



February 12, 2010

Nancy Sutley
Chair, Interagency Ocean Task Force
Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

Re: Comments on the Interagency Ocean Task Force Interim Framework

Dear Chairwoman Sutley:

I am writing on behalf of the Western Urban Water Coalition (WUWC) to submit comments on the Interagency Ocean Policy Task Force's (Task Force) December 9, 2009, Interim Framework. The WUWC consists of the largest urban water utilities in the West, serving over 30 million western water consumers in 13 metropolitan areas in six states.¹ WUWC members own and operate water management, water supply, and hydroelectric projects, including dams, water conduits, reservoirs, and other facilities involved in water supply, transfer, and power generation services.

Many of the WUWC's members have an interest in the management of marine resources. Even members located in non-coastal states are affected by ocean resource management decisions, such as those who use water from the Colorado River, which flows into the Gulf of California. Additionally, the WUWC recognizes that climate change is having a negative effect on the oceans, contributing to ocean acidification and sea level rise and harming marine life. These changes adversely impact the operations of WUWC members and their customers, and the WUWC recognizes the importance of developing and carrying out an effective, long-term, comprehensive strategy for managing ocean and coastal resources.

As a preliminary matter, the WUWC has followed with interest the Task Force's progress. The WUWC attended the July 17 water utilities stakeholder group meeting, represented by Donald Baur. Thank you for inviting the WUWC to participate in that meeting, and please continue to include us in future meetings.

¹ The membership of the WUWC includes the following urban water utilities: Arizona – Central Arizona Project, City of Phoenix; California – East Bay Municipal Utility District, Metropolitan Water District of Southern California, San Diego County Water Authority, City and County of San Francisco Public Utilities Commission, Santa Clara Valley Water District; Colorado – City of Aurora, Denver Water; Nevada – Las Vegas Valley Water District, Southern Nevada Water Authority, Truckee Meadows Water Authority; and Washington – Seattle Public Utilities.

The WUWC submitted a comment letter to the Task Force on July 31, 2009, setting forth four elements that we believe should have been included in the framework. These include: 1) as a general matter, the WUWC supports the development of comprehensive resource management programs that clearly define federal objectives and requirements while recognizing the rights and responsibilities of various parties, including state and local government, who participate in, and are affected by, the program; 2) noting that long-term commitments will likely be necessary, the WUWC supports the establishment of a consensus-based mechanism for adjusting the program when nonfederal parties are involved or affected by federal action; 3) recognizing that the issue of how to identify the legitimate preference for certain marine uses over and above competing uses, the WUWC recommends that the clear priority be recognized for drinking water supply; and 4) the WUWC supports an ocean policy in general, and marine spatial planning program in particular, that accommodates stakeholder and public involvement at every stage.

Our letter also included a list of nine specific issues for the Task Force to consider: 1) control of invasive species, including those that travel through ocean waters to fresh water; 2) protection of water rights and supplies that otherwise reach coastal waters; 3) protection of interstate compacts and obligations thereunder; 4) the need to honor the seven-state agreement on the Colorado River, including the storage/release criteria; 5) the need to abide by and honor NPDES limits in permits and the infrastructure investments made to meet the same; 6) exploration of the use of the "net environmental benefit" concept in ecosystem protection; 7) examination of desalination opportunities and brine disposal technologies; 8) respect for "local" land use decision-making; and 9) increased efforts and financing for studies and data gathering with respect to ocean conditions and activities, and the impact on anadromous fish runs, and, to the extent effected, pelagic organisms.

On October 16, 2009, the WUWC submitted comments in response to the September 2009 Task Force Interim Report, stressing the need for integration of rivers and watercourses into the overall framework and reiterating the policy points made above.

The WUWC again commends the Task Force for issuing the December 2009 Interim Framework, which focuses extensively on the concept of coastal and marine spatial planning (CMSP), one of the nine priority objectives proposed in the September 2009 Interim Report.

The WUWC supports the findings and proposed process set forth in the Interim Framework. We are encouraged to see the inclusion of land-based activities and their relationship to CMSP included for consideration in the Interim Framework. Unless the rivers and watercourses that connect to our oceans and coasts are covered by the policy initiatives of the Task Force, it will be far more difficult to achieve the goals set forth for oceans and coasts. The WUWC also supports the recognition that protecting the quality of our rivers and watersheds is an independently significant goal. The WUWC agrees with the Framework that there is sufficient legal authority to implement marine spatial planning.

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The area that is lacking, however, is how decisions will be made and the affected stakeholders and public will be incorporated into the decision-making process. The Task Force is embarking on an extremely ambitious program that will have far-reaching consequences. It should not attempt to do so in the absence of an open and transparent decision-making procedure that is fair and equitable to all participants and affected parties. It is especially important to ensure that the interests of parties like the WUWC members, who may not be in coastal areas but will be affected by marine spatial planning decisions for watercourses and watersheds, are adequately represented. Care must be exercised to avoid a situation where traditional constituents of coastal and marine policy decisions are allowed a disproportionate role in decision-making that will affect upstream uses and conservation needs and interests. The Task Force should devote separate attention to the procedural and stakeholder/public participation components of the marine spatial planning framework and invite additional comment on the proposed mechanism for decision-making.

The WUWC continues to recommend that the final framework prepared by the Task Force establish the processes by which these and other important issues can be addressed. Thank you for considering these comments. If you require further assistances, please contact Donald Baur or Guy Martin with Perkins Coie, counsel for the WUWC, at 202-628-6600.

Very truly yours,



Guy R. Martin