



BOB TAFT
GOVERNOR
STATE OF OHIO

June 4, 2004

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

Dear Admiral Watkins:

I would like to commend you and the other Commissioners for the *Preliminary Report of the U.S. Commission on Ocean Policy* released on April 20. The report is thorough, well written and contains many thoughtful recommendations to move towards a new, comprehensive, national policy regarding the use and stewardship of our ocean, coastal and Great Lakes resources.

The message the Commission heard from hundreds of people across the country in written and verbal testimony, that our ocean, coastal and Great Lakes resources are in crisis and major changes are needed, is indeed an urgent message. Ohio's Lake Erie and the other Great Lakes face challenges such as destructive invasive species, harmful algae blooms, beach closures, fish consumption advisories and continued loss of coastal wetlands and habitat. The Commission's conclusion that major changes are needed to improve our existing management approach, governance, science-based decision-making and education efforts are well founded.

Comments I am providing here concern issues that are priorities for me as Governor of Ohio. I have also attached more detailed comments from the Ohio Department of Natural Resources, Ohio Environmental Protection Agency, and Ohio Sea Grant. The Ohio Department of Natural Resources also received comments from the Ohio Environmental Council and The Nature Conservancy in Ohio, which were considered in preparing agency comments. I will be submitting separate comments in my capacity as Chair of the Council of Great Lakes Governors that reflect overarching issues of importance to the region.

Water Quantity

Surface and ground water quantity issues have not been addressed in the preliminary report. Water quantity issues are of critical importance to Ohio and, more generally, the Great Lakes region. About 40 million people in the U.S. and Canada depend on Great Lakes basin

surface and ground water for their drinking water supply. As you may be aware, in my role as Chairman of the Council of Great Lakes Governors, I am leading the effort to develop agreements called for in the Great Lakes Charter Annex to develop a new, enforceable, regional water management regime for surface and ground water including a science-based decision-making standard. The Annex also calls for an improvement in the sources and applications of scientific information, including a better understanding of the role of ground water. My fellow Governors, Premiers and I have appointed a Water Management Working Group, which includes representatives from each of the eight Great Lakes states and the Canadian provinces of Ontario and Quebec. Our goal is to release draft agreements for public review and comment this summer. These historic agreements will provide the necessary framework to help the states and provinces pass legislation that will protect the Great Lakes basin waters.

Beyond the Great Lakes region, water quantity issues may also be of concern. For example, pumping ground water faster than it can recharge has led to saltwater intrusion of aquifers in some of the ocean coastal states.

National Ocean Council

The Governors should be represented on the National Ocean Council rather than on the Presidential Council of Advisors on Ocean Policy as proposed in the report (Recommendation 4-1). The Great Lakes are held in public trust by Ohio and the other Great Lakes states and provinces, with a shared duty to manage the waters and water-dependent natural resources of the basin. As proposed within the Executive Office of the President, the National Ocean Council's responsibilities should include providing enhanced federal and state leadership and coordination for the ocean, coasts and Great Lakes.

Ecosystem Management

The proposed ecosystem-based management approach with explicit consideration of biodiversity is applauded. As described in the report, applying this principle will require redefining geographic management areas based on ecosystem rather than political boundaries. The suggested appropriate boundary for ocean areas in the report is a combination of the large marine ecosystems and the watersheds that drain into them (page 34). It is important to note that watershed boundaries can be defined by both surface and ground water, and although linked they may not exhibit the same boundaries. As described in my comments above regarding water quantity issues, the waters of the Great Lakes basin include surface and ground water.

Federal Agency Structure

The recommended phased approach to changing the structure of some of the federal agencies to enable effective implementation of a national ocean policy is commended. In the long-term, as recommended in Phase III of *Strengthening the Federal Agency Structure* in the report (page 78), a single federal agency or some other structural unification that brings together all the nation's federal natural resource programs is desirable and necessary to successfully implement a national ocean policy. As Chairman of the Council of Great Lakes Governors, I am leading the Great Lakes Priorities Initiative with the goal of protecting and restoring the Great Lakes ecosystem. The region's Governors have identified restoration priorities with the hope and expectation that this collaborative effort will ultimately lead to adequate federal funding to implement our plans for Great Lakes restoration. It is important to recognize that greater federal investment will supplement, not supplant, the significant resources already being committed by

the states, municipalities and private sector. As stated in the principal findings of the General Accounting Office (GAO) Great Lakes Report, April 2003, there are about 200 programs – 148 federal and 51 state – funding restoration activities within the Great Lakes basin. Although there are many coordination efforts and ongoing strategies, there is no single organization that is leading this effort. Although we have realized many successes in Great Lakes restoration efforts, barriers such as the absence of a single federal coordinating agency impede restoration progress.

Aquatic Nuisance Species

Although Chapter 17 of the report addresses aquatic nuisance species, there is no call for stronger federal legislation to guide nationwide prevention and control efforts. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 with its amendment, the National Invasive Species Act of 1996, is the primary law dealing with aquatic nuisance species and ballast water management, yet this current regulatory regime along with voluntary efforts are not effectively stopping new introductions of aquatic nuisance species in the Great Lakes. I continue to call for passage of reauthorization bills such as the National Aquatic Invasive Species Act and the National Aquatic Invasive Species Research Act. Federal prevention strategies, which are consistent nationwide, will be more effective than independent efforts by the states. If this national concern is not adequately addressed, I would predict you will see more and more state legislatures passing laws targeting sources of aquatic nuisance species in their states and regions.

Beach Closures, Combined Sewer Overflows, Recreational Fishing & Fish Consumption Safety

The final report should provide more attention to other Great Lakes critical issues such as beach closures, combined sewer overflows (CSO), recreational fishing, and fish consumption safety. For example, in Chapter 19, the focus is on marine species and commercial fisheries under federal management. The U.S. and Canadian Great Lakes sport and commercial fishing industry is valued at almost \$4.5 billion annually as noted in the GAO Invasive Species Report, October 2002. Although there are thousands of beach closures in the U.S. every year, including the Great Lakes beaches, there is only one reference to this in Chapter 14 on page 167. CSO discharges impact bathing beaches and other areas of potential health risk exposure in the Great Lakes. There is also a need for consistency regarding beach closures and restriction advisories, and improvement in beach water quality testing methods. Regarding fish consumption advisories, there is a section entitled *Contaminated Seafood* in Chapter 23, but there is no reference to freshwater fish. State governments provide guidance to citizens regarding consumption of sport-caught fish in the Great Lakes.

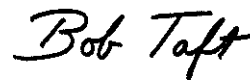
Ocean Trust Fund

The recommendation to establish a dedicated funding source, the Ocean Policy Trust Fund (Recommendation 30-1), using federal revenues generated from offshore activities such as Outer Continental Shelf (OCS) oil and gas development is commended. A dedicated funding source is necessary to prevent unfunded mandates to the states. However, the recommendation that a larger share of the funds should go to OCS producing states for offshore energy impacts needs to be reconsidered. Ohio and the other Great Lakes states have incurred and continue to incur significant costs for beach closures, prevention and control of aquatic nuisance species, and protection of 20% of the world's fresh surface water used as drinking water supply for the about 40 million U.S. and Canadian citizens. As an example, in the Great Lakes, we have been severely impacted by sea lampreys, zebra mussels, round gobies, and many other invading

species. The impacts are real, affecting millions of people and industries that depend on the lakes for water, food, and recreation. The issue includes serious implications to human health, since pathogens are potentially transported to our waterfront communities from around the globe. Although estimates are difficult to make, the continued introduction of aquatic invasive species into the Great Lakes will have significant economic and ecological impacts based on past experience. The International Joint Commission May 2001 report noted that the past and ongoing economic impacts of invasive species to the Great Lakes region cost hundreds of millions of dollars annually.

In conclusion, thank you for the opportunity to provide comments on this important report on our invaluable ocean, coastal and Great Lakes resources. Please consider referencing the Great Lakes in the Executive Summary and using the reference to “ocean, coastal and Great Lakes” throughout the report to ensure that the Great Lakes are acknowledged as being equally important to coastal and ocean issues. If you have any questions or need additional information please contact Kate Barter, Chief Policy Advisor, Office of the Governor, at 614-995-2281.

Sincerely,

A handwritten signature in black ink that reads "Bob Taft". The signature is written in a cursive, slightly slanted style.

Bob Taft
Governor

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