

Audubon New York • Citizens Campaign for the Environment • Environmental Defense •
Friends of the Bay • Group for the South Fork • Natural Resources Defense Council • The Ocean
Conservancy • Peconic Baykeeper • Sierra Club – Atlantic Chapter

December 5, 2006

The Honorable Eliot L. Spitzer
Governor-Elect
330 Madison Avenue, 19th Floor
New York, New York 10017

Dear Governor-Elect Spitzer,

Congratulations on your election victory! The organizations listed below look forward to working with you and your administration to protect New York's environment and the people who depend upon it. We are writing today to urge you as part of that effort to promote protection of New York's valuable coastal, ocean and Great Lakes resources by vigorously implementing the recently enacted New York Ocean and Great Lakes Ecosystem Conservation Law. **We ask that you announce the creation of an Ocean Health Index in your State of the State and keep New York in the lead on ocean and coastal issues by convening a conference of the Mid-Atlantic Governors on ocean issues and supporting and funding the New York Ocean and Great Lakes Ecosystem Conservation Council's work.**

Urgent action is needed to address the decline in our ocean and coastal resources. Two recent national ocean commissions—the independent Pew Oceans Commission and the congressionally-established U.S. Commission on Ocean Policy—both reached this conclusion and offered detailed blueprints for action. Their findings are further underscored by a recently-released study in the journal *Science* (copy attached) that predicts that there will be a global collapse of wild fish stocks by mid-century unless we act now.

New York is not immune from this trend of ocean collapse. New York's ocean and coastal areas provide food, recreation and valuable jobs, but these resources are in a state of silent crisis caused by pollution, destruction of productive marine habitat and increased strain on fish stocks. For example, more than 40 percent of New York's important estuary and bay waters are impaired or threatened. Landings for eight of New York's top commercially-prized fish have fallen by an average of 84 percent since 1950. Shellfish numbers also have declined dramatically—Great South Bay, once one of the most productive clamming areas along the East Coast, is at 2 percent of 1976 levels.

This past June, state lawmakers unanimously approved a landmark piece of legislation that is designed to conserve, maintain and restore the health of New York's coastal, ocean and Great Lakes ecosystems. The New York Ocean and Great Lakes Ecosystem Conservation Law makes New York one of just two states in the nation (along with California) to have adopted an ecosystem-based management approach to caring for these resources. It is an approach that the two national ocean commissions as well as the authors of the recent *Science* article recommend as a fundamental tool needed to avert potential catastrophe.

Ecosystem-based management (EBM) moves beyond the traditional species-by-species, problem-by-problem management approaches to a more comprehensive, integrated approach that takes account of factors such as the interplay between and among different species, including food web interactions, and the availability of suitable habitat like submerged aquatic vegetation to sustain ocean life. It allows us to gain a more complete picture of the challenges we face and, in doing so, create more lasting and sensible

solutions. The goal of EBM is to maintain healthy, productive and resilient ecosystems so that they can provide the goods and services humans need and want.

New York's law also created a new body, the New York Ocean and Great Lakes Ecosystem Conservation Council, to better coordinate management of our marine resources, improve our ocean systems data gathering work and speed up our restoration and protection activities. This interagency council, chaired by the Department of Environmental Conservation Commissioner (DEC) and staffed by the Deputy Secretary of State for Coastal Resources, is tasked with creating guidelines for agency actions that impact marine habitats and the species that live in them, defining the executive and legislative actions necessary to integrate EBM with existing programs, overseeing the development of an ocean atlas that combines the current data resources into one user-friendly website and identifies gaps in our ecosystem knowledge and identifying opportunities for regional solutions to ocean and coastal resources. ***The Council will need your support to carry out its important mission of revitalizing our critical marine resources.***

We strongly encourage you to take the following steps in the first six months of your Administration:

- 1. Call for the Creation of an Ocean Health Index in the State of the State** in order to provide a user-friendly, annual assessment of the health of New York's ocean and coastal ecosystems. The state should establish clear, measurable parameters necessary for healthy, productive and resilient ocean and coastal ecosystems, and see where improvements are needed. The Index would present the impacts from pollution, habitat loss and overfishing in a simple and compelling manner and be widely distributed to improve public understanding of the state's challenges in and opportunities for protecting our marine resources. The Index could be released annually at a public event with broad visibility – including a target list of federal and regional actions that the state will act on to respond to the report findings. A blue ribbon panel of scientific experts should be established to identify how New York's ocean health has shifted from its recent historical past and advise the state in development of the report's key state ocean health indicators. The panel should also provide input into the annual assessment of how these indicators are fairing.
- 2. Convene a Conference of Mid-Atlantic Governors** to address coastal and ocean issues of regional importance, such as bycatch management or the predicted loss of critical marine habitats from sea level rise. In September, the governors of Oregon, Washington and California formally agreed to manage their Pacific Ocean resources on an ecosystem level; the Mid-Atlantic governors should similarly tackle threats facing the region's shared ocean resources.
- 3. Advance the New York Ocean and Great Lakes Ecosystem Conservation Council's work** by establishing agency guidelines that restore and protect marine resources and supporting the Council's ecosystem-based management approach through continued work on the Great South Bay and Eastern Lake Ontario pilots and development of new ocean and Great Lakes pilot projects. Establish a formal public advisory committee and a science advisory committee to help guide the Council's work. Additionally, make sure the incoming DEC Commissioner, who chairs the Council, and the Secretary of State and his or her deputy (who serves as the Executive Director of the Council) place a high priority on implementing the new law and on making the Council function effectively.
- 4. Support additional funding for New York's ocean, coastal and Great Lakes resources.** We urge you, as part of an expanded \$500 million Environmental Protection Fund (EPF), to dedicate \$15 million to ocean and bays restoration and protection actions and \$10 million for the Great Lakes. This funding would be used to do a variety of things, including:

- Support geographic expansion of the Council's current ecosystem-based management pilot projects in Great South Bay and Eastern Lake Ontario, create new pilots for the Peconic Estuary/Block Island Sound and the Genesee Watershed and build on ongoing EBM efforts in the Hudson River Estuary
- Fund the Council's Seagrass Task Force and help restore these important underwater nurseries
- Create a fund to encourage movement away from practices that damage marine resources (e.g., use of particular fishing gears) toward sustainable ones
- Expand nearshore scientific trawl surveys to better understand state fish and shellfish populations and continue critical research on the state's failing winter flounder population
- Implement a pilot program for at-sea observer coverage to capture reliable information on the nature, extent and location of bycatch, the incidental take of juvenile fish, seabirds and other marine life
- Implement Great Lakes Regional Collaboration Strategy Team (GLRC) recommendations, released December 2005 to improve the overall health of the Great Lakes. The GLRC identified eight critical areas and the New York State can play a critical role in implementing many of these important recommendations, including, but not limited to, wastewater treatment improvements, supporting toxic hot spots or Areas of Concern (AOCs) clean-up efforts and addressing aquatic nuisance invasive species.

We also welcome the opportunity to work with you this year on developing a system to manage spatial conflicts present in New York's offshore areas. With an increasing number of offshore energy development proposals and fish and shellfish populations already under strain, an effort is sorely needed to identify areas critical for different ocean and Great Lakes activities, such as fishing and renewable energy, and develop a system for managing user conflicts that ensures marine and Great Lakes ecosystem health.

Additionally, we hope to open fisheries management to include broader input and expertise. All of us are invested in our fisheries' health, and all perspectives should be heard in order to solve the problems we face. We ask that you broaden the range of candidates nominated to the Mid-Atlantic Fishery Management Council (which manages fisheries in federal waters) and the Atlantic States Marine Fisheries Commission (which manages migratory fisheries in state waters) to include scientists and marine conservationists with no ties to the fishing industry. All perspectives should be heard in order to solve the problems we face.

Thank you for your consideration of these actions and funding recommendations. Please note that, in addition to each listed group's individual missions, the environmental organizations below also are working together to support a proactive agenda to restore and protect New York's marine and Great Lakes resources. We greatly appreciate the opportunity to make these comments and look forward to continuing to work with you to protect New York's ocean, bays and Great Lakes.

Sincerely,

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 Natural Resources Defense Council

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Executive Director
Audubon New York

Adrienne Esposito
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