significant, **dedicated and permanent source of funding** for habitat protection.
- Institute effective mechanisms at all levels of government to manage development and minimize its impact on coastal ecosystems and their watersheds.
- Redirect government programs and subsidies away from harmful coastal development and toward beneficial activities, including restoration. For example, ensure that Army Corps of Engineers (ACOE) projects are environmentally and economically sound, that uniform standards are applied in ACOE shoreline restoration projects, and that the ACOE is transformed into a strong force for environmental restoration. In addition, the National Flood Insurance Program should be reformed by (1) setting premiums that reflect the true risk of coastal hazards, (2) phasing out coverage of repetitive loss properties, and (3) denying coverage for new development in hazardous or environmentally sensitive areas. Federal transportation and agriculture subsidies should be contingent on compliance with environmental laws.

“Management, conservation and protection of critical habitat are key features of numerous recommendations in the Preliminary Report of the U.S. Commission on Ocean Policy.”

Paul Sandifer, U.S. Commission on Ocean Policy

- Amend the Coastal Zone Management Act to authorize and provide sufficient funding for a dedicated coastal and estuarine land conservation program. Identify priority coastal habitats and develop a plan for establishing conservation partnerships among willing landowners with participation from local government, nongovernmental, and private-sector partners.
- Develop **national goals** for ocean and coastal habitat conservation and restoration efforts and ensure coordination among all related federal activities. Determine habitat conservation and restoration needs and set regional goals and priorities that are consistent with the national goals.
- Develop a comprehensive wetlands protection program that is linked to coastal habitat and watershed management efforts and integrates the Clean Water Act Section 404 wetlands permitting process into that broader management approach.
- Provide sustained funding for a Coral Protection and Management Act, that covers research, protection, and restoration of coral ecosystems. Codify and strengthen the U.S. Coral Reef Task Force. Identify critical research and data needs related to coral reef ecosystems. Develop national standards—and promote international standards—to ensure that coral reef resources that are collected, imported, or marketed are harvested in a sustainable manner.
- Amend relevant legislation to allow federal agencies greater discretion in using a portion of habitat conservation and restoration funds for related assessments, monitoring, research, and education.

IV. Cleaning Coastal Waters

- Address nonpoint source pollution and protect water quality on a watershed basis. Establish water quality standards for nutrients in rivers, lakes, estuaries and coastal waters.
- Take additional steps to control major uncontrolled or under controlled sources of nutrient pollution such as concentrated animal feeding operations and stormwater. Make funding available for developing biological nutrient removal technology standards to reduce nitrogen loads from publicly owned treatment works.
- Regulate cruise ship water discharges and require ballast-water treatment for all vessels carrying ballast water in U.S. waters.
- Create a flexible framework to address emerging and nontraditional sources of pollution including invasive species and sound.
- Strengthen control over toxic pollution. Levels of particular toxic substances should be quantified in designated ocean habitats and species through a comprehensive monitoring program.

- Require advanced nutrient removal for wastewater treatment plant discharges into nutrient-impaired waters. Give technical and financial assistance to help communities improve all aspects of septic systems.
- Issue state regulatory controls on concentrated animal feeding operations in addition to those required by the federal government. Fund research on removal of nutrients from animal wastes and develop improved best management practices that retain animal waste-derived nutrients and pathogens on agricultural lands.
- Develop a prioritized, comprehensive plan for long-term funding of the nation’s current aging and inadequate wastewater and drinking water infrastructure. Experiment with trading credits for nutrients and sediments as a water pollution management tool.
- Establish discharge standards and waste management procedures for cruise ships.
- Strengthen the U.S. Coast Guard’s national ballast water management program.

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U.S. Commission on Ocean Policy Recommendations

IV. Cleaning Coastal Waters (continued)

- Require more stringent regulations for new marine sanitation devices (MSD) used on recreational vessels. Adopt stricter air emission standards for marine engines. Create a program for recreational boat owners to install or use less polluting engines.
- Establish adequate port waste reception facilities to allow implementation of Special Areas protections under Annex V of the International Convention for the Prevention of Pollution from Ships.
- Conduct a risk analysis of all oil transportation systems to develop an action plan to reduce the threat of significant spills.
- Support a rigorous research program on the impacts of all types of vessel pollution.
- Control pathways of introductions from sources other than ballast water (for example, aquaculture, aquarium, and pet industries) by improving public awareness through coordinated public education and outreach efforts.
- Establish a national plan for early detection of invasive species and a system for prompt notification and rapid response
- Establish a marine debris management program within NOAA that is closely coordinated with other marine debris efforts including those of the Environmental Protection Agency (EPA), private citizens, state, local and nongovernmental organizations.
- Develop a detailed plan of action to address derelict fishing gear. Promote a public-private partnership program for removal and

V. Managing Sediments

U.S. Commission on Ocean Policy Recommendations

- Ensure that the U.S. Army Corps of Engineers selection of the least-cost disposal option for dredging projects reflects a more accurate accounting of the full range of economic and environmental costs and benefits for options that reuse dredged materials, as well as for other disposal methods.
- The National Dredging Team and regional dredging teams should begin to implement more ecosystem-based approaches. The National Dredging Team should implement recommendations from a 1994 report to the Secretary of Transportation with a priority of developing and implementing a streamlined permitting process. Regional dredging teams, working with regional ocean councils, should establish sediment management programs that include watersheds, coastal areas, and the nation's shoreline.
- Develop a national strategy for managing sediment on a regional basis, taking into account both economic and ecosystem needs.
- Develop a strategy for improved assessment, monitoring, research, and technology development to enhance sediment management. Encourage USACE to monitor outcomes from past projects and study the cumulative, regional impacts of its activities within coastal watersheds and ecosystems.
- Develop a coordinated strategy for assessment, monitoring, and research to better understand how contaminated sediment is created and transported, and to develop technologies for better prevention, safer dredging of such sediment, and more effective treatment after it is recovered.

Pew Oceans Commission Recommendations:

U.S. Commission on Ocean Policy Recommendations:

VI. Guiding Sustainable Marine Aquaculture

- Implement a new **national marine aquaculture policy** based on sound conservation principles and standards. Standards should minimize adverse effects on living marine resources, physical habitat, and marine ecosystems. **Restrict the expansion of marine finfish farming** until standards for ecologically sustainable practices are implemented.
- Provide international leadership for sustainable marine aquaculture practices.
- Establish a new **marine aquaculture management framework** that puts NOAA as the lead federal agency to implement a national policy for environmentally and economically sustainable marine aquaculture and that establishes a new Office of Sustainable Marine Aquaculture within NOAA that should be responsible for developing a comprehensive, environmentally-sound permitting, leasing, and regulatory program for marine aquaculture.

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Pew Oceans Commission Recommendations:

U.S. Commission on Ocean Policy Recommendations:

VII. Improving Ocean Research

- Develop and implement a comprehensive **national ocean research and monitoring strategy**.
- Double the federal funding for basic ocean science and research to at least 1.5 billion dollars annually, or approximately seven percent of the basic federal research budget.
- Support development of the relatively new science of **marine restoration ecology**.
- Expand, strengthen, and replicate comprehensive ecosystem monitoring programs such as the Global Ocean Ecosystem Dynamics Program, the Gulf of Maine Ocean Observing System, the California Cooperative Oceanic Fisheries Investigation and the Gulf of Alaska Ecosystem Monitoring Program.
- Develop new research and monitoring programs to improve the timely collection, compilation, and analysis of data.



VIII. Addressing the Effects of Climate Change on the Marine Environment

Pew Oceans Commission Recommendation

- Reduce emissions of greenhouse gases to limit the effects of climate change, especially for coral reefs which are particularly vulnerable to increases in surface water temperature and sea-level.

- Create a **national ocean research strategy** that promotes advances in basic and applied ocean science and technology, increases partnerships with the academic and private sectors, and promotes enhanced ocean exploration.
- Develop and implement a national **Integrated Ocean Observing System** to collect information on physical, geological, chemical and biological parameters for the oceans and coasts that will, among other things, provide for the sustainable use, protection, and enjoyment of ocean resources and measuring, explaining, and predicting of environmental changes.
- Enhance U.S. ocean infrastructure and technology development including support for establishing a modernization fund for critical ocean infrastructure (ships, laboratories, undersea vehicles, aircraft) and technology needs.
- Modernize and better coordinate our nation's ocean and coastal data management system with the ultimate goal of designing an integrated Earth environmental data and information system.

Both the Pew Oceans Commission and the U.S. Commission on Ocean Policy emphasize the importance of habitat for healthy marine ecosystems and the need for further action to protect and conserve these habitats. The ASMFC is working to improve habitat conservation through its fishery management process and public outreach.

Pat White, Pew Oceans Commission

What Next?

The Center for SeaChange was founded in 2003 as an outgrowth of The Pew Commission. The Center's mission is to advance the Pew Commission recommendations and compatible recommendations of the U.S. Commission, particularly focusing on creating a National Ocean Policy Act. For more information see the center's web site at www.seachangecenter.org.

The U.S. Commission is considering comments received from the Governors and interested stakeholders in preparation of a final report. The final report of the U.S. Commission is expected to be presented to the President and Congress sometime this summer. Under the Oceans Act of 2000, within 90 days after receiving the final report, the President is required to submit to Congress a statement of proposals to implement or respond to the Commission's recommendations. When developing the propos-

als, the President is required to consult with state and local governments, non-federal organizations and individuals involved in ocean and coastal activities. For more information see the U.S. Commission's web site at www.oceancommission.gov.

Sources

Preliminary Report of the U.S. Commission on Ocean Policy Governors' Draft. U.S. Commission on Ocean Policy, Washington, D.C., April 2004 (available at www.oceancommission.gov).

America's Living Ocean, Chartering a Course For Sea Change. Pews Oceans Commission, Arlington, Virginia, May 2003 (available at www.pewoceans.org).

ASMFC's Habitat Committee Strategic Planning for 2004-2008

Each year the Atlantic States Marine Fisheries Commission's (ASMFC) Habitat Committee plans specific activities to meet the overall goal of enhancing and cooperatively protecting fisheries habitat as part of the ASMFC's strategic planning. The Committee plans to undertake the following actions in cooperation with other groups as appropriate.

To promote development, evaluation, and implementation of effective state and federal agency habitat policies and legislation, the ASMFC will continue to carry out its Submerged Aquatic Vegetation Implementation Policy and continue to comment on Atlantic Coast projects and permits when approved according to the Commission's project review protocol. In addition, a paper outlining the importance of shellfish habitat to ASMFC managed species will be completed and the Committee will continue to monitor the development of EPA Section 316(b) regulations concerning water withdrawals and discharges by power plants.

To effectively integrate habitat protection, restoration, and enhancement into state and federal fisheries management programs, the ASMFC will continue to develop habitat sections for ASMFC fishery management plans (FMPs) focusing this year on croaker, winter flounder and menhaden and to serve on appropriate habitat committees including the South Atlantic Fishery Management Council's Habitat Advisory Panel and the Northeast Essential Fish Habitat Steering Committee. Also, a diadromous fish habitat source document will be completed that contains the habitat needs as well as recommendations for protection and research for all of the diadromous fish species that the ASMFC manages.

To build partnership opportunities among agency fishery managers and non-fishery resource management agencies, researchers, and conservation organizations and to promote the use of habitat information in their decision-making, the ASMFC plans to participate in habitat meetings and conferences, prepare FMP plan summaries targeted to habitat managers, and continue to distribute and update its habitat managers database.

To educate fishermen and the general public about the importance of protecting, restoring and enhancing habitat to achieve successful fisheries management, the ASMFC will continue to publish this newsletter, complete a document on Living Shorelines, and distribute information via web page, mailings, and newsletters to fishermen, resource managers and the general public about the importance of habitat in productive fisheries.

To encourage and facilitate consistent and comprehensive fisheries habitat research, the ASMFC will continue to compile, prioritize and promote habitat research needs and to facilitate funding and partnership opportunities to promote habitat research in the states.

To coordinate Artificial Reef policy implementation among the states, the ASMFC will continue to coordinate Artificial Reef Policy with the Maritime Administration and the Navy as well as coordinate artificial reef activities among Atlantic Coast states and with the Gulf States Marine Fisheries Commission.

For more information on the ASMFC's habitat program, contact Carrie Selberg, ASMFC Habitat Specialist, at (202) 289-6400 or cselberg@asmfc.org.

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