



Marine Affairs Institute

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Testimony of Susan E. Farady, Director, Marine Affairs Institute and Rhode Island Sea Grant Legal Program

Thank you for the opportunity to testify today, and on behalf of the many many ocean constituents who reside in New England, human and otherwise, welcome to Rhode Island and thank you for coming here.

My name is Susan Farady. I am an attorney, and adjunct faculty and director of the Rhode Island Sea Grant Legal Program and the Marine Affairs Institute, housed at Roger Williams University in Bristol, Rhode Island. We are dedicated to educating the next generation of marine law and policy professionals, and to providing legal information and support to the professional marine community. We are unique in our role in marine law and policy. Roger Williams University School of Law is one of literally a handful of law schools in the United States specializing in marine and maritime law. The Rhode Island Sea Grant Legal Program is one of only 4 Sea Grant Legal Programs in the country and the only one in New England. Our unique joint degree program with the University of Rhode Island allows students to simultaneously earn their law degree and a master's in marine affairs.

It is from the perspective of law and policy as well as my 24 years of personal and professional marine experience in New England that I offer some comments today on the Interim report. We will submit more detailed comments in writing, and look forward to the Task Force's continued work on Marine Spatial Planning.

I applaud the Obama Administration and this Task Force in paying much needed attention to the state of our nation's coasts and oceans. Here in New England, we are direct witnesses to the urgent need for a comprehensive ocean policy. Our storied coasts have supported a rich array of fishes, whales and human communities for centuries, yet now we see degraded ecosystems, endangered species, changing coastal communities, and increasing demands and conflicts among established as well as new users of ocean space. Our piecemeal legal and regulatory scheme is under great pressure to respond and make complex management decisions, yet is incapable of doing so. We very much need the comprehensive policy, increased coordination and prompt implementation that you have recommended.

First, I want to comment on the link between policy and law. A comprehensive national policy on our oceans with a strong vision and guiding principles is much needed, but actual implementation of this policy will occur beyond the National Ocean Council. Agencies follow the mandate of laws such as the Sustainable Fisheries Act and the Coastal Zone Management Act. These laws in many respects do not align well with your proposed policy, so daily management decisions may in fact undermine the goals of the national policy. I urge the Task Force and CEQ to address the gap between policy and law to ensure that the National Ocean Policy is fully implemented, by closely examining both existing law as well as proposed new law such as Oceans 21 or the National Ocean Protection Act and addressing inconsistencies between your policy and the laws.

Second, I support the need for increased and continued education. At the Marine Affairs Institute and the Rhode Island Sea Grant Legal Program, we are preparing future legal and policy professionals to be on the front lines of managing fisheries, developing renewable energy and preparing our coasts for the effects of climate change. Our students Sea Grant Law Fellows have conducted research and analysis on these topics at the request of government, non-profit and private organizations, providing much-needed legal support while gaining hands-on experience. We also act as a clearinghouse for the professional community and the public, convening events on topics such as renewable energy, fisheries law and regional collaboration. Institutions such as ours play a critical role in supporting and advancing changes in marine policy. It is imperative that these programs receive continued and additional financial support to do our work to support your recommendations.

Finally, I support the report's emphasis on an ecosystem based approach, use of best available science, application of marine spatial planning and increased education for better ocean stewardship. We have been talking about many of these concepts for quite awhile and it is imperative that we apply them to management. I note limited mention of the federal government's role as trustee in managing these public trust resources, and I believe the important concepts articulated in the report would be strengthened by an overt statement that confirms the federal government's overarching public trust responsibilities.

Thank you for the opportunity to address you today, and please contact me if I can of any assistance in your work.