COASTAL AMERICA PROGRAM AND THE TRANSFER OF NOAA PROPERTY TO THE BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
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OVERSIGHT HEARING ON THE COASTAL AMERICA PROGRAM, AND ON THE TRANSFER OF CERTAIN NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) PROPERTY TO THE BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

Thursday, October 3, 2002
U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to call, at 10 a.m., in room 1334, Longworth House Office Building, Hon. Wayne T. Gilchrest [Chairman of the Subcommittee] presiding.

Mr. GILCHREST. I think Ms. Woolsey is on her way, so we will wait a couple minutes. We have a vote at 10:15 and probably will have a lot of extraneous votes.

[recess.]

Mr. GILCHREST. The hearing will come to order. I think what we may do is begin and we can listen a little bit to Ms. Woolsey here, and I can also listen to her on the floor and she can submit her statement for the record. But we are here to talk about how we can better promote Coastal America's interagency programs and coordinate all them so the impact from all this study—oh, there is Ms. Woolsey. That should look interesting in the record. We start off, oh, there is Ms. Woolsey. Why don't you come up because we are going to have a vote in 10 minutes. So give your testimony and we will move to Mr. Connaughton and then Mr. Gudes.

But Lynn why don't you come up and we will start with you. There are two parts of the hearing, one is to protect agricultural land in California, as I understand. And the other is to develop a system, the intergovernmental agencies can work more efficiently to promote and protect and restore the Nation's coast lines.

[The prepared statement of Mr. Gilchrest follows:]

Statement of The Honorable Wayne T. Gilchrest, a Representative in Congress from the State of Maryland

Today the Subcommittee is hearing testimony on proposed legislation to solve a funding glitch that has delayed administrative funding for Coastal America, and on H.R. 5498, a bill to transfer certain National Oceanic and Atmospheric Administration (NOAA) property to the University of California System.

Coastal America promotes interagency cooperation on environmental restoration projects. Unfortunately, prohibitions on Federal agencies receiving and expending funds from other agencies without explicit statutory authority has threatened program operations this year. I understand that stopgap measures have been put in place to allow the program to continue, but I look forward to hearing from the Administration regarding a permanent solution. I also look forward to hearing how Coastal America will mesh with the Estuarine Habitat Restoration Council established under legislation that I introduced in the 106th Congress.

Congresswoman Woolsey and Congressman Miller have introduced legislation to direct the Secretary of Commerce to transfer certain property now owned by NOAA to the University of California System. I look forward hearing from the bill's sponsor this morning as well as Dr. Corrigan and it is always good to hear from Scott Gudes.

Mr. GILCHREST. Ms. Woolsey.

STATEMENT OF THE HON. LYNN C. WOOLSEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. WOOLSEY. Thank you very much, Mr. Chairman, for letting me do this before we go vote, because we are going to be on the floor for a while.

Mr. GILCHREST. Who is being disruptive this morning?

Ms. WOOLSEY. Not me, Mr. Chairman. I am here. I am here begging you to do something I need. Thank you for giving me this opportunity. I am testifying in support of H.R. 5498, and it is my bill to convey the NOAA facility in Tiburon, California to the board of trustees of the California State University system. This facility is on property in my congressional district that NOAA has shared with San Francisco State since 1977.

At that time, SFSU won approval to develop a field station and marine laboratory dedicated to the study of San Francisco Bay. The SFSU part of this property became the Romberg Tiburon Center for Environmental Studies. It is really beautiful. It is the off-campus marine and estuary research and teaching facility for the university. The coastline where the NOAA facility and the Romberg Center are situated are one of the largest and most urbanized estuaries in the United States, San Francisco Bay. Unfortunately as an ecosystem, the San Francisco Bay has suffered extensively from human development as you can imagine, because you know your own bay.

I visited the Romberg Tiburon Center, and I have seen firsthand the excellent work that they do and the Center's research stands at the forefront of understanding how human development affects the ecosystem. Research, however, is not the main purpose of the Center. It is, first and foremost, an educational facility which is unique to this area in that it provides education for an urban student body about the issues of urban aquatic environments.

Due to its success, the Romberg Center now faces significant problems because it is a rundown facility and it lacks space for a growing education and research program that is very, very popular in our area and nationwide actually.

The facility that NOAA has vacated includes access to the waterfront, a boat ramp and dock, and this is crucial to the work of the Romberg Tiburon Center. My legislation codifies what has been a long time cooperative working arrangement between NOAA and the Tiburon Center that gives students and researchers direct ac-

cess to the Bay. If San Francisco State University had to go through the usual channels to acquire the NOAA facility, it would take 3 to 5 years. So we are hoping that we can shorten that and that we would have a guarantee that SFSU could get the facility in the end and get it through this Committee with something you are going to do this afternoon, actually.

The communities in my district that are closest to the Center, Tiburon and Belvedere, very much want the Romberg Tiburon Center to acquire the NOAA facility, and they strongly support my legislation. The Romberg Tiburon Center has been a good neighbor to these and other nearby Marin County communities and they are unanimous in their desire to make sure that the educational and research use of the property is continued. Dr. Robert Corrigan, President of San Francisco State University, will be on your next panel and he will tell you a lot more about the project than I am today. Again, I thank you for hearing me and for the opportunity to speak and I hope for your support in this regard.

Mr. GILCHREST. Thank you very much, Ms. Woolsey.

[The prepared statement of Ms. Woolsey follows:]

Statement of Lynn Woolsey, a Representative in Congress from the State of California

Thank you for giving me this opportunity to testify in support of H.R. 5498, my bill to convey the NOAA facility in Tiburon, California to the Board of Trustees of California State University.

This NOAA facility is on property in my congressional district that NOAA has shared with San Francisco State University since 1977. At that time, SFSU was given approval to develop a field station and marine laboratory on the property, dedicated to the study of the San Francisco Bay.

The SFSU part of this property became the "Romberg Tiburon Center for Environmental Studies", the off-campus marine and estuarine research and teaching facility for SFSU.

The coastline where the NOAA facility and the Romberg Tiburon Center are situated is one of the largest and most urbanized estuaries in the United States - San Francisco Bay. Unfortunately, as an eco-system, the San Francisco Bay has suffered extensively from human development.

I've visited the Romberg Tiburon Center and have seen first-hand their excellent work.

The Romberg Tiburon Center's research stands at the forefront of understanding on how human development affects an eco-system.

Research, however, is not the main purpose of the Romberg Tiburon Center. It is, first and foremost, an educational facility which is unique to this area, providing education for an urban student body about the issues of urban aquatic environments.

Due to its success, the Romberg Tiburon Center now faces significant problems due to run down facilities and lack of space for a growing education and research program.

The facility that NOAA has vacated includes access to the waterfront, a boat ramp and dock, which is crucial to the work of the Romberg Tiburon Center.

My legislation codifies what has been a long-time cooperative working arrangement between NOAA and the Romberg Tiburon Center that gives students and researchers direct access to the bay.

If San Francisco State University had to go through the usual channels to acquire this facility, it would take from three to five years to complete the process and there would still be no guarantee that SFSU would get the facility in the end.

The communities in my district that are closest to the Center, Tiburon and Belvedere, very much want the Romberg Tiburon Center to acquire the NOAA facility and they strongly support my legislation. The Romberg Tiburon Center has been a good neighbor to these and other nearby Marin county communities and they are unanimous in their desire to continue the educational and research use of this property.

Dr. Robert Corrigan, President of San Francisco State University, on the next panel, will discuss more about the need for this legislation.

Again, I want to thank you for this opportunity to speak and I am, of course, happy to answer any questions you might have.

Mr. GILCHREST. I think that is an excellent idea. Sets a precedent and example that can be done in other parts of the country, including the Chesapeake Bay, where there are some facilities that are in a transition period.

So we wish you all the best and I think we may mark that up this afternoon with the full Committee. Thank you for your interest.

Mr. Underwood?

Mr. UNDERWOOD. Of course, it is excellent legislation because it comes from our friend, Lynn Woolsey. But more importantly, for all the reasons you have outlined, it is important and certainly we appreciate the speed with which we are taking this legislation, and I have a statement to enter in the record in support as well.

Mr. GILCHREST. Thank you, Mr. Underwood.

[The prepared statement of Mr. Underwood follows:]

Statement of Hon. Robert Underwood, a Delegate to Congress from Guam

Thank you, Mr. Chairman. Let me begin first by saying how pleased I am to be able to join you at this morning's hearing.

Allow me also to welcome our colleague, Congresswoman Lynn Woolsey. On behalf of Congresswoman Woolsey, let me say that I appreciate that you have chosen to expedite the committee's consideration of her bill, H.R. 5498.

Congresswoman Woolsey has worked tirelessly in preparing this legislation to convey the former National Marine Fisheries Service property in Tiburon, California to San Francisco State University, and I look forward to hearing her views.

Frankly, I was surprised to read in Dr. Corrigan's written statement that the Romberg Tiburon Center is the only academic research facility located on San Francisco Bay. Also impressive is the sophisticated level of marine and estuarine research supported by the Center. It would appear that the Center's national and international recognition as a major center for scientific research is well-deserved. It's future appears equally bright and ambitious.

But aside from the significant benefits of enhancing the capabilities of this acclaimed research institution to support environmental research and restoration activities in San Francisco Bay, we should not overlook the fact that the Tiburon site has been in public ownership for nearly a century. For virtually that entire span, the Tiburon site has supported a wide array of water-dependent activities such as commercial fishing, naval operations, scientific and applied research, and marine-related education and public outreach.

In my view, the conveyance proposed in HR 5498 makes eminent good most sense. This legislation offers a win-win situation for San Francisco State University and for NOAA who will still have open access to the property and use of one building for equipment storage.

Furthermore, all questions of title and liability are settled, and any private property "takings" concern is irrelevant. Moreover, this conveyance is vastly superior to the alternative scenario of the General Services Administration's excess property process.

Mr. Chairman, I support HR 5498, and even though little time remains this Congress, I hope to be able to work collaboratively with you and with Congresswoman Woolsey to find a way to move this legislation to a successful conclusion before the Congress adjourns this year. Thank you.

Mr. GILCHREST. Anything further, Ms. Woolsey?

Ms. WOOLSEY. I just think if we could do it this afternoon, it would make a big difference to San Francisco State University and to the community that I represent.

Mr. GILCHREST. Thank you. I don't think that will be a problem. We will do our best and look forward to the success of this venture to help educate young urban people about the importance of people living in harmony with nature's bounty.

Ms. WOOLSEY. Thank you very much. And Mr. Chairman, I would ask you to come out and visit the Center.

Mr. GILCHREST. I would very much like to. I think what we will do now since we have a vote underway, we will take a short recess because I guess I can be back here in less than 10 minutes and I will know better what the vote schedule is. We will take a short recess and I will be right back.

[recess.]

Mr. GILCHREST. Hearing will come to order. Thank you for your patience once again.

And Mr. Connaughton you may begin sir.

STATEMENT OF HON. JAMES CONNAUGHTON, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY

Mr. CONNAUGHTON. I think I need to begin expressing my pleasure to be here, in particular as a Baltimore boy and as an avid sailor and an avid beachcomber. I envy you your district. It is one of the finest places up and down the eastern seaboard, and it must be great to be representing that area.

Mr. GILCHREST. It is a splendid challenge.

Mr. CONNAUGHTON. I can imagine. I am also pleased to be here with Scott Gudes from NOAA, who has certainly been a great participant and enthusiastic supporter of Coastal America's effort with its counterparts at NOAA. It was just a year ago that I convened the first meeting of the Coastal America principles under President Bush's administration.

And shortly thereafter, we were celebrating the 10th anniversary of the Coastal America's program. It was a program that was conceived by a handful of individuals 10 years ago, now 11 years ago, and has survived in its sort of wonderful coordinating form and produced great results in a remarkably efficient way. So it is a real jewel. And its longevity is a testament to its success and the level of interest across the administration to sustaining the program.

I was particularly impressed by the high level commitment, not just to the Federal level of this program, but more importantly, the regional level to this program as providing the glue to coordinated actions and the glue to providing innovative solutions to challenging coastal problems.

Last fall, I had the good pleasure of presenting some partnership awards to the Maine Coastal Wetlands Restoration Team, which consists of government officials and the Maine Corporate Wetlands Restoration Partnership, which is the nongovernmental side, and again to be in that setting—I have done several since—and see the remarkable collaboration and sort of results-oriented kind of conversations that produces these results against the kind of thing we need to be replicating over and over and over again are these teams of local interested parties coming together and owning the outcome.

And that was a prime example. That team had restored 300 acres of wetlands at 11 sites. And I personally helped them break

ground at their next project site, which was the Scarborough Marsh. The corporate wetlands restoration component of that was really quite consequential as well and they were, you know, were there as a real partner in getting the job done and again banking the results.

If you take the public side and you add the nonpublic side, there are currently 104 companies and 54 nongovernmental organizations who participate in the Coastal America program. So it is a program that is readily accessible. And with those kinds of numbers of participation, again, it is a real example of the kind of glue or magnetism that these results or partnerships can produce. This Subcommittee had asked how Coastal America's activities would be coordinated with similar activities undertaken pursuant to the estuary restoration act of 2000 which I know Mr. Chairman you were strongly a key player in.

Obviously, as you know, the process of deciding the restoration of environmental activities is not complete through the Estuary Habitat Restoration Council. But certainly we are looking at the extent to which the Coastal America's framework can be a useful tool to help accomplish the objectives of the Act. There are many tools across government, but this is one that can be an important contributor.

Second the Subcommittee asked how many acres have been restored by Coastal America's projects and what the costs of such restoration has been. First, as you are aware, Mr. Chairman, Coastal America is a tool that facilitates the work of numerous agencies. So it draws upon their statutory authorities and their budgets and helps link them together to produce a collective and coordinated action. It has been difficult to roll it all up into one number, but I can give you a flavor for the performance metrics. First more than 600 projects have been initiated.

The size of the projects range from 1 to 60,000 acres. 50 projects alone produced 80,000 acres of coastal wetlands, restored and protected; 42 dam removals, 29 of which have opened over 3,000 miles of river. The cost of running the Coastal America's coordination effort has been between 200- and $300,000. It is really cheap for the coordination function that is provided. And then, of course, the agency budgets, we are talking about harnessing over $100 million of agency budget that is through their appropriated programs.

Finally, the Subcommittee had asked how CEQ resolved the fiscal year 2002 interagency funding problem. We resolved it with the lawyers getting together and lining up the CEQ management fund process to conform with the law to enable us to receive the money to allow NOAA to administer it. I just—I can tell you today we settled that. The funds are getting into the program and we look forward to the next 10 years at Coastal America.

Mr. GILCHREST. Thank you very much. Right on the mark.

[The prepared statement of Mr. Connaughton follows:]

Statement of James L. Connaughton, Chairman, Council on Environmental Quality

Mr. Chairman, Mr. Underwood and Members of the Subcommittee:

I am Jim Connaughton, Chairman of the Council on Environmental Quality. I am also Chairman of the Coastal America Principals Group, the governance body for the Coastal America Partnership.

I appreciate the opportunity to appear before the Subcommittee today to discuss Coastal America. Coastal America can provide useful insights for the Subcommittee as it contemplates how to increase the effectiveness of programs that involve multiple agencies. I am pleased to share this panel with Mr. Scott Gudes from the National Oceanic and Atmospheric Administration.

I have taken an active interest in the Coastal America Partnership during my tenure as Chairman of the Council on Environmental Quality and the Coastal America Principals Group. Last December, I had the opportunity to present partnership awards to the Maine Coastal Wetlands Team and the Maine Corporate Wetlands Restoration Partnership (CWRP) which had restored 300 acres of wetlands at 11 sites, and I personally helped them break the ground at their next project site, Scarborough Marsh. Last May, I had the opportunity to participate in a fish release ceremony celebrating the completion of a series of fishways on the Cooper River which flows through Camden New Jersey. I have seen how Coastal America partners combine their resources, expertise and authorities. For example, one of the most valuable military contributions to the partnership has been the use of military training exercises to accomplish environmental restoration objectives.

Last week, Coastal America presented an award to an Army Reserve unit that removed a dam in Plymouth, Massachusetts, thereby restoring anadromous fish spawning habitat while receiving important mission-critical training experience.

Coastal America began in 1992 as key executive branch officials decided how best to implement President Bush's wetlands policies. The core responsible agencies—NOAA, EPA, Corps of Engineers, and Fish and Wildlife Service—recognized the need for a coordinating mechanism among Federal agencies working on wetlands issues.

Ten years later, Coastal America has established a successful track record and is distinguished by:

- National MOU with shared goals and objectives
- Nine Regional teams supported by a national structure
- Flexible regional approach to meet local needs
- Effective leveraging of resources
- Combined existing program authorities
- Inclusive process (Federal/State/local/Tribal/private)
- Voluntary involvement
- Action focus with on-the-ground projects
- Well-established awards program
- Coastal Ecosystem Learning Centers network
- Corporate Wetlands Restoration Partnership

The Administration is emphasizing five basic themes in carrying out our environmental management responsibilities:

1. Stewardship—ensuring that responsibility of caring for the resources is vested in those interests that are close to the resources
2. Innovation—identifying new management and regulatory solutions to existing environmental challenges
3. Science-based decision-making—ensuring that policy and management decisions are based on the best available science
4. Federalism—focus on partnerships and collaboration with State and local interests
5. Compliance—assuring that environmental compliance is integrated into decisions

The Coastal America track record establishes it as a model for success on each of these themes.

This Administration has focused on fish, wetlands, water and watersheds. Fish protection is a difficult interagency policy issue and an Administration priority. Wetlands are vital to preserving and enhancing water quality and wetland ecosystem restoration and protection is also a priority for preserving wildlife habitat and support services. The Administration is also focusing on assessments of water and watersheds and we will continue to establish direction in this policy area over the next two years. Each of these goals should be addressed and managed comprehensively and that requires a multi-agency approach that transcends individual agency responsibilities. The Administration is looking for ways to replicate the success of Coastal America in a broader context to address these issues.

These issues are complex and interrelated. Often, individual agencies are only authorized to take incremental approaches. But we think that in most cases, authorities and resources are sufficient, if they can be deployed more strategically.

To be effective, collaborative strategies must integrate technical and managerial capabilities and resources of Federal partners with those of State, Tribal, local, and nongovernmental organizations to identify and solve specific local problems. These

collaborative endeavors must be united by the principles of sustainable development. Further, effective natural resource management strategies must be developed within an ecosystem and watershed context.

The following criteria for ensuring successful collaborative governance were developed by the Coastal America Principals in 2002. The criteria are applicable to any organized collaborative enterprise. To be successful, the collaborative arrangement:

- Must allow and provide for individual missions of the different programs to be maintained in their entirety.
- Must increase coordination among the programs.
- Must increase efficiency (which is similar to, but different than, increased coordination).
- Must provide for accountability (collectively and by agency) to be maintained, and expectations to be met.
- Should be transparent and easily understood by the all stakeholders.
- Should encourage a collaborative approach between Federal, State, Tribal and local entities.

Coastal America exhibits these criteria as it operates through a local-regional-national structure that is composed of:

- Principals Group—Assistant Secretaries of the partnering departments. Meet periodically to set policy direction for collaboration.
- National Implementation Team—Larger group of senior managers from the partner agencies. Meet monthly to address policy conflicts and provide support to the Regional Teams.
- Regional Implementation Teams—This is the core of Coastal America. Nine teams covering all domestic coastal areas, including the Upper Mississippi and Great Lakes. Comprised of senior regional officials of the partner agencies. As the primary operating units for interagency consultation and action, they identify regional issues, develop strategies, and select and prioritize projects. They are advocates for the projects with their headquarters counterparts. They communicate, build relationships, synthesize information and look for ways to break down barriers that could prevent collaboration.
- Project Teams—Locally-based groups comprised of Federal, State, Tribal and local organizations. They are established as needed to implement projects. The Regional Implementation Teams spawn and support the project teams.

The Added Value

Coastal America provides an established mechanism and process that allows the agencies to plan and act strategically and employ their resources and authorities in concert to achieve more effective results quicker. Participants in Coastal America enjoy the following benefits:

- Ready mechanisms and processes for addressing complex ecological issues.
- Quicker implementation of projects that cross jurisdictional lines.
- Mechanism to focus national attention and encourage support for innovative solutions that may require removal of programmatic or regulatory barriers.
- Mechanism for involving private sector in restoration and protection efforts (Corporate Wetlands Restoration Partnership).
- Effective means for increasing public understanding of coastal processes, issues, and needs (Coastal Ecosystem Learning Centers).

The Coastal America experience is unique and is an excellent model for effective collaboration within the Federal government. This partnership focuses complex and diverse interests on collaborative, comprehensive solutions to which several agencies may each contribute. It is the nature of collaborative efforts that each of the partners makes a contribution to the whole, thus providing for a more comprehensive solution.

I would like to turn now to the questions posed by the Subcommittee in my invitation letter. First, you asked how Coastal America's environmental restoration activities would be coordinated with activities of the Estuary Habitat Restoration Council, the estuary habitat restoration strategy and the estuary habitat projects authorized by the Estuary Restoration Act of 2000.

The coordination mechanisms have not yet been fully developed, because there has not yet been funding for projects under the Estuary Restoration Act of 2000. The Administration is continuing to examine the options for implementing the Act, and I assure the Subcommittee that coordination will be considered.

The Subcommittee asked how many acres have been restored by Coastal America projects since the program's inception and what the costs have been. We do not have a complete accounting of the cumulative acres restored or the dollars spent. Participating agencies report those accomplishments and expenditures for which they are responsible.

Implicit in the development of such a shared system is the need to settle on common terms and definitions along with common performance measures. The Administration is now moving forward to develop common performance measures for work processes that are common to multiple federal agencies. OMB is providing leadership to the Executive Branch agencies through the budget process. In April of this year, OMB Director Mitch Daniels provided the first draft guidance for shared performance measures for wetlands. These have served to foster discussion among the participating agencies. We foresee the development of shared measures in the near future.

Although I cannot report to you today a specific number of acres of wetlands that has been restored over the ten years that Coastal America has been in operation, I can apprise you that more than 600 separate projects have been initiated through Coastal America. These projects include wetland restoration, dam removal, species protection and pollution mitigation. These projects range in size from 1 to 60,000 acres.

As to cost, Coastal America is a program that operates with minimal funding from several Federal agencies. In Fiscal Year 2002, Coastal America's budget was $282,000. In Fiscal Year 2001, it was $192,000; in Fiscal Year 2000, it was $135,000. The recent increase represents the increased support being given to Coastal America by this Administration.

Lastly, the Subcommittee asked how CEQ is resolving the fiscal year 2002 interagency funding problems faced by Coastal America. The Council on Environmental Quality has statutory authority to receive payments from agencies to finance Federal interagency environmental projects and task forces, such as Coastal America. Because of issues regarding NOAA's authority to accept interagency financing for Coastal America, CEQ agreed to create a management fund pursuant to its statutory authority to finance Federal interagency environmental projects and task forces. However, CEQ did not want to issue a new charter for a Coastal America Task Force without having promulgated management fund regulations with amendments to allow continued administration of the Coastal America Program by NOAA. These regulations were mandated by statute in 1984 and had not been promulgated as of 2002. Thus, we worked with the Office of Management and Budget and the Office of Administration to (1) finalize the amended regulations; and (2) finalize the Coastal America management fund charter, in that order. We were successful, and I have adopted the amended regulations and executed a Coastal America management fund charter.

As a result of this work, a Coastal America management fund has been created in full accord with the new regulations. We have a budget in place for Coastal America's immediate needs, and three agencies are in the process of transferring funds to this management fund for Coastal America.

Thank-you for the opportunity to address the Subcommittee today.

Mr. GILCHREST. Mr. Gudes.

STATEMENT OF SCOTT B. GUDES, DEPUTY UNDER SECRETARY FOR OCEANS AND ATMOSPHERE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

Mr. GUDES. Thank you, Mr. Chairman, Subcommittee members, Subcommittee staff, thank you for the opportunity to appear here today to testify on Coastal America and the transfer of the NOAA property at Tiburon, California to San Francisco State. As always, we appreciate your strong support for our programs and for all our environmental programs, estuary programs across the country.

And actually, today is kind of significant. We are going to be leaving here to take part in estuary live, which is going to connect school kids across the country and talk about the importance of estuaries. And this weekend is National Estuaries Day. As Chairman Connaughton just said, the Coastal America partnership was established to protect, preserve and restore coastal watersheds by integrating Federal actions with State local and tribal governments and nongovernmental efforts. At NOAA, we are an enthusiastic

partner in this program. We are one of 12 agencies. Coastal America is a very effective way—it is a mechanism and one of the ways that our agency has worked on restoring habitat, restoring fisheries, improving estuarian area.

And in fact, Virginia Tippee, the executive director is a NOAA alumni. So we are pretty proud of that, and somebody who comes to the job all the time showing a lot of caring, dedication to the importance of our environment and estuarian areas and the importance of habitat restoration. In your letter to NOAA, you asked a few questions. Chairman Connaughton covered a few of those, but let me cover a few you asked. The first question concerns if we think additional statutory authority will be needed to accept and expend funds for Coastal America.

My answer is that knowing the Department of Commerce have, in fact, been concerned regarding interagency financing issues for Coastal America since the partnership was set up back about 1994. And that is because there is an annual appropriations provision—I think it is section 610 of the Treasury appropriations bill, and it is commonly called, I quote, the ″anti-pass-the-hat provision.″ and it restricts Coastal America's ability to obtain contributions from partner agencies.

It basically says you can't augment an appropriation by going to other agencies without specific authority, which is why you are considering this issue. So as a result of this restriction in fiscal year 2002, frankly, NOAA found itself unable to disburse distributions for Coastal America, and as a result, we worked with the Chairman and his staff, and they were very helpful in coming forward and having the Council on Environmental Quality manage the interagency contributions for Coastal America using the management fund authority. But I think, as the Chairman said, CEQ has noted and all of us feel at NOAA and the other agencies that we should continue to seek legislation that allows us to go back to the process where we would be able to go back and collect agency contributions and support them from NOAA. So that is the legislation before you.

Your second question asked what authorities does NOAA use or enter into cooperative agreements and general contracts and grants. Could we use additional authorities? I would say that NOAA, because of its broad range of programs—it is interesting. We are probably so diverse eclectic agency, but we don't have any single authority that we use for entering into cooperative agreements, contracts, grants, to carry out our programs.

For example, just take NOAA's national ocean service. We rely on the provisions of the Coastal Zone Management Act, the National Marine Sanctuaries Act, the Coast and Geodetic Survey Act, and several other acts to try to do business on a regular basis with our different partners.

So each of NOAA's multiple authorities has its own requirements. Some authorities allow us to enter into agreements with other Federal agencies, while others allow a broad range of partners. These authorities also differ as to whether NOAA may transfer and receive funds from other parties for services. So we believe that clarifying and updating the agency's current authority to enter into cooperative agreements, contracts and grants and other ar-

rangements will enable us to work more efficiently with private sector partners and to keep pace with evolving responsibilities.

Your third and fourth question were about coordination between Coastal America and the activities authorized by the Estuary Habitat Restoration Act of 2000, the number of wetlands restored and the projects in which Chairman Connaughton just covered.

I guess I would like to note, first of all, that I sit on the Estuary Habitat Restoration Council, and am fairly well versed in the activities that it has been following, and that these programs are particularly important to me that I have taken part in. In fact last week, I was doing an Oyster Restoration Project out at Kent Narrows at the Horse Head Environmental area.

Coastal America is an important part of these programs. It is an important part of the number of tools and relationships, and I think it is something, as the Chairman said, that the Estuary Habitat Restoration Council will take a look at as a mechanism and the way of doing business. Regarding the Subcommittee's draft bill on Coastal America, NOAA generally supports the legislation obviously to accept and expend funds for other Federal agencies as I mentioned. There is a small technical change we proposed.

And finally you asked about the Tiburon land conveyance and an opportunity to commit—to comment on representative Woolsey's draft legislation to authorize the transfer of the former NOAA lab at Tiburon. The Tiburon lab, I think as you know, has been used for some 40 years. And in 2000, we moved down the coast to the Santa Cruz site where we are co-located with the University of California at Santa Cruz.

Some of this property was disposed in 1978 through the regular 49 Property Act disposal procedures. A minor portion of the property is still needed by NOAA as a storage facility for our fishery service. And we intend to work with the Committee staff to better understand the implications of the proposed transfer and ensure that Federal assets are put to their best needs in meeting the needs of NOAA and San Francisco State as this moves through the legislative process. And I agree with all the comments that the Congresswoman made before.

So in conclusion, once again, we appreciate the opportunity to be here and we are very proud members of the Coastal America team.

Mr. GILCHREST. Thank you, Mr. Gudes.

[The prepared statement of Mr. Gudes follows:]

Statement of Scott Gudes, Deputy under Secretary for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

I. INTRODUCTION

Thank you, Mr. Chairman and Members of the Subcommittee, for this opportunity to appear before you to testify on Coastal America and the transfer of National Oceanic and Atmospheric Administration (NOAA) property to the Board of Trustees of the California State University. I will speak first to the specific questions regarding Coastal America outlined in your letter of invitation to this hearing.

As you know, the Coastal America Partnership was established to protect, preserve and restore our coastal watersheds by integrating Federal actions with State, local and tribal government and non-governmental efforts to address specific problems with coastal resources. NOAA, located within the Department of Commerce, serves as one of the 12 Federal partners in the Coastal America Partnership. This Partnership formalized by a Memorandum of Understanding, includes other Federal

environmental /resource agencies with coastal stewardship responsibilities (Environmental Protection Agency and Department of the Interior), infrastructure agencies (Departments of Agriculture, Energy, Transportation, and Housing and Urban Development), the Military (Army, Navy, Air Force), the State Department and the Executive Office of the President. Our participation in Coastal America is one of a number of mechanisms and partnerships in which we work to restore habitat and fisheries, and improve estuarine areas.

Over the last decade, the Coastal America Partnership has implemented hundreds of projects including:

- Wetland restoration using dredged material, to restore habitats to their natural conditions;
- Anadromous fish restoration by removing derelict dams and installing fish ladders;
- Endangered species protection such as a Right whale-sighting alert system to eliminate ship strikes;
- Erosion controls on river banks and dune areas; and,
- Non-point source pollution control programs on farms to reduce nutrient runoff.

Coastal America uses several mechanisms to encourage collaboration between the government, non-governmental organizations and the private sector.

INTER–AGENCY PARTNERSHIPS: The Partnership strives to creatively combine the resources and expertise of the different partner agencies to accomplish shared objectives.

COASTAL ECOSYSTEM LEARNING CENTERS: The learning center network was established to raise public awareness of, and increase public involvement in, coastal restoration and protection efforts. To date, 15 marine education institutions and aquaria have been designated as Coastal Ecosystem Learning Centers of excellence. Through this network, the Partnership reaches 14 million people per year.

CORPORATE WETLANDS RESTORATION PARTNERSHIP: To involve the private sector more effectively, Coastal America established the voluntary national corporate partnership in 1999. Through this program, corporations join forces with federal and state agencies to restore wetlands and other aquatic habitat.

As part of my testimony today, I would like to submit to you a copy of the Coastal America report entitled "A Decade of Commitment to Protecting, Preserving and Restoring America's Coastal Heritage." This report highlights many of the accomplishments of the Partnership since its inception. It is available online at www.coastalamerica.gov

II. SPECIFIC COMMITTEE QUESTIONS REGARDING COASTAL AMERICA

In your letter of invitation to Vice Admiral Conrad C. Lautenbacher, Jr. USN (Ret) the NOAA Administrator, you requested that NOAA address the following specific questions:

Why after 8 years of accepting and expending funds from other Federal agencies for Coastal America activities has NOAA determined that it now needs additional statutory authority to accept and expend such funds?

NOAA has been concerned regarding interagency financing issues for Coastal America since the Partnership was established in 1994. An annual appropriations provision that applies to all Federal agencies (currently Pub. L. 107–67, § 610 (2001)) restricts Coastal America's ability to obtain contributions from partner agencies for Coastal America operations. Because of this restriction, NOAA was unable to obtain contributions for Coastal America activities from the partner agencies, even though those agencies indicated that fiscal year 2002 funds were available for such contributions. As a result for fiscal year 2003, NOAA requested for the White House Council on Environmental Quality (CEQ) to manage interagency contributions for Coastal America using CEQ's Management Fund authority, which provides specific authority for interagency financing. However, CEQ has indicated that NOAA should continue to pursue legislation to allow NOAA to manage Coastal America operations on a permanent basis.

The Coastal America program provides a model for interagency collaboration on environmental projects, and based on similar problems encountered by other NOAA programs, NOAA encourages the Subcommittee to consider the broader need for NOAA-wide authorities to facilitate the success of such collaborative efforts and initiatives.

What authorities does NOAA use to enter into cooperative agreements, contracts and grants to carry out the agency's programs? Are additional authorities necessary to effectively implement programs other than Coastal America?

NOAA, because of its broad range of programs, does not have one single authority for entering into cooperative agreements, contracts, and grants to carry out the agency's programs. For example, the programs represented by just one NOAA line office, the National Ocean Service (NOS), rely on various provisions of the Coastal Zone Management Act, the National Marine Sanctuaries Act, and the Coast and Geodetic Survey Act, along with other statutes. In addition, NOS also uses the Economy Act and the Department of Commerce's authorities for joint projects and special studies.

Each of these authorities has its own special requirements. Some authorities allow NOAA to only enter into agreements with other Federal agencies while others allow NOAA to enter into agreements with Federal and State agencies. Other statutes allow a broad range of possible partners. These authorities also differ as to whether NOAA may transfer funds to the other party for services received or receive funds for services NOAA provides to the other party. Some are silent on the ability to transfer funds and therefore are interpreted to mean that only general collaborative agreements without funding requirements are permitted. Despite NOAA's many different programmatic authorities, there are from time to time projects within NOAA's mission that might not fit easily into the existing authorities for the purpose of transferring funds. This broad choice of authorities has led to some administrative problems and confusion within program offices.

You have asked if additional authorities are necessary to effectively implement programs other than Coastal America. NOAA believes that clarifying and updating NOAA's current authority to enter into cooperative agreements, contracts, grants, resource-sharing agreements, and joint and cooperative institutes with a single NOAA-wide authority for these purposes will enable NOAA to work efficiently with public and private partners and to keep pace with its evolving responsibilities.

How will Coastal America's environmental restoration activities be coordinated with the activities of the Estuary Habitat Restoration Council, the estuary habitat restoration strategy, and the estuary habitat projects authorized by the Estuary Habitat Restoration Act of 2000?

A major goal of the Estuary Restoration Act is to promote coordination of restoration activities among Federal agencies and with the private sector. The Estuary Habitat Restoration Council (composed of the Army, NOAA, Fish and Wildlife Service, Department of Agriculture, and the Environmental Protection Agency) has developed a national strategy for restoration of estuarine habitat. This strategy provides a framework for improving ongoing restoration activities and for planning future restoration that will maximize benefits for estuarine habitat on a national scale. Coastal America and the Estuary Habitat Restoration Council will coordinate closely on implementing the Estuary Habitat Restoration Act. For example, estuary restoration projects recommended by the Estuary Habitat Restoration Council that are also approved by the Coastal America Regional Implementation Teams will be eligible to participate in the Corporate Wetlands Restoration Partnership, through which they can obtain non-federal match. Coastal America can also help to obtain military assistance for qualified projects, through the Innovative Readiness Training Program and other programs. In addition, Coastal America's Coastal Ecosystem Learning Centers can educate the public about the value of estuaries and the need to restore them.

Most of the agencies that are members of the Estuary Habitat Restoration Council are also members of Coastal America. NOAA shares a common theme with Coastal America: apply a grass-roots approach to restoration by actively engaging communities in on-the-ground- restoration of fishery habitats around the nation. NOAA Fisheries" Community-based Restoration Program (CRP), administered through the Restoration Center, actively supports NOAA's participation in Coastal America restoration activities. Additionally, NOAA staff from the Restoration Center and the National Ocean Service's Office of Response and Restoration, provide support for me, as the NOAA principal serving on the Estuary Habitat Restoration Council, as well as support for the estuary habitat restoration workgroup. This workgroup is responsible for overseeing the implementation of the Estuary Habitat Restoration Act of 2000. It was this workgroup that developed the restoration strategy as required by the Act. NOAA has provided substantial support for the Estuary Habitat Restoration Act as well as to Coastal America and its restoration activities. I anticipate that these strong ties between NOAA and Coastal America will continue, and I would recommend that we reinforce these interactions by providing specific opportunities for collaborative restoration projects, as defined in the estuary habitat res-

toration strategy, through NOAA's Restoration Center and the Office of Response and Restoration.

What are the cumulative number of acres restored by Coastal America projects since the program's inception? How much money has been spent on these projects and by which agencies?

Through the Coastal America Partnership, over 600 projects have been carried out in 26 states, 2 territories, and the District of Columbia. The partnership process has restored thousands of acres of aquatic habitats and opened several thousands of miles of riverine habitat for spawning fish. One of the problems in trying to develop summary metrics nationwide is that each agency tabulates its own data for their programs, using their own individual methodologies. At NOAA, we are working on developing a database to track the progress of the restoration projects funded under the Estuary Habitat Restoration Act. The database will initially include projects funded by NOAA programs and will then be populated with projects funded by other agencies. We expect to have an initial version of the database by May 2003. This database will serve to document nation-wide success in restoring estuarine habitats.

Specific Comments on the Draft Bill for Coastal America

In general, NOAA supports the provisions in this draft bill that would authorize the Secretary of Commerce to accept and expend funds from other Federal agencies to carry out activities of the Coastal America program along with authorizing appropriations for Coastal America administrative functions. NOAA offers one specific comment on this draft bill under Section 1(a) - Definitions. The term "Coastal America activities" refers to the Memorandum of Understanding (MOU) dated July 12, 1994. NOAA suggests that because the Coastal America partners are currently in the process of drafting a new MOU, this definition should include a reference in addition to the 1994 MOU that states, "any amendments or replacements thereto.

III. NOAA TIBURON LAND CONVEYANCE

NOAA appreciates the opportunity to comment on Representative Woolsey's draft legislation to authorize the transfer of the NOAA-owned Tiburon Laboratory in Tiburon, California to San Francisco State University. The Tiburon Lab has been used for research for nearly 40 years, but the facility no longer meets current and future research needs for the agency. In 2000, the Tiburon facility was vacated upon completion of NOAA's new laboratory located down the coast with the University of California Santa Cruz, although a minor portion of the property is still needed as a storage facility for NMFS research activities, NOAA intends to work with the Committee staff to better understand the implications of the proposed transfer and ensure that Federal assets are put to their best use in meeting the needs of NOAA and SFSU as it moves through the legislative process.

IV. CONCLUSION

Our Nation's coastal resources face a myriad of challenges such as habitat destruction, polluted runoff, and coastal hazards. Coastal America serves as a catalyst for interagency partnerships to address these challenges and mitigate their effects at the local, regional, and national level. The Coastal America Partnership is an excellent example of government and private sector collaboration and coordination, and one that could be reinforced by our Nation's leaders through this proposed legislation. NOAA appreciates the Subcommittee's interest in these issues and the opportunity to provide our thoughts on these pieces of draft legislation. We look forward to working with the Subcommittee as these bills are introduced.

Mr. GILCHREST. Just a couple of quick questions. We then need to create some type of statutory authority that is clarifying existing language that causes some problems with making the connection between the funding as far as different agencies are concerned. So right now, you are operating on a very thin thread that is difficult to maneuver and you need clear, specific language to give you the authority to continue what you are doing now.

Mr. CONNAUGHTON. The short answer is yes. And the President—we submitted legislation to do that and I know we have been talking with the Committee about how to do that. It is a very narrow, simple fix and it would resolve some of the machinations we

have to go through to keep the program moving. We have the legal authority to do what we are doing, but it requires a lot of bureaucracy that takes away the resources from the program.

Mr. GILCHREST. We would certainly like to do that because there are enough encumbrances along the way that make it difficult, not only between bureaucracy between different agencies, but the permitting process, the confusion that creates on the ground with the local government or local sponsors. So anything we can do to expedite that and make it more efficient to work cleanly, we will certainly help out with that part of the process.

What I would like to ask very briefly is a regional district issue question that I have that, based on what you are talking about, as far as working with interagencies to restore estuary habitat. Much of the Delmarva Peninsula is estuary and very few, if any, rivers on the Delmarva Peninsula are real rivers. They are tidal basins and they go way up with that tidal. And there are a few dams out there that were probably useful in the 1940's or 1950's providing power for tomato plants et cetera, but those tomato plants are gone, the dams remain. They have a little lake where people can paddle around in.

But I think the restoration of the original—if I could use that term ecosystem—would be beneficial. There is an ongoing process now that has just gotten started via USDA. The conservation title section G called the Delmarva Peninsula conservation corridor where we are working with the Department of Agriculture to create an agricultural corridor, but to create a forestry corridor based on the hydrology for wildlife. There are a number of little projects that Scott is familiar with as far as what NOAA is working on. And even the U.S. Geological is involved in some of that along with some local governments.

So what I would like to do at a time in the not-too-distant future, either meet all of you—and Scott, there are some projects that NOAA is not involved in and that I would like you get involved with and the Corps of Engineers is involved. But based on USDA, U.S. Geological Survey, the Corps of Engineers, NOAA, a whole host of State and local people involved in the process, since we have this package called the conservation corridor for the Delmarva Peninsula, it seems these agencies could get together and coordinate their activities.

Tomorrow the Corps of Engineers is visiting with me at one of these sites called Urieville Lake, which is a freshwater lake, but it is dammed and the title part is something called Morgan Creek. That if the dam wasn't there, it would come up and create a tidal marsh with a pretty nice habitat. And I would like to go over some of those things so we could get the local planning and zoning person and the designated environmental director for the county—and many counties have those positions now—to coordinate how these activities can be undertaken with a collaborative effort, not the least of which are funding problems for local governments. So I look forward to doing that.

And Scott, the transfer, you know, I think is an excellent idea, and for the university to take part in that, we would like to expedite that as well. So if you have any comment on any of that.

Mr. CONNAUGHTON. First of all, what you are talking about is very exiting and it is consistent with what we are working hard to do in the Bush administration—Coastal America helps to do this as well—to knit together related funding streams and related actors and look at an entire area that can be addressed and knit the sources together.

So that sounds very exciting and to the extent that I can put some push behind that I would like to be able to do that. I appreciate you highlighting the conservation title of the farm bill. I think that was a signature—the largest greatest achievement of the Congress from the environmental side. And it is incentive-based, performance-based and private stewardship based. It has all the right elements, and we look forward to making this project an example of the success of that title.

Mr. GUDES. Mr. Chairman, I would just say that the Chesapeake Bay is the largest estuary in the United States, and as I said before, for NOAA, this is sort of our backyard for our headquarters, and it has special meaning for us. Speaking on NOAA itself, we definitely would like to do everything we can to take part in the effort you mentioned on restoration. And as a member of Coastal America, I totally agree with Jim that that is what Coastal America is all about, to try to bring these different partners and different agencies, including the private sector.

So I think in total, we could help do that. And then on the land transfer, I think it has a lot of important aspects. I would say that NOAA is not an independent agency, and I can't speak in total, but for NOAA, we don't have any opposition to the legislation that you are putting together, the proposed transfer, but I do think there are some issues that the agency or the administration ought to come back and ask about in terms of the specifics of the transfer.

Mr. GILCHREST. Absolutely. Thank you very much. Gentleman from New Jersey.

Mr. SAXTON. First of all, I apologize for being late and if I ask a question that has already been discussed in detail, I apologize and you can just tell me that. One of the issues that I have been very interested in over the years, particularly since the Republicans took over the Congress—glad they did—but one of the mistakes I think we made when we took over the Congress was to diffuse the responsibility for policymaking decisions in the Congress that has to do with coastal areas.

We had a Merchant Marine and Fisheries Committee, and I was proud to be a member of it and it was a very active Committee and it dealt with coastal issues. When we took over, that policymaking activity was diffused to this Committee, to the Transportation Committee, to the Armed Services Committee, et cetera, which I thought was kind of a move in the wrong direction.

I see this Coastal America initiative is apparently an effort to consolidate policy in the administration, policymaking decisions which are made by the administration into a coherent group, body that deals with coastal issues. So I guess we kind of go around in circles and I am wondering if you could talk about the Coastal America initiative and how you see it playing out and how you see it—what the advantages of it might be and the part that obviously you will play in it.

Mr. CONNAUGHTON. Thank you, Congressman. Let me begin at the top which is the struggle from a policy development and execution standpoint how you organize your activities. Coastal America is an implementing tool of coordinated action with respect to specific projects. So it is—it is at the second level of action in response to specific needs. And what it does, and the advantage of this kind of tool is it works within the mission of each of the contributing Federal agencies, and then State and private sector.

It works within the mission of the Corps of Engineers, the mission of the Army, the mission of NOAA, the mission of whatever the relevant agencies are with respect to the particular problem at hand and then draws from them their resources and their statutory mandates to execute a particular solution.

So what is great about it is incredibly low cost and incredibly effective at going after very specific issues. So that is at the operational level. At the higher policy level, we recognize the issue you raised with respect to how Congress has organized itself, and obviously the Oceans Commission is underway right now looking at these institutional structural issues how we set and then execute policy with respect to ocean and coastal areas.

At the Council on Environmental Quality in the White House, we have had a dedicated associate director to these issues so that we could look across the agencies and maintain sort of at least a direction that is coordinating these policies, and we are actually—we are changing—we are changing the portfolio of that spot a little bit by making it coastal, agricultural and public resources because we are recognizing with a lot of these estuary issues in particular, marrying up the agricultural interests with the estuary interests, with the public resources interests, that is a tighter portfolio and a better coordinated portfolio for us to keep pushing coordinated policy through the administration.

We at the administration have to deal with the same kind of silos you are suggesting we have in Congress, with, you know, agencies with very specific missions, and they are all sharing the coastal process. I look forward to what the Oceans Commission has to say. I challenge them to be challenging but realistic about what we can do in further coordinating.

One final note, we had an extensive conversation about these issues not just at the national level but the international level at the recent world summit on sustainable development. And it was well recognized that understanding our coastal and estuary issues in its more rudimentary economic terms and the terms—and the need for education—you know, looking at economic policy, educational policy and then—then sort of the policies relating to environment and natural resource protection—integrating those together is probably one of the most dramatic things we can do to advance—to make real progress on these very, very complicated issues. All too often they occur in their silos, and we would like to harness the strength of economic growth and harness the strength of good education to producing better outcomes.

Mr. GUDES. A little bit of philosophical comment. I think speaking for my boss, Vice Admiral Conrad Lautenbacher, he is a big believer and this Committee is a big believer in general in mechanisms that bring different partners together who have like missions

or doing like work on behalf of the American taxpayers. EPA has a national estuary program. We have a national estuary research reserve, for example Jacques Cousteau Reserve. Those two programs should be linked better together. I think all those things makes sense. I know that this Subcommittee has pushed forward the coordination role of the National Ocean Partnership Program.

When we talked about ocean exploration a year ago, 2 years ago, I think one of the questions I got from the Subcommittee is OK, that is great, but how does this relate back to NSF's program, the Navy's program. I think those are the right questions. I think in the current budget environment which we will be in for quite sometime, those are absolutely the right questions. We have to look and make sure that there is not duplication and that we are really expedientially putting together a program so that it makes sense.

I view Coastal America as one of those types of mechanisms that deals with an array of restoration efforts. So to go back to back to my example at the NERR site in New Jersey, it may be that the local community comes forward for community base restoration project. Coastal America might be a good mechanism to come in and see if the Corps of Engineers wants to participate in that or the Interior Department or one of their programs.

So I think that these various mechanisms and Coastal America is a very good one are a way to really marshal the resources of different agencies and to have them work as one Federal Government, which you expect of us and your constituents expect of us.

Mr. SAXTON. Thank you.

Mr. GILCHREST. Thank you Mr. Saxton. We have no further questions. We appreciate—this was short, but very excellent to coordinate of all what we need to do. We wish you well in your endeavors and we will talk further about this as we begin to develop clarifying language. Thank you very much. We have one more witness, Dr. Robert Corrigan, President of San Francisco State University.

Mr. SAXTON. [presiding.] Dr. Corrigan, the floor is yours. Thank you for being here. We appreciate it very much, and Mr. Gilchrest had a meeting on the Senate side that he had to run off to so I am it.

STATEMENT OF ROBERT A. CORRIGAN, PRESIDENT, SAN FRANCISCO STATE UNIVERSITY

Mr. CORRIGAN. Mr. Chairman, I apologize for not being here earlier, but I was testifying on the cost of education in another Committee and could just get here. And I am sorry I wasn't here to hear Ms. Woolsey's comments, because I understand they were quite good. I do appreciate the opportunity to speak about the importance of this land conveyance to both the Romberg Tiburon Center and the San Francisco State University, and particularly want to thank Mrs. Woolsey and Mr. Miller for introducing this legislation on our behalf.

As I think you are aware, the Romberg Tiburon Center is an off-campus marine laboratory that is operated by San Francisco state University on the shores of San Francisco Bay. It is the only academic research facility on the Bay which, as you are aware, is one of the largest and complicated estuarian environments. The center's research scientists train and mentor students. A number of

them are low income and underrepresented students, and they conduct both basic and applied research dealing with such subjects as environmental adaptation, biological toxins and forces that threaten the globe's depleted fisheries, often collaborating with colleagues from around the world at the site itself.

Their research has contributed significantly to the existing body of knowledge on estuary and environment. The Romberg Tiburon Center, for example, has created the first authoritative guide on wetland restoration and developed recommendations for oil spill cleanups that are now in use by the U.S. Coast Guard and other agencies throughout the country. They regularly publish in prestigious journals and texts, and currently all sources of Federal grants and State grants coming in to people working in association with Tiburon are numbered about $50 million in support last year.

For the past 24 years, San Francisco State University and the National Marine Fisheries Service have worked together on this 34-acre site. The Romberg Tiburon site occupies 23 acres of the parcel, land that was conveyed to the university in 1978 through a public benefit conveyance for use as an environmental research station. The National Marine Fisheries Service occupy the remaining 11 acres from 1970 until the last year when it was relocated. All of the parcels comprising this site are interlocked as the maps we have given to you show.

So for the past 25 years, NOAA and the Romberg Tiburon Center have shared access to roads, to parking and to boat launch. After the National Marine Fisheries Service relocated, the Center applied for and in October 2001 received a leased permit from NOAA to use that property until the Federal excess property disposal process could be triggered.

We provided you with the detailed history of the site, so let me summarize only very briefly. It was in private hands before 1904. It was purchased that year by the Navy for use as a ship coaling station, the first of many military in government uses. The Navy remained the owner until 1958 when the property was transferred to the Department of Commerce, and that began the environmental and marine oriented uses that come with the Romberg Tiburon Center.

In the 1960's, the National Marines Fisheries Service occupied the site, consolidated its operations to 11 acres of the parcel in 1973. And in 1977 San Francisco State University submitted its proposal. In the following year, the Romberg Tiburon Center was established.

I would like to emphasize, if I could, members of the Committee, how much the university has enjoyed and benefitted from our relationship with NOAA and with the National Marines Fisheries Services. Our organizations have operated with a shared purpose to improve the life of the San Francisco Bay through research and education. We have had an excellent experience in working together and we fully expect to continue our collaboration well into the future. This conveyance will support the mission of the Romberg Tiburon Center in many ways. The additional property will provide critically needed research and educational space, increasing opportunities for onsite training and research and collaborations with other agencies and organizations.

And because the NMFS has been using its buildings for marine research, the Romberg Tiburon Center will be able to use these buildings in their current configuration. Another long-term and very exciting commitment that the Romberg Tiburon Center is making to research on the Bay is the pending designation of the San Francisco Bay National Estuarian Research Reserve, NERR. The Romberg Tiburon Center will be the headquarters for this Federal-State partnership which will be administered by NOAA and involve eight different State and local agencies.

This National Research Reserve will promote collaborative efforts on campus to restore degraded habitats, manage resources and increase public knowledge and good stewardship of these waters and will provide additional grant opportunities for our scientists. And NOAA is likely to designate the research reserve, I understand, in late 2002 or early 2003. Now the Federal Government, Chair, has been the sites' landlord since 1904. And to our knowledge there are no title disputes concerning the 11-acre NOAA parcels. Further, NOAA has drafted a preliminary surplus property report stating that there are no known major hazardous or toxic materials or waste sites on that property.

Once again, I thank you, Mr. Chairman and members of the Subcommittee, for your consideration of legislation that will rightly enhance the activities of the Romberg Tiburon Center and turn the health of the San Francisco Bay and vital marine environmentalists worldwide to a higher rate, and I will be pleased to respond to any questions you may have.

Mr. SAXTON. Thank you.

[The prepared statement of Mr. Corrigan follows:]

Statement of Dr. Robert A. Corrigan, President, San Francisco State University

Mr. Chairman and members of the Subcommittee: Thank you for the opportunity to speak with you today about the importance of the former National Marine Fisheries Service (NMFS) land conveyance to the California State University Board of Trustees on behalf of the Romberg Tiburon Center (RTC) and San Francisco State University. And thank you to Mrs. Woolsey and Mr. Miller for introducing this legislation on our behalf.

The Romberg Tiburon Center is an off-campus marine laboratory operated by San Francisco State University (SFSU). It lies outside the town of Tiburon, California, on the shores of San Francisco Bay. It is the only academic research facility located on the Bay, which is one of the largest and most complex estuarine environments in the United States. The Center's research scientists train and support students in their laboratories, out in the field, and through collaborations with fellow scientists at universities, institutions, and environmental agencies throughout the world.

At the same time, the Center's scientists conduct basic and applied research on what has been called "the marine web of life," ranging from microbes to mammals, and dealing with such subjects as environmental adaptation, the impact of biological toxins, the effects of nonnative creatures brought into the Bay from other parts of the world, and forces that threaten the globe's depleted fisheries. Over $4.5 million in federal and state grants are awarded to the scientists at RTC annually in support of this cutting-edge and globally relevant research.

Some of the Center's research highlights include creating the first authoritative guide on wetland restoration; providing some of the first scientific testimony on the effects of freshwater diversion in the San Francisco Bay; conducting ground-breaking studies on how nutrients cycle through the oceans, affecting biological life and mediating the processes that lead to global warming; developing recommendations for oil spill cleanups now in use by U.S. Coast Guard and other agencies; and studying the long-term effects of farmland runoff (including agricultural toxins) on the San Francisco Bay.

The research conducted at the Romberg Tiburon Center has contributed significantly to the existing body of knowledge on estuarine environments and has been published in a variety of highly prestigious scientific journals and texts. RTC is known throughout the national and international academic community as a major center for scientific research, much of which is applicable to coastal and estuarine systems worldwide, especially as the impact of human activity continues to increase.

For the past 24 years, San Francisco State University and the National Marine Fisheries Service have worked together on this 34-acre, bayside site. The Romberg Tiburon Center occupies 23 acres of this parcel, a site that was conveyed to the University through a public benefit conveyance in 1978 for use as an environmental research station. The National Marine Fisheries Service occupied the remaining 11 acres from 1970 until just last year, when the agency relocated to Santa Cruz, California. All of the parcels comprising this property are interlocked, as you can see from the maps provided, so for the past 25 years NOAA and RTC have shared access to roads, parking, and the boat launch. Additionally, after the National Marine Fisheries Service relocated to another site, RTC applied for a lease permit from NOAA to utilize that property until the federal excess property disposal process was triggered. The Center received that permit in October 2001.

Let me now give a brief history of the site: It first came into use in 1877, when a packing plant to dry, process and ship codfish was constructed there. In 1904, the Navy purchased the property for use as a Navy ship coaling station. During construction of the Golden Gate Bridge in the 1930's, the Roebling's Sons Company used the north warehouse to reel cables for the bridge.

From 1931 to 1940, the Navy loaned the base to the state of California, which established its first nautical training school (later to become the California Maritime Academy). With the outbreak of World War II, the U.S. Government re-appropriated the site for use by the Navy, and the Maritime Academy relocated to its present site near Vallejo.

During World War II, the Tiburon facility was used for the construction of anti-submarine and anti-torpedo nets. This Navy Net Depot was active until 1958, when its operation was terminated and the property was transferred from the Navy to the Department of Commerce. In the 1960's, the property became the National Marine Fisheries Service's Southwest Fisheries Center, and in 1973, NMFS consolidated its operations to 11 acres of the parcel. In 1977, San Francisco State University submitted a proposal to develop a field station and marine laboratory dedicated to the study of San Francisco Bay, and the following year, the Romberg Tiburon Center was established on the remaining 23 acres.

I would like to emphasize how much the University has enjoyed and benefitted from our relationship with NOAA and the National Marine Fisheries Service. Our organizations have operated with a shared purpose to improve the life of the San Francisco Bay through research and education, and have complemented each other's mission throughout the years. We have had an excellent experience in working together, and we fully expect to continue collaborating with these agencies long into the future.

This conveyance will support the mission of the Romberg Tiburon Center in many ways. First and foremost, the Center is committed to environmentally preserving and restoring the site, as it is one of the few remaining bay front sites. RTC is dedicated to working on-site as a keeper of the health and educator for the understanding of the bay.

Because this site has been used for marine research purposes since 1961, we feel that it is wholly appropriate for San Francisco State University to maintain that proud tradition. The Romberg Tiburon Center has developed a long-term Vision Plan to enhance its educational and research programs. Use of the additional property would provide critically needed research and educational space, and would provide opportunities for more on-site training, research and collaborations with other agencies and organizations. Because the National Marine Fisheries Service had been using its buildings for research on fish and other marine-related topics, the Romberg Tiburon Center is able to make use of those buildings in their current configuration for our research and teaching. All of the proposed activities in the Vision Plan are a realization of the goals consistent with our current mission and are compatible with NOAA's continued access to, and use of, their retained property, building 86. Initial uses of the property will include live animal aquaria and ship operations

Another long-term—and very exciting—commitment that RTC is making to research on the Bay is the pending designation of the San Francisco Bay National Estuarine Research Reserve. (NERR) This federal-state partnership, administered by NOAA, involves eight state and local agencies, including the California State Lands Commission, Department of Water Resources, California Department of Parks and

Recreation, East Bay Regional Parks District, Coastal Commission, BCDC, the Solano Land Trust, and Rush Ranch. The mission of the NERR is preserving bay front and waterfront natural lands that present research opportunities. Thus, the establishment of the San Francisco Bay NERR will not only coordinate bay research, but will enable us to attract further research money. It will promote partnership activities among these agencies in their efforts to restore degraded habitats, manage resources effectively, and increase public knowledge and good stewardship of these waters. The Romberg Tiburon Center will be the headquarters for this National Estuarine Research Reserve, working closely with three other sites in Marin and Contra Costa Counties. The San Francisco Bay NERR will have several educational and research staff, so additional space is needed to accommodate this program. This Research Reserve is likely to be designated by NOAA in late 2002 or early 2003.

To answer the remainder of the committee's specific questions, I am attaching a fuller history of the Tiburon site, which details all of the previous owners of the property and their uses of the site. As you can see, the federal government has been the landlord since 1904, and to our knowledge there are no title disputes concerning the 11-acre NOAA parcels. With respect to encumbrances or liabilities associated with the NMFS parcels, it is my understanding that NOAA has drafted a preliminary surplus property report which states that there are no known major hazardous or toxic materials or waste sites on the property. I am attaching a copy of this document, which is titled "Final phase II Environmental Site Assessment Report." It was prepared for NOAA by Tetra Tech, EM, Inc., in August 2001.

Once again, I thank you, Mr. Chairman and members of the Subcommittee, for giving consideration to this important legislation that will greatly enhance the activities of the Romberg Tiburon Center, and in turn the health of the San Francisco Bay and other vital marine environments worldwide.

List of Romberg Tiburon Center partner organizations

Bodega Marine Laboratory
California Institute of Technology
California State University, Long Beach
Monterey Bay Aquarium Research Institute
Moss Landing Marine Laboratory
National Aeronautics and Space Administration
Naval Postgraduate School
NOAA/Pacific Marine Environmental Lab
Point Reyes Bird Observatory
San Francisco Estuary Institute
Scripps Institute of Oceanography
Stanford University
University of California, Davis
University of California, Los Angeles
University of California, Santa Cruz
University of Georgia
University of Southern California
University of Washington
University of Wisconsin, Oshkosh
US Geological Survey, Menlo Park
Woods Hole Oceanographic Institution

Mr. SAXTON. I don't know that we have any questions. This seems to be a move that is very desirable and we are quite familiar with the kinds of activities that you do, because all of us sitting up here have been part of the process to create the NERR on the east coast in my district, the Jacques Cousteau National Estuary Research Reserve. And I am going there to meet Mrs. Cousteau again and have a reunion of sorts, I suppose. So I don't have any questions and we thank you for coming all the way from San Francisco to share your thoughts with us and we will proceed accordingly.

[Whereupon, at 10:55 a.m., the Subcommittee was adjourned.]

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