

## TOPIC: **GOVERNANCE**

### KEY ISSUE: *Scope of Ocean Governance Authorities*

#### ISSUES RAISED

- California Marine Life Management Act is dramatic shift from traditional single species to measures that account for ecological interaction; has led to impressive compilation of science on near-shore ecosystems and creative new ideas how to manage these resources. (Geever)
- Working on voluntary achievement of nutrient sediment allocations driven by fear of regulatory hammer. (Max)
- Without mandates for programs like Gulf of Mexico Program it is much harder to persuade federal counterparts to move through consensus. (Palmer)
- NOAA reprogramming authority and coordination of regulatory measures to prevent, rather than allow activities. (Bodman)
- We have good laws but they are not being enforced. (Perfetto)
- LOS codifies customary international law and will enhance U.S. national security by preserving freedom of navigation and overflight. (Carmichael) (Hirshon)
- The Federal statutory framework is having a profound effect on individuals and our region on a daily basis. (Lashever)
- It is important, firstly, to have a clear understanding of what the particular statute requires. Secondly, the government has the responsibility to make it very clear that they are the final maker, and they believe certain kinds of inputs are required to make a decision. But, at the same time, open space for the kinds of processes that were described to help them formulate the best way to achieve that end. If we say you have six months, we give you flexibility of how you're going to go out and try to do it. If you don't do it, we're going to make a decision. (Ehrmann)
- Current ocean policies and fisheries management laws are unable to grapple with the inland problems. For the most part, fisheries management agencies do not have the legal jurisdiction over the inland issues, and thus do not have control over any portion of the salmonid life cycle other than when actually in the oceans. (Spain)
- The ACOE's expertise and ability are not being used to best effect because the Corps' policies, processes, and the laws under which it operates remain historic. (Stahl)
- The two existing laws regulating dredged material disposal create inconsistencies and do not adequately accommodate implementation of new technical advances. [Further description provided.] (Koning)
- It is extremely appropriate to have the authority of the Corps both as a regulatory authority and the civil works planning authority. [discussion provided] (Koning)
- For the most part, the consultation process works well, and only a few of the more than 2000 project proposals each year becomes difficult or controversial. However, where there are differences of technical opinion, there is no impartial arbiter and NOAA and other resource agencies are considered merely as advisors to the agencies having permitting authority. (Kurkul)
- The U.S. Fish and Wildlife Service is significantly involved in many coastal issues—on fish, wildlife and habitat issues affecting our nation's coastal resources. The hallmark of all our efforts is partnerships that are inclusive, interactive, adaptable and based upon sound science. The second hallmark of our efforts is to be accountable for our actions and do our best to meet short-term and long-term fish and wildlife conservation goals and objectives. (Geiger)

*Scope of Ocean Governance Authorities (continued)*

- Until programs are developed to fill these “regulatory gaps” no one is served, including in particular Federal, state, regional and local regulators. “Regulatory gap” describes among other things the situations where there is nothing that says to the regulator, “you may not do it.” (Gill-Austern)
- We’ve talked quite a bit about whether NEPA applies beyond three miles. Of course one of the tough parts of a NEPA analysis is looking at the cumulative effects of other activities upon the particular activity that you’re trying to analyze. A lot of the fisheries that take place outside of three miles, or even outside of 12 miles, are species of fish that depend on environments inside of three miles. So we’re not sure if we don’t have to look at NEPA outside of three miles because of the cumulative aspects of the analysis that it’s going to give us a change in requirements. (Balsiger)
- The Coast Guard’s primary role in fisheries management is to enforce regulations, and to assist with dockside boarding for monitoring catch offloads. (Underwood)
- The Coast Guard in Alaska has the authority against cruise ships in gray water, at this point. Also, throughout the U.S. internationally against any oil discharge. But we don’t have gray water authority in the lower 48, or in other locations. The authority means that the Coast Guard could prosecute within the U.S. (Underwood)
- The nature of the cruise industry is not the same in Alaska as it is everywhere else. In Alaska the cruise ships come in and they’re in inside waters for the majority of the entire cruise. That’s not the case when the cruise stops in Los Angeles, San Francisco, Seattle, Miami, or Fort Lauderdale. In those ports they go in, they load their passengers, and they go back out to sea—to the high seas, and so they don’t have the same restrictions on their capabilities in the international waters as they do here. (Underwood)
- Why has only Alaska been able to get both Federal and state legislation in place? Perhaps it is because we’re Alaskans and we’re rather industrious and always out there on the cutting edge—it’s the last frontier. There is a lot of pride in that legislation and it is a good example for the rest of the U.S. (Balliet)
- The Clean Water Act of 1972 formally designated the Coast Guard as the lead agency in preventing and responding to oil and chemical spills in the coastal and offshore waters of the U.S. (Utle)
- Despite the many programs and regulations that affect coastal and marine resources, areas and activities, there are few, if any, basic principles or processes for establishing authority and accountability in the management of marine resources and the uses of marine space. The United States manages its ocean resources on a sector-by-sector regulatory basis. (Eichbaum)
- River Basin Commission concept good idea but they were dominated by Federal partners and the states were overwhelmed in votes. (Kudrna)
- IJC is advisory only. (Chandler)
- We have responded and continue to respond to the natural resource conservation needs and goals of the local communities and, most importantly the objectives and needs of individual farmers, ranchers, and other private landowners. Collectively, however, our attempts to think globally have been limited in scope by political borders, watershed boundaries, and a general lack of understanding by others of our technical capabilities. (Knight)
- In the coming months I am going to ask our experts responsible for science and technical tools to provide me with recommendations on how we build upon existing partnerships. One specific action that I will be initiating is to jointly develop, with the Administrators of both the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration, a Memorandum of Understanding that will reflect new directions in baseline information gathering on coastal and estuary resources. (Knight)

- NOAA was seen primarily as a service agency. Our major regulatory function came some years after NOAA's formation with the passage of the Magnuson fisheries act. I was prepared to tackle some major fisheries reorganization, to fence off so to speak, that part of the agency dedicated to fisheries regulation. (Knauss)
- The Civil Works Program of the Corps intersects National Ocean Policy in several key areas— navigation and shore protection. (Griffin)
- Currently a host of laws and Presidential Executive Orders constitute national ocean policy. (Radonski)

## **PRESENTER RECOMMENDATIONS**

- Ensure recommendations are feasible to implement, and use expertise within agencies for review. (Loy)
- Do not put in place regulations you cannot enforce. (Jennings)
- Affirm as necessary the right of the USFWS to manage marine resources within the boundaries of national wildlife refuges. (Raney)
- Support legislation such as H.R. 1310 to reform the U.S. Army Corps of Engineers. (Werny)
- Need to better clarify and eliminate ambiguity in environmental laws, without exempting DOD from compliance. (Willard)
- Enact new legislation such as an Exclusive Economic Zoning Act (EEZA) that would establish a mechanism leading to comprehensive zoning of U.S. 4.4 million square statute mile EEZ as means to increase protection for biological resources while providing major classes of users greater assurance of being able to operate with minimal or no competition from other classes of users. [detailed reasons why this would make a difference, benefits of zoning, and who should do it, are provided] (Norse)
- Revision of ocean governance must include regulatory structure to govern actions of those who use ocean resources with clear lines of authority to make decisions. (Oynes)
- New legal authority needed to govern use of ocean for non-energy facilities associated with deepwater development; support facilities, housing, emergency landing, field hospitals, waste management, etc. (Oynes)
- Ratification of UNCLOS should occur. (Clark) (Fry) (Gutting) (Hirshon) (Loy) (Weldon) (Carmichael) (Van Dyke)
- Reexamine concept of national security; consolidate statutory authorities to reduce bureaucratic inefficiencies. (Underwood)
- Reevaluate national security in context of ocean issues (need to import more fish). (Underwood)
- Streamline and consolidate statutory authorities. (Underwood)
- Pass legislation providing a comprehensive look at ocean policies and strengthening of programs. (Weldon)
- More laws should be passed regulating fishing, offshore oil and gas drilling, building and development on beaches and pollution control. (Rothrock)
- The Commission should pay attention to how our laws direct us to use science; need a thoughtful review of ways that our laws approach the use of science in the regulatory process. (Lashever)
- A comprehensive ocean policy should strengthen existing barriers or provide stronger barriers preventing offshore oil development in any area that may impact regional fisheries. (Spain)

*Scope of Ocean Governance Authorities (continued)*

- The ACOE's regulatory and operational functions should be integrated so that both serve the same goals: the nation's natural infrastructure of beaches and wetlands. (Stahl)
- Replace the existing statutes regarding dredged material management with a single statute that addresses the regulation of dredged material placement in both inland and ocean waters of the United States. Incorporate flexibility in the evaluation approach and include the ability to incorporate the full range of management techniques and future technical advances. (Koning)
- Additional authorities are needed other than extending that authority to the other 48 states. The Alaska model, which is both modeled on the Murkowski bill, Federal legislation, as well as legislation that the state enacted, be taken out via national legislation to regulate cruise ships in the lower 48 as well. (Balliet)
- The teeth of the Commission's policy recommendations should include jail time for all transgressions and violations of laws pertaining to the oceans. Fines are not enough. Actual removal from operation will ensure that people will respect the law. (Ulery)
- The Great Lakes Commission supports the development of an organic statute that would provide guidance to federal agencies with respect to their roles and responsibilities for freshwater and marine policy. We further believe that the development of a large-scale, consensus-based national ocean plan is needed to guide coordination efforts. (Kudrna)
- The U.S. Commission on Ocean Policy would be well advised to thoroughly investigate and actively participate, as appropriate, in current and prospective international organizations and summits for ocean management. (Kudrna)
- Reauthorize the Coastal Zone Management Act to provide enhanced national ocean and coastal governance based on Federal partnership with the states (includes five specific recommendations). (CSO)

## TOPIC: **GOVERNANCE**

### KEY ISSUE: *Federal Government's Response to Ocean Policy Issues*

#### ISSUES RAISED

- Eight major purposes of Oceans Act are not equal; promotion of responsible stewardship provides overarching ethic and constraint within which the other purposes operate. (Raney)
- Need enforceable measures to restore water quality as well as public education; incentives for land use planning; use of innovative and natural solutions; implementation of watershed clean-up plans; and increased funding. (Danson)
- Features of successful partnerships: early joint planning; multi-year funding at specified ratio; commitment to stable multi-year funding; commitment to maintaining agreed upon funding ratios; explicit expected outcomes; roles and responsibilities for each party; each partner treats the others as important constituencies; partners leverage multiple funding sources; joint pursuit of funding, political, and constituent support; responsible party in each organization for maintaining partnership; open access to relevant data and information; respective constituents are well organized. Should be formed at lowest level where work is actually being done. [examples provided] (Davidson)
- Partnerships will be increasingly necessary, not only for intellectual but financial leveraging. (Davidson)
- Need conservation ethic for users, administrators, and managers of resources. (Dodds)
- There is a serious need to ensure ocean and coastal policy decisions are based on sound science. (Fletcher)
- Would like to see government provide some vision and structure but in way that nourishes diversity of programs, people, etc. (Fletcher)
- Partnerships important: look at grants and loans to acquire interests in real property worthy of conservation. State and federal programs needed like CARA. (Stallworth)
- Chief barriers to better stewardship are institutional because of traditional boundary lines and jobs given to agencies. Lack framework that focuses on solutions and stewardship. (Davis)
- USACOE and other federal agencies continue issuing permits at alarming rate even while we talk about land loss. (Armingeon)
- Management and governance of resources in U.S. waters:
  - 1) Broad look in 1999 report "Sustaining Marine Fisheries";
  - 2) Recent report "Marine Protected Areas";
  - 3) Agencies need to work together: 1992 report "Oceanography in the Next Decade, Building New Partnerships" led to NOPP. (Alberts)
- Issues of critical importance to DOD:
  - 1) Navigational freedom; navigation and overflights;
  - 2) Stewardship;
  - 3) Encroachment; restrictions are hampering training. (West)
- Have developed strong bipartisan effort in Congress: - Oceans Caucus. (Farr)
- Natural resources are diminishing; our endless frontier is gone. Next frontier is an intellectual frontier to understand issues the best we can from scientific perspective. (Gilcrest)
- Ocean ethic is absolutely important; fundamental. (Gilcrest)

*Federal Government's Response to Ocean Policy Issues (continued)*

- Must account for long-term protection of diverse, healthy, and productive marine environment. (Underwood)
- Avoid underestimating presence or scope of emerging environmental threats. (Underwood)
- Seriously engaged members of Congress are bringing oceans to center stage and may help bring diverse “turf” focused committee/subcommittees together on these issues. (Underwood)
- Political parties and Congress closer on oceans agenda than any other environmental agenda. (Weldon)
- Need to get various appropriation and authorization committees to understand it is easier if common unifying effort of oversight. (Weldon)
- Building new partnerships with governmental, commercial, and NGOs will strengthen U.S. leadership in ocean management and stewardship. (Thoroughgood)
- Burden of proof shifts to environmental and scientific communities when information lacks. (Dobrzynski)
- Focus on measuring performance not activities. Set your marker 30 years forward; judge on cargo capacity of ports, health of reefs. (Struhs)
- Need a national ocean policy driven by sound science; education and research are the backbone of the sound science. (Hastings)
- Do something for future generations. (Lane)
- It is difficult to get people to come to the table and do the difficult work that is necessary when they cannot get clear direction from the Federal government. (Smitch)
- There is State agency coordination, which is critical to managing the recovery of fish, but Federal government coordination is also crucial. Working without oversight or direction from the White House would be simply impossible. Working with the ocean issues requires White House coordination. (Smitch)
- One thing that has not been addressed is the need for people to synthesize and apply what we do know about the oceans, what science has taught us. (O’Keefe)
- Governance of ocean resources within U.S. territorial waters historically has been dictated by the practice of “first come, first serve.” (Durand)
- Often the Federal officials reviewing new exciting projects lack the regulatory tools and resources to keep pace with industrial progress. (Delahunt)
- An increased number of proposals for offshore projects may come in the future, including proposals (for example) for offshore aquaculture, wave energy, fish processing, casinos, mineral and oil extraction, and power and communications. (Kurkul)
- It’s a sad fact that unofficially I sometimes think the agencies themselves want to be sued because they don’t have sufficient resources. And once litigation is filed, everybody rushes to put resources in. And if you look at the marine mammal issues right now, sea lions, manatees, right whales, all of them have been accompanied by litigation. It becomes a really ugly circular thing at times. (Young)
- The oceans are a public resource, and they should be treated as such. They should not be privatized and given over for private profit in a private way that is not open or transparent. (Nelson)
- The human being should also be considered along with the whales and the plovers, and everything else.
- Humans should not be considered the enemy. [discussion provided] (Sullivan)
- The health of American’s oceans is in peril. [discussion provided]. (Knowles)

- The North Pacific provides a very good example of what leads to the litigation. In 1990 the NMFS recognized that it was out of compliance with the NEPA in not looking at the full environmental impacts of the North Pacific ground fish fisheries. Sometimes the decisions that are made are not well justified by the agency and that's what leads to litigation. Because there are creative lawyers practicing administrative law we find flaws through that—what some people term as process, we think is substance. The way to protect the environment in many instances is to force an agency to go through appropriate hoops and hurdles for transparent decision-making and informed decision-making. Maybe lessons in administrative law would be a good idea for Regional Administrators, for Council Chairs, to see if this is a legitimate structure for decision-making. (Van Tuyn)
- What is going to be required is a thoughtful integration of scientific and security related constraints and issues that the Commission itself, together with help from the Senate and the White House, will have to explain and justify a substantive change in our attention to these things. (Dorman)
- Nearly all of the 17th District's operational assets are multi-mission capable, giving the Coast Guard the ability to quickly transition from one activity to another (whether that be law enforcement, search and rescue, or homeland security). (Underwood)
- Speaker brought a jar of fresh Exxon Valdez oil collected a week ago from the beaches of Prince William Sound, thirteen and one half years after the incident. The jar was brought in to underscore the importance of this Commission to do its job boldly and strongly and do it right. The lack of clean up is what happens when government and industry don't operate together effectively. (Steiner)
- The choices the Commission makes have the power to destroy our world. It is not a legal issue, but a moral issue. (Hykes-Steere)
- I support the Commission's list of 10 elements that should form the basis of a robust national ocean policy. (Vonnahme)
- A new threat to the Great Lakes is the efforts of the Army Corps of Engineers to advance unsustainable expansion of the Great Lakes navigation system. The proposal calls for deepening navigation channels, expanding locks and enlarging harbor capacity throughout the system from the St. Lawrence Seaway at Montreal to Duluth. It also seeks to revive the earlier failed concept of maintaining year round navigation by engineering means. (Botts)
- Concerned that the education group of the Commission will overlook, out of convenience or politics, one major ocean threat—military encroachment in the name of national security. After small whales were beached and died on Cape Cod beach this past August, the most frequently asked question was whether or not the beachings had occurred because of low-frequency sonar use on the coast of New England. (Amundson)
- We can do all that we are being asked to do in the future—and we will do it all with the same operational excellence for which we are now known—if we are provided the appropriate means to do it. Consider the Coast Guard's Rescue 21 project and our efforts to address long-standing shortfalls in our coastal Search and Rescue capability. Rescue 21 will replace the National Distress System, our aging and hard-to-maintain maritime 9-1-1 rescue communications system which also doubles as our coastal command and control system. (Collins)
- The Coast Guard also is rebuilding the numerical strength, experience levels and professionalism in our coastal small-boat stations. The material condition of our small-boats is also being improved, along with their equipment allowances. Improving our Maritime Domain Awareness (MDA) is a high priority Coast Guard Homeland Security goal. Enhancing our MDA capability will also improve performance in fisheries, drug and migrant enforcement, search and rescue, marine safety and environmental protection. (Collins)
- EPA is unwilling to use best available science in their deliberations. EPA's proposal to establish a no-discharge zone for Florida Keys would prohibit the use of available technology for treating waste on recreational and other vessels. (Husick)

## *Federal Government's Response to Ocean Policy Issues (continued)*

- Watershed management plans will continue to emphasize assistance to the agriculture sector. (Connaughton)
- The Stratton Commission was in an enviable position compared to the one in which the Watkins Commission finds itself today. In the late 60's, we were faced with similar problems, but legislation addressing most of them had not been enacted. (White)
- Integral to almost all inland and coastal navigation and flood damage reduction projects is the consideration and management of sediment. We have initiated a new concept "Regional Sediment Management" which is an approach for managing sediments from projects incorporating principles of integrated watershed resources management. (Griffin)
- New Coastal Initiatives include participating with other Federal agencies to implement the Estuary Habitat Restoration Act - a nationwide program to restore a million acres of estuary habitat by the year 2010, and Corps and the State of Louisiana working together to restore and protect that State's shrinking coastal wetlands, and stem an ongoing loss of up to 20,000 acres per year. These initiatives are part of what we hope will be a new direction for the Corps of Engineers – one that gets us away from projects with a single focus, designed for a specific locality, and begin to look at watersheds as integrated systems, where what we and others do in one place has numerous consequences elsewhere. (Griffin)
- In the summer and fall of 2000, the Corps of Engineers held a series of 16 "listening sessions" around the Nation to hear what Americans thought were the major water challenges for the 21st Century. One of the frequently raised topics was the need to address water challenges from a watershed view, highlighting collaboration and integration. (Griffin)
- The Corps is working to become more a "virtual team." We want to be more vertically aligned to produce a product. (Griffin)
- Unfair to describe the U.S. ocean research effort as being disorganized and ineffective. (McPhail)
- Input from individuals or organizations representing facets of the marine recreational community has been sparse.
- It is sometimes very difficult to convince Congress that an investment in science is needed. (Turner)
- EPA is unwilling to use best available science in their deliberations. (Husick)
- The Commission should exercise caution in considering broad new ocean governance laws. Although problems such as delays in the CZMA process are well documented, the existing framework of federal law and agency responsibilities is generally adequate and appropriate to protect the marine environment and balance the use of ocean and coastal resources. (Fry)

## **PRESENTER RECOMMENDATIONS**

- Specific needs:
  - 1) More collaboration among all levels of government and with other countries;
  - 2) Better use of public/private partnerships to support symbiotic relationship between health of economy and environment. (Murley)
- Consider importance of partnerships as recommendations are developed. (Davidson)
- Support establishing innovative partnerships where resources and assets are brought together to create solutions. (Colom-Agaran)
- Develop partnerships to allow public and private sectors to work together for effective decision making regarding ocean resource management. [example of cruise ship agreement provided] (Murley)

- Involve all stakeholders and partners at the highest levels; Set far-reaching science-based measurable goals. Set bold goals with clear end points and with temporal context; Ensure public support by knowing what people are concerned about. (Max)
- Most critical changes needed at federal level to address major environmental problems in Gulf of Mexico:
  - 1) Move away from current crisis-oriented management toward decision making that is coordinated among various agencies, is adaptive, and comprehensive;
  - 2) Identify changes in federal policy that drive coastal habitat destruction (flood insurance, transportation, etc);
  - 3) Make a commitment of federal resources aimed at addressing threat to Gulf's resources by nitrogen pollution. (Sartou)
- Problems created by flood insurance policies and specific recommendations for change:
  - 1) Present requirements of national flood insurance program to reduce flooding are not enforced;
  - 2) Does not require development be directed away from flood-prone areas;
  - 3) Rates charged by flood insurance program remove development from normal market forces;
  - 4) Federal government is systematically subsidizing cost of living in risky areas;
  - 5) Recommendations—long and detailed list of changes is provided. (Sartou)
- Focus on improvements in how we govern under existing laws, as much as new regimes. Fundamental need is to develop and implement clear ocean policy goals. (Talbert)
- Military resources should be used where appropriate for environmental purposes. (Weldon)
- Congress should modify current committee structure to reduce number of committees with overlapping jurisdiction. (Rufe)
- Encourage diversity in management and science personnel; NSF, NOAA, and EPA should develop program for recruiting and developing minority students. (Haddad)
- Would like the Federal government to tell us what they want and we will figure out how to get there. Need to know the ground rules for dealing with an issue, which is even more complicated because it is by definition transboundary and multijurisdictional. (Smitch)
- An ocean ethic is needed that allows us to think globally with our oceans. This ethic needs to parallel the land ethic of the 20th century, an ethic that would transcend walls to think about the value of the oceans in new ways. Should use common sense practices without using up the natural systems that sustain us. (Earle)
- The Commission should look at what it is doing today in terms of the future, in 25 or 100 years from now, and think of how those in the future will regard us at this point in time. Think of the recommendations, the decisions, the influence you have on our nation's policy, on the world's policy with respect to the ocean. Do not hesitate to think big; do not think of what people today will think of you, rather, think of what those in the future will think of you. (Earle)
- Decide what we want as an overall oceans policy; construct clear and concise policy, through E.O. and statute, stipulating which path to take. (Moore)
- A policy is needed to restore the marine ecosystem—an ocean restoration policy. (Fletcher)
- Presidential and Federal agency leadership in Ocean and Coastal stewardship is necessary to bring out the best in citizens for the common good and future generations. (Evans, N)
- Simplify: make Federal grants more accessible, timely, flexible and transferable; and expand existing Federal grant programs. (Ehrmann)
- Support legislation such as H.R. 1310 to reform the Corps of Engineers to better serve all coastal interests. (Evans, C)

*Federal Government's Response to Ocean Policy Issues (continued)*

- Management decisions regarding our oceans need to be based on sound science, not economics or political will. Science-based decisions, however, are not possible if the science does not exist. (Gaydos)
- Need to cultivate an ocean ethic. The threats to our oceans need to be a part of a societal conversation, not a debate about marine reserves or private property rights. (Revell)
- A bold vision is needed; one that is not hampered by political ties, but one that lays out a course of action for our future and the future of every living organism on our ocean planet. (Revell)
- Prioritize living and renewable resources over non-renewable resources. (Revell)
- Federal support is needed to combat the regional issues of national significance that have not been adequately addressed on the West Coast—species diversity and complexity, exotic species management, human population growth, fish maturation, chemical pollutant treatment and bioaccumulation. (Scranton)
- The Administration's stance to ignore the precautionary principle and have future generations adapt to global warming impacts is unacceptable. (Scranton)
- Consider the health of the oceans whenever industry or military uses are being promoted. The Navy's new planned anti-sub sonar system should not be allowed to be used due to the horrible damage it does to whales and the potential threats to sea life in general. (Wallen)
- The Commission should encourage more scientists to synthesize and apply what is currently known about the science and the policy issues.
- Regional management efforts, such as the regional fisheries management councils, should not be dictated by a "one size fits all" approach. (Durand)
- Seek to not only protect life in the sea but also to advance the well-being of those whose livelihoods depend on the ocean. Seek to protect our national interest as well. (Reilly)
- Closing the gaps between scientific understanding, the formulation and implementation of effective environmental policies, and public understanding requires significant progress on at least three fronts:
  - 1) Rapid detection and timely predictions (the rates at which environmental data are acquired and processed are not well tuned to the time scales on which decisions need to be made);
  - 2) Local expressions of large-scale changes (although most of the changes occurring in the coastal ocean are local in scale, they often reflect changes occurring on larger scales in the ocean basins, coastal drainage basins, and airsheds); and
  - 3) Creating an environmentally literate public. [Further description provided.] (Malone)
- Review and consider all the recommendations that are emerging from the Pew Oceans Commission—an important initiative from the private sector. (Shelley)
- Distrust claims of sustainability. Past resource exploitation has seldom been sustainable. Claims of sustainability in the face of burgeoning populations and development may lead to false complacency. (Young)
- Confront uncertainty. Effective policies are possible under conditions of uncertainty, but they must take uncertainty into account. (Young)
- What is needed is a full-scale coordinated habitat restoration plan at the Federal level, such as the one called for in the Estuary Restoration Act of 2000. This Act calls for the coordination and prioritization of coastal and estuarine habitat restoration efforts nationally. (Spalding)
- Create an environment that is not from a natural standpoint, but from the standpoint of all these people, the environmental, commercial, academic, etc., can come together. The ocean should benefit everyone. (McGowen)

- It is time for America to unequivocally declare a national policy to protect, maintain, and restore the health, integrity, and productivity of our oceans by adopting a National Oceans Policy Act. [discussion provided] (Knowles)
- Congress should announce a new policy aimed at protecting and restoring the health, abundance, diversity, and functioning of marine life, ecosystems, food webs, and habitats. (Van Tuyn)
- The new law should emphasize that the National Environmental Policy Act applies to all Federal action in U.S. waters. (Van Tuyn)
- The law should include provisions to ensure that an open and public process is used prior to final agency action. It should also allow for citizens to sue to enforce provisions of the law. (Van Tuyn)
- We should not be making decisions in trying to avoid litigation. (Van Tuyn)
- The U.S. Congress should ratify: 1) the Stockholm Convention to avert further contamination of the marine environment from persistent organic pollutants; and 2) the Climate Convention to reduce greenhouse emissions and arrest human-induced climate change. (Childers)
- Stop treating the Arctic as a 1-State issue. Alaska's delegation of 3, excellent as they are, should not be asked to shoulder the brunt of the load. (Dorman)
- Alaska and the Arctic should play a significant role in the Commission's deliberations. The Commission should pay some attention to how Alaska deals with policy and Federal R&D management. (Dorman)
- The new Department of the Oceans should be governed by a National Oceans Policy Act, which provides an overarching protective mandate governing human exploitation of the oceans. (Sterne)
- Establish the Pacific Environment Council. Authorize and finance U.S. leadership and participation in the establishment of a new, intergovernmental institution for ocean governance across the Pacific Basin, called the Pacific Environment Council. [Further description provided.] (Steiner)
- Establish the U.S. Marine Fisheries Commission. Authorize and appropriate funds for the establishment of an independent, professional oversight body (similar to the Marine Mammal Commission) to oversee implementation of all Federal fisheries legislation and administrative actions. [Further description provided.] (Steiner)
- Establish the U.S. Seabird Commission. Authorize and appropriate funds for the establishment of an independent oversight body to oversee implementation of all Federal legislation related to seabird management and conservation. [Further description provided.] (Steiner)
- Demand that in the discovery process of this Commission it finds the keystone issues of these problems and create solutions to these fundamental inequities in the current ocean policies. (Ulery)
- At no time should re-issuance of permits, leases or other activities be allowed without full analysis. There should be a full accounting of all elements, and particularly essential elements of marine ecosystems should be fully evaluated. (Lakosh)
- The Commission must have clear definitions. Paranoia abounds from undefined terminology that could have the ultimate power to trump any local concern. Ecosystems, for instance, is such a vague concept it cannot truly garner the support it needs until the term itself is better defined and until the processes by which we apply ecosystems approaches are clearly defined. Everyone believes in the intent, but there must be a definition of the application. (Vick)
- Be aware of any burden of proof that is not equally applicable to user, researcher, policy maker, or litigant. Alaska's coastal communities and fisheries have suffered the extreme form of burden of proof on the Steller sea lion issue. The communities are bearing the price of being guilty until they prove themselves innocent. They do not have the resources or the science to fight litigation that is immune from its own premise. (Vick)

*Federal Government's Response to Ocean Policy Issues (continued)*

- I urge you to keep the Great Lakes in mind in all your discussions and hope that in your reports we merit specific discussion of federal policy and resource allocation needs. (Vonnahme)
- The formulation and implementation of a national ocean policy must fully recognize and address the critically important issues and opportunities associated with our nation's freshwater resources and, specifically, the Great Lakes. The policy must build upon and fully utilize existing water resource management institutions. It must be state and region-based, enlist partnerships at all levels within and outside of government, and place an emphasis on strong federal/state relationships. It must be science-based, guided by principles of sustainable development, and accommodate issues and opportunities ranging from environmental protection and resource management to transportation and sustainable economic development. Further, any such policy must be accompanied by adequate, long-term and reliable funding to ensure that goals can be met and sustained. (Kudrna)
- Recommended guiding principles for ocean governance are presented. (Kudrna)
- Treat the Great Lakes as this country's fourth coastline. (Reutter)
- The need for effective, coordinated and aggressive ocean conservation is urgent. People are largely unaware of this urgency. (Boehm)
- Commission should not only address public outreach around this issue, but the Commission itself should be working with our current Administration to bring protection of the ecosystems to the front of our policy and military consciousness. (Amundson)
- We need a systems approach to oceans policy. (Collins)
- Need help to enlighten EPA regarding passing law that will certify and regulate a new device whose performance is far superior to anything on the market today. Existing law refuses to recognize technology improvements. (Husick)
- Encourage the Commission not shrink away from nonpoint issues. (Chasis)
- Need a much stronger agency advocate for the oceans within Federal government. (Chasis)
- It is very important to extent possible that both commissions try as much as possible to complement each other in terms of our recommendations. I think there's a huge danger if one commission does one thing and the other commission does another thing. (Panetta)
- For a Council to really work it should be established by law and the President has to say ocean policy is something I care about. (Panetta)
- NOAA, in cooperation with the Navy and NSF, should continue to build partnerships with academia, building on such examples as the cooperative institutes. (Withee)
- Expand coastal management career opportunities to minorities. (Wellenberger)
- A comprehensive national ocean policy that seeks to prevent pollution and expand marine stewardship is sorely needed in this country. (Zipf)
- Urge the Administration to formally support and maintain the current mission, structure, and function of the National Sea Grant College Program (NSGCP), and that NSGCP should presently remain a part of NOAA within the U.S. Department of Commerce.

## TOPIC: **GOVERNANCE**

### KEY ISSUE: *Improved Coordination*

#### ISSUES RAISED

- Coordination does not require centralization or a single agency to address coastal or ocean related issues. Cooperation among agencies can take many forms. Governing institutions should facilitate opportunities to customize to particular circumstances. Performance measures are important. Need adaptive solutions tied to performance measures and monitoring in addressing coastal and ocean issues. (Kearney)
- Freedom of navigation critical to Navy's ability to deploy ships, aircraft, and personnel. Training is most critical component of nation's military readiness:
  - 1) Environmental limits imposed on training ranges has created overall impact to training readiness and is negative and cumulative; referred to as encroachment; impacts or precludes Navy's ability to execute its mission;
  - 2) Marine Mammal Protection Act and Endangered Species Act pose greatest challenge to Navy training and operations; "taking" is broadly defined [examples provided];
  - 3) Also overly broad and ambiguous environmental laws and regulations subject to liberal application and inconsistent interpretation: Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act. (Willard)
- Difficult to figure out many offices and programs in just NOAA, let alone interactions of other federal jurisdictions like EPA, ACOE, NMFS, USFWS, etc. (Nichols)
- Federal marine programs have proliferated without necessary coordination between states, academia, and resource users, and lack sufficient funds. (Cooksey)
- National Association of Marine Laboratories has high degree of networking among member institutions and synergetic interactions with other national/regional organizations (e.g., CORE, NASULGC, NSE, etc.). (Fletcher)
- Need collaborative research, management, and education efforts. (Stallworth)
- Most serious overall threat to ecosystems is fragmentation of management systems. [discussion/example provided] (Rader)
- Governance structure for ocean and coastal areas is a complex set of agencies, laws, and policies that can contribute to long delays and increasing costs for MTS projects. (Nagle)
- Two issues need to be addressed:
  - 1) Series of federal/state programs that deal with coastal areas need to be less fragmented and more cohesive;
  - 2) Conservation dollars to protect coastal resources. (Gilcrest)
- Numerous federal agencies with different and often conflicting mandates have jurisdiction over ocean resources. (Rufe)
- Coordination among local, state, and federal agencies, and other states in region, is needed to ensure Florida's economic base is maintained while minimizing impacts on ocean and coastal natural and social systems. (Murley)
- Top two issues Florida wants the Commission to address:
  - 1) Identify and implement institutional changes that would improve integration of existing state and federal programs;
  - 2) Develop comprehensive state-federal ocean resource management partnership with specific strategies and performance goals. [list of goals provided] (Struhs)

### *Improved Coordination (continued)*

- California, Oregon, and Canada have not agreed on a regional cooperative approach yet, but Washington State is interested in it. The motivation for us all is consistency in the shipping industry. (Smitch)
- One example of coordination is The Puget Sound Water Quality Action Team that is composed of several state agencies that work to coordinate a variety of activities within Puget Sound, including education. (Smitch)
- It is important to note how the environmental and resource management laws interact with one another, the extent to which they impose conflicting requirements that result in high transaction costs, and to figure out how to best direct scarce resources into achieving effectiveness in resource management. (Lashever)
- Integrated management—No overarching national ocean and coastal governance framework exists to coordinate among and within disparate public and private interests. (Hamilton)
- Pacific Northwest shares a tremendous amount of water—Strait of Juan de Fuca and the northern Puget Sound—with neighbors in Canada. What happens to one end of the Sound has an impact on the other. That goes for the different regulatory missions. (Berkowitz)
- The reason that policy development moves forward at a speed that far outstrips the research necessary to form that policy wisely is because the enemy has been identified, and it is us. Scientists are beginning to understand that cooperation and collaboration are necessary but it has not worked well in the past. Each has worked according to their own subset of disciplines. Working together would allow us to achieve more than the sum of the parts. (Colwell)
- Several years ago, Save The Bay helped found Restore American's Estuaries (RAE) to advance estuarine habitat restoration at the Federal level. ROE has identified 74 separate programs related to habitat restoration, which fall under seven Federal agencies at several jurisdictional levels including the EPA, Commerce, Defense, Transportation, Health and Human Services. The fractured nature of governance sometimes leads to non-productive competition among agencies, lack of clarity and a lack of public understanding. (Spalding)
- The traditional focus of ocean and coastal policy and management has been on marine fisheries and the living resources of the ocean itself. Management of estuaries and near-coastal waters is much more complex. (Spalding)
- There are numerous sources of impact on marine ecosystems in Alaska including contaminants, global warming, oil and gas development, and fisheries; each is treated by different management authorities in isolation from one another. We do not have a cohesive way to consider them all as a whole. (Childers)
- The Great Lakes Commission recognizes an unmet need for a national policy on marine and freshwater resources that present a clearly articulated vision and a series of science-based goals, objectives and strategic actions needed to both achieve and sustain that vision. A multiplicity of Federal agencies presently shares planning and policymaking responsibilities for the nation's marine and freshwater resources. (Kudrna)
- A broad spectrum of coastal and marine issues must be considered for managing resources and safeguarding ecosystem integrity while minimizing conflict. Better integrated governance is essential for the coastal and marine areas of the U.S. (Eichbaum)
- Fragmentation among federal and local agencies and the lack of participation and coordination of interests at the local level are two fundamental flaws to the existing systems of ocean governance and management. Single-purpose and uncoordinated laws that characterize the present system of various local, state and federal authorities should be addressed as a starting point for developing a coherent and purposeful national ocean policy. (Eichbaum)

- The increasing number of government agencies overseeing land and water management use has hampered effective decision-making. We urge coordination of functions — a clearing-house where federal, state and local programs can be developed and the elimination of overlapping functions. (Johnston)
- There is generally a broad lack of coordination. There is conflicting guidance that is often provided. (Panetta)
- Interagency collaboration is essential to the success of the nation's ocean policy. Any agency charged with implementing U.S. Ocean Policy, if successful, must play a strong role in promoting interagency collaboration and cooperation. (Munson)
- Coordination and Integration of Ecosystem and Fisheries Research and Management: The scientific knowledge required to implement an ecosystem-based approach to fisheries is incomplete, due in large part to the fractionation of research funding sources and portioning of responsibilities among agencies. (Jumars)
- There is an essential need to make some fundamental changes in the current fragmented approach to managing and studying our coastal and ocean systems. Better coordination and efficiency within and among Federal agencies and programs are necessary. (Allen)
- Fostering program integration within NOAA in support of an integrated U.S. Ocean Policy: background and rationale statements provided. (DeVoe)

## **PRESENTER RECOMMENDATIONS**

- Regulatory agencies need to better understand and give due consideration to DOD training and readiness requirements when within the law to do so. (Willard)
- Need a collaborative process for dealing with ocean issues. (Cooksey)
- Modify federal law to make it easier for universities, NGOs, businesses, and federal agencies to interact by passing through of funds, student and faculty support, etc., for studying changes over decadal time periods. (Steiner)
- Look at how Coastal America came about, people wanting to collaborate. (Struhs)
- Examine overlapping federal jurisdiction over marine resources and uncertainty and inconsistency that results. (Kearney)
- To achieve the Oceans Act goal of coherent and consistent regulation and management of ocean and coastal activities, require WPRFMC/NMFS to work cooperatively with the USFWS and other agencies to replace conflicting and confusing management regimes with an integrated and cooperative approach that embodies the most stringent protections where there are overlapping jurisdictions. (Raney)
- Recommend:
  - 1) Federal agencies should consult with states during the planning of their operational activities to avoid surprises (especially DOD);
  - 2) Coordinate with states on all federal permit and approvals for activities in federal waters;
  - 3) Allot adequate time for effective consultation and problem solving;
  - 4) Establish state and federal agency place-based work groups to consider and reconcile complex issues;
  - 5) Consider specific statutory or rule changes to improve NEPA coordination and linkage to CZMA, OCSLA, and state regulatory and proprietary evaluations. [examples provided] (Struhs)
- CSO endorsed principles:
  - 1) Renewed commitment to federal/state coastal ocean partnerships;
  - 2) Recognition of sovereign rights and public trust responsibilities of coastal states;
  - 3) Adoption of common coastal ocean stewardship mission as core element of federal agencies;

*Improved Coordination (continued)*

- 4) Need coordinated and sustained coastal and ocean research agenda at relevant scale for management. (MacDonald)
- Need increased cooperation between states, Federal government, tribes, and the international community. (Shultz)
  - Require Federal research and information collection activities be integrated with State and local management needs and require information transfer from Federal agencies to state and local governments. (Evans, N)
  - Reduce agency overlap and inefficiency by coordinating Federal resources. (Berry)
  - Federal natural resource agencies and tribes should work collaboratively to develop a process to achieve coordination through inter-regional and interagency teams to address ecosystem problems that extend beyond governmental boundaries and agency jurisdictions. (Ehrmann)
  - Federal agencies should establish a lead person in every local office (e.g. Extensions—land grant and sea grant, Resource Conservation and Development Councils (RC&Ds), conservation districts, etc.) responsible for working with watershed groups. (Ehrmann)
  - All the pertinent Federal agencies and organizations that oversee or use water should form an inter-governmental group or caucus to provide assistance to state, tribal, local government, and private watershed interests for protecting in stream flows and related watershed issues. (Ehrmann)
  - Create adequately empowered “National Ocean Council” in the executive branch and formally establish a network of “Regional Ocean Councils.” (Hamilton)
  - Recommend a funding mechanism having a focus on regional studies. NSF and ONR are too regional, parochial. Sea Grant doesn’t have the funding. We need a change to say that regional systems specific research is important—for the regions but also important to work together and see the collective view. The funding agencies need a change in their view of funding. (Newton)
  - We are on the cusp of a revolution in how we detect, understand, and predict changes in the marine environment, but greater coordination is essential. (Malone)
  - Cooperation and coordination between and among state and Federal agencies are critical. The key to this partnership is frequent and interactive communication, using the best available science and decision-making, personal interrelationships between and among key resource managers, a real focus on listening to the concerns of our partners and ensuring that people are fully engaged in the process of management to the fullest extent possible. (Geiger)
  - Create a national oceans agency to consolidate the many Federal bodies responsible for ocean resource management. (Phillips)
  - Develop recommendations that can help streamline and make our government more efficient. (Evans, D)
  - We need a process by which to create a master action agenda that: (a) prioritizes the hundreds if not thousands of recommendations from all these documents, and (b) articulates what the ecosystem itself needs in terms of funding to be a healthy life support system for current and future generations. (Davis)
  - The Commission should encourage a re-thinking of how the Executive and Legislative Branches can work together to more effectively provide the tools and resources needed to tackle what is clearly a problem of nationwide scope and importance, non-point source pollution and its impact on coastal environmental quality. (Walker)
  - Recommend further development and protection of our coastal resources. Interaction among agencies of the Federal, State and local governments needs to be regularized and implemented. (White)

- A good example of how a consortium of Federal agencies might work is Coast Louisiana 2050. (Griffin)
- We ask you to look into innovative mechanisms to promote interagency cooperation and collaboration. (Munson)
- Coordination and Integration of Ecosystem and Fisheries Research and Management: Encourage a more thoroughly integrated management structure that allows for a more tightly coordinated approach to habitat and fisheries management, and research funding that rewards efforts to merge ecological and fisheries-oriented studies. (Jumars)
- Encourage NOAA to coordinate and, where possible, consolidate its many advisory committees, boards, and commissions. (DeVoe)

## TOPIC: GOVERNANCE

### KEY ISSUE: *Alternative Governance Regimes and Models*

#### ISSUES RAISED

- Oceans should be governed for the public trust; ensure oceans are sustainably used and can be fully appreciated by future generations. (Danson)
- Consider visionary changes to way we manage oceans; adopt a proactive, integrated, and adaptive approach rather than crisis-based. (Danson)
- Policy question is do you pursue economic activities everywhere in ocean before knowing impact, or do you take precautionary measures first and study effects as you go along? We support precautionary approach. (Fujita)
- Must move towards a policy of ecosystem-based management not single species. Must vigorously protect naturally functioning marine ecosystems and ensure that resource extraction is truly sustainable. Must move towards policies of recovery and stewardship of ocean ecosystems. (Norse)
- Much of what drives efforts like Chesapeake Bay Program is federal regulatory regime. (Boesch)
- Still need framework that ties concepts into policy that allows goals to be set and offers strategies to bring success; 2000 Chesapeake Bay Agreement is a good model. Five sections (living resources, vital habitat, water quality, sound land use, outreach and stewardship) contain key concepts needed to build policy. (Harrison)
- U.S. ocean policy today is less than the sum of its parts. Ocean governance challenges:
  - 1) move away from predominately sectoral management to area-based, multiple-use management;
  - 2) provide overall national guidance on use of U.S. waters (0-200) through articulation of national ocean policy;
  - 3) Develop a code of ocean stewardship principles;
  - 4) Develop more integrated planning and decision making capacity for resolving ocean use conflicts and anticipating new uses;
  - 5) Integrate better the actions of ocean-related federal agencies (horizontal integration);
  - 6) Integrate better the actions of ocean-related state and federal entities (vertical integration). (Cicin-Sain)
- A detailed description of the Chesapeake Bay Program is provided. Included are important elements including: setting clear and measurable restoration goals that the public can relate to; development of extensive, multi-faceted sets of environmental indicators to clearly illustrate goals set; data management; Local Government Participation Action Plan; Community Watershed Initiative; Chesapeake Bay Small Watershed Grant Program. Chesapeake Bay program successes include working in partnerships and as watershed basis. (Max)
- Georgia achieves effective marine resource management and habitat stewardship through interstate and state/federal partnerships. (Shipman)
- Important models exist to help build an integrated coastal and marine ecosystem management system. [discussion and models provided] (Rader)
- U.S. ocean policy needs a foundation of knowledge. When scientific evidence is inconclusive, dictate a precautionary approach to management. (Dunstan)
- Health of oceans not related to political boundaries. We need to modify our approach to stewardship of marine resources. Laws, regulations and policies related to ocean health cannot be structured along political lines. (Carpenter)

- Oceans, estuaries, and fisheries are treated as boundless systems in province of special interests and agencies to divvy up. Result is poor understanding of systems and management geared at balancing short-term stakeholder interests rather than sustainable stewardship. (Davis)
- Gulf of Mexico Program meant to bring state, federal, local, public, private representatives to identify resources that could be joined to deal with issues. But as good science was generated, connections of solutions with human activity got people concerned. Program is now less than it was years ago. (Palmer)
- New ocean governance:
  - 1) Caution considering broad, new ocean governance laws and clear identification of “governing” problems before we solve them; Do not believe creation of new ocean “super agency” is necessary;
  - 2) Take care to maintain and improve benefits of existing federal structure. (Talbert)
- Adaptive management will be important as we move ahead. (Wood)
- Have science-based approach not just engineering. (Woolsey, C)
- Greatest challenge is the issue of governance; current policies address ocean issues individually (i.e., species) (Bodman)
- Ecosystem approach requires big picture; how law and use of oceans affect economy, environment, health and how they provide long-term needs; identifying and coordinating roles of federal, state and local governments, and NGO’s and private sector interests. (Bodman)
- Urges Commission to ensure environmental impacts are considered and minimized in context of all issues; research, education, marine operations, governance, stewardship, investment and development. Economic benefits will only flow if conservation and sustainable use become high priorities for all agencies. (Hopkins)
- Do not need to pursue all or nothing extractive approach for marine environment. (Hopkins)
- Deficiencies in current ocean policy stem from management based on sectoral, rather than holistic (ecosystem) thinking. (Loy)
- Canada (Oceans Act) and Australia (National Oceans Policy) provide integrated approaches to ocean management. (Rassam)
- Chesapeake Bay Program has worked to communicate and provide information. (Gilchrest)
- Facilitating interdisciplinary approach and partnerships will not be difficult; it is what everybody is looking for. (Hollings)
- Ecosystem management: extent of ecosystem should be based on broad spatial scale, recognizing the significance of watershed or catchments influences on downstream natural communities. (Causey)
- Challenge in ecosystem management approach is to get resource managers and scientists to create vision that extends beyond jurisdictional boundaries, both at national and international scales, and establish broader objectives in ecosystem management. (Causey)
- Lessons learned from FKNMS (Causey)
- Excellent model for interagency cooperation is the National Ocean Research Leadership Council (NORLC) of NOPP. NOPP and Ocean.US is good model for new way of doing business at federal level because it is participatory, creates priorities and is open forum for identifying and setting those priorities. (Groat)
- Healthy oceans depend on a strong stewardship ethic. [list of recommendations to address threats to living marine resources and ecosystems in Florida is provided] (Murley)
- Need to develop ethic “ocean for ocean’s sake.” (Damme)

### *Alternative Governance Regimes and Models (continued)*

- If we try to maintain current conditions our marine ecosystems will not make it; if we continue to “balance” ecosystem damage with hoped for mitigation, our marine ecosystem will not make it. (Fletcher)
- It is possible to define what ecosystem management is, how it should be done, and come up with a way of doing it. The premise of the exercise should not be revolved around making fish harvest decisions. By its very nature, you need the people that are involved in all the aspects of the marine environment, the harvest, etc. To go in this direction, it would be necessary to discuss reforming the fisheries council process. (Fletcher)
- A Shared Strategy is a regional policy group that involves all levels of government in interest groups and that it involves a combination of the services, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, as well as the tribal and state co-managers in the state. The goals of the Shared Strategy are communicated to watershed groups that then take the goals and decide what actions they can take in their watershed group to achieve those targets that have been given to them by the agency. (Ruckelshaus)
- It is difficult to combine the science and policy in the public arena. The public will hear our scientific results and not understand them. We then tried an alternative method and asked them to assist in picking target numbers within the range, and translating fish based goals into habitat actions. We won them over with this alternative method. (Ruckelshaus)
- The technical recovery teams are made of scientists from different agencies and groups. There are also observers from the political side. We do not wait until the science is complete, packaged and peer reviewed. We are constantly going through peer review and changing. All of this is time consuming but important. The Councils and Commission may consider some lessons from this process. (Varanasi)
- The best arrangement to be made with the private sector happens when you can put something that links marketable or public appeal or awareness with a corporate interest. Exxon put ten million dollars into tiger conservation because their mascot is the tiger. You can “marry” corporate interests. (Berry)
- Sound science, innovative approaches, and regional management flexibility are key to balancing biological sustainability with economic sustainability. (Durand)
- The challenges of the Ocean Commission will be finding the funding for new initiatives, reorganizing programs and agencies with new missions, and developing well-reasoned policies that can be embraced by a wide range of constituencies. (Hartman)
- The Gulf of Maine ecosystem should have predictive capacity in 2010. The linkages between the physical and biological, between habitat and the species, are now understood. It will be possible to say that if “X” percent of the habitat is disturbed, “Y” percent reduction or below can be anticipated. Part of it also has to do with the involvement of fishermen and others in the gathering of that information that will help build that predictive capacity. It is necessary to be comfortable with the science in order to have predictive capacity.
- The fate of the earth’s oceans is inextricably tied to other U.S. strategic interests, including economic prosperity and national security. (Reilly)
- Some sort of regional structure outside of the existing structure is necessary. Projects are well coordinated on a project-by-project basis but a directive does not exist to coordinate regionally on a mission basis. National guiding principles that feed into a regional structure are necessary. (Kurkul)
- The Gulf of Maine Council on the Marine Environment was created as a cooperative body and has succeeded in establishing a framework for continued cooperation in research, education, data collection, and policy development. The Council was not created in response to any immediate crisis and was not designed to usurp regulatory or management functions of state, provincial, and national agencies or legislative bodies. [Further description provided.] (Skinner)

- One of AMCC's guiding principles is that the ecosystem has intrinsic value and that it is our responsibility to manage our own human behavior in a manner that prevents over-exploitation or destruction of habitat. Of particular concern to us is bottom trawling because of the known impacts on sensitive seafloor habitats. [discussion provided] (Childers)
- The coastal community view to our ecosystem approach is to build the information system that provides the kind of information with which we can make better decisions on operating vessels, operating aircraft, managing fisheries, and managing hatcheries. The Science Center's formula for building an ecosystem program is to implement a comprehensive circulation model based monitoring program in the Sound synoptically with acoustic optical monitoring based modeling program on the dominant animal populations. [discussion provided] (Thomas)
- Political jurisdictions in the binational Great Lakes region have long recognized the benefits of multi-jurisdictional cooperation for the development and implementation of water resources management policies, plans and programs. Our regional, multi-jurisdictional institutions are the key elements in this highly complex "institutional ecosystem." (Kudrna)
- A few durable mechanisms have been created to coordinate policy, identify and resolve conflicts and ensure the undertaking of good marine stewardship. These bodies include the Coastal Zone Management program, the National Marine Sanctuary program and the National Estuary program. These three programs demonstrate that it is possible, under the existing legislative framework and in certain situations, to improve marine area governance. (Eichbaum)
- My purpose is to describe this successful model for collaborative conservation, to specifically underscore the important role that the federal government has played in its success, and to suggest its use as a model elsewhere. As federal agencies increasingly take on the challenge of managing natural resources in urban areas, Chicago Wilderness offers an innovative model for urban resource management and helps federal partners accomplish their missions in this important metropolitan region. (Rogner)
- Has proposed creation of a Great Lakes Fund, to give the resources needed to protect and invest in this the most precious of natural resources. The Trust reflects our values as a community; clean and healthy drinking water, access to clean beaches, dry basements and clean rivers. Highlights include: preventing new and eliminating current pollution; restoring and protecting habitat for fish and wildlife; flooding and property damage; and conserving land and water. Number one is to ban oil and gas drilling under the Great Lakes. (Emanuel)
- Need for a regional Great Lakes council with authority is being discussed. (Vonnahme)
- Existing Commissions and Councils of Great Lakes each have different purpose and intent. (Vonnahme)
- Federal Invasive Species Council is still young and going through growing pains. (Williams)
- We concluded that fisheries councils are probably a good place to start for defining ecosystems. (Panetta)
- The Corps Civil Works program is done in close partnership with states and local governments and increasingly private non-profit groups like the Nature Conservancy and Ducks Unlimited. The most notable example of course is the Everglades restoration but much of this work is occurring in our oceans estuaries and coastal zone though efforts like the Coastal America partnership. (Griffin)
- Water experts and the public are increasingly looking towards integrated water management as the way to achieve environmentally sustainable solutions that can also be implemented faster and at a lower cost than traditional engineering projects. Assuring the success of this approach, however, will eventually require landmark legislation. (Griffin)

- Australia views the resources of the seas as entirely analogous to those of the land. The seas represent the natural capital from which much of the world's protein is derived, target species exist within identifiable ecological systems, and their use and exploitation demand the application of best practice and best knowledge sustainable use policies. National and international policy has begun to recognize that the resources of the seas are finite, that many fish species are under heavy pressure, that seabed mining, shipping and other uses require an accepted multiple use framework within which to function. (McPhail)
- A number of countries have made very significant strides in developing approaches to ocean management. (McPhail)
- Australia's ocean policy of 1998 is the first comprehensive attempt to adopt a large ecosystem management approach to the Exclusive Economic Zone. The policy incorporates approaches ranging from representative areas designated for high-level protection to the reinforcement of the economic value of the oceans' resources, to the nation if used sustainably and intelligently. Most of all the policy reinforces the argument that the management of the resources of the ocean requires an integrated approach to meet the multiple objectives of environmental, social and economic good. The natural capital of the sea is the asset on which the maritime economy is based. (McPhail)
- A feature of the implementation of the Ocean Policy at Commonwealth level has been the creation of the National Oceans Office. The Office is an executive agency of government, in that it is separate from each of the constituent departments whose ministers make up the board. (McPhail)
- No Australian State, thus far, has signified its endorsement of the Oceans Policy, which is highly regrettable. Therefore, one of the great policy initiatives of this generation is not accepted as a national initiative, but is being perceived by the States as another federal intervention. (McPhail)
- In the end, the management of the coasts and oceans comes down to political will. (McPhail)
- There is a constant need to remind ourselves about the need for science in policy arena. (Turner)
- Discussion of background and current issues for ocean governance, ecosystem approach, interagency council, and investment. (Rufe)
- Findings and goals and objectives for Coastal and Ocean Governance. (CSO)

## **PRESENTER RECOMMENDATIONS**

- Recognize through new laws, policies, and institutions that oceans are a vital public asset and must be managed as a public trust. (Garrison)
- True ecosystem-based management will require the development of a new entity charged with its design and implementation. (Rader)
- Effective restoration of these systems will require development of a scientifically derived and ecosystem-based management plan. [discussion and examples provided] (Rader)
- Concepts for a successful oceans policy:
  - 1) Smart land use;
  - 2) Sustainable resource management;
  - 3) Effective partnerships;
  - 4) Adequate funding with accountability. (Harrison)
- Institutional options for achieving greater integration include: naming a lead agency; creating interdepartmental coordinating body (national ocean council); creating a larger agency encompassing wider range of ocean functions; and, creating a standing ocean commission. (Cicin-Sain)
- National integration is particularly useful to consider in creation of a national ocean council:
  - 1) Possible characteristics of council [list provided];
  - 2) Council functions; [list provided]
  - 3) Need incentives; [types provided]

Possible principles for national ocean policy. [list provided]

Regional Integration:

- 1) Defining marine regions is complex, Large Marine Ecosystems one approach;
- 2) Could begin with state-initiated regional ocean governance plans and group together; encourage process; [suggestions listed]
- 3) Federally-initiated; ecosystem-based multiple-use regional councils; [list of functions provided]

Guiding principles for future deliberations:

- 1) Ocean regions should be delimited and managed using ecosystem approach;
- 2) Federal and state entities should be partners in management of marine regions;
- 3) Regional institutions should be coordinated and overseen by national ocean council.

National Oceans Policy Act possible mechanism to implement policy; [list of suggested titles provided]

Council should report to highest levels of government (i.e., president or vice president);

Provide broad national goals. (Cicin-Sain)

- Coordinated/comprehensive ocean policy must include:
  - 1) Freshwater inflow policy related to health of coastal, estuarine and ocean environs. Ensure historical use of limited resources, including fisheries and fresh water, would continue and relate to sustainable land and water use policies;
  - 2) Restructure federal agencies so all coastal and ocean programs can be housed in or coordinated by one agency, perhaps expanding NOAA interests inland beyond immediate coastal zone, or formal communication requirements between agencies and states;
  - 3) Regulate by eco-regions rather than political boundaries, particularly wetlands. Technology allows mapping of eco-regions and governments often operate within interstate compacts. (Carpenter)
- Consider: Long-term vision; Ecosystem wide issues; sustainable ocean management vs. exploitation. (Pate)
- Evaluate Gulf of Mexico Program, if there is something we need to shore up, fine, if something else would be better, let's do it. (Palmer)
- Ocean policy must be premised on balanced, multi-use approach and should advance goals including; strengthening nation's energy security, protecting and enriching ocean and coastal resources, enhancing maritime commerce. (Caveney)
- Develop a national policy to protect ocean ecosystems:
  - 1) Move fishery management away from single species model; allow uses that sustain all living marine resources;
  - 2) Recognize importance of nonconsumptive uses of the ocean;
  - 3) Encourage use of tools that protect ecosystems;
  - 4) Authorize and encourage use of fully protected marine reserves and other protected areas. (Notthoff)
- Give the new federal ocean agency an ecosystem protection mandate and broaden authority:
  - 1) Give responsibility for determining catch levels and other science-based management measures to federal agency;
  - 2) Role of industry-based councils should be advisory, focused on allocation;
  - 3) Use zoning to restrict potentially damaging gears. (Nothoff)
- Enact a national ocean policy that establishes ecosystem protection standards that must be followed. (Wan)
- Encourage a broad or ecosystem-based approach to setting policy for coastal systems. (Allen, D)

### *Alternative Governance Regimes and Models (continued)*

- Ocean management “super council” may be like a wheel; goes out to a regional, smaller council. (Cooksey)
- Look at CZM model for ocean plans; federal goals with states developing plans within those goals. (Cooksey)
- Federal consistency process one important way to get at federal agency conflicting mandates. (Cooksey)
- Emulate success; Bay Program is one to use as model, it has attempted to be incentive-based, additional funds, not sanction-based. CZMA is a good model for state/federal partnership. (Harrison)
- Stewardship must begin with sound policy framework rooted in fact that oceans are sensitive resources that we do not fully understand. (Davis)
- Create new ecosystem councils to develop regional ecosystem management plans for the ocean. (Danson)
- Suggest a more holistic approach to oceans that does not view fisheries, habitat, estuary health, water quality, and human use as separate issues but as part of whole. (Davis)
- Look at how Coastal Wetlands Planning and Protection and Restoration Act has changed attitudes for cooperation and getting job done; outside that Act attitudes have not changed. (Davis)
- Governance: Many good examples of successful governance exist. [4 examples provided] (Oynes)
- Place a much greater emphasis on conservation; in Gulf of Mexico may need to manage what’s already there in way to protect resources left; in other areas avoid risk. (Wiyqul)
- Examine existing governance models and how they might be made effective (i.e., CZMA and fishery management) (Bodman)
- Investigate innovative governance strategies at all levels including local and state governments. Interest groups are now part of the process and should be considered for future efforts; incorporate indigenous cultures and traditions. (Underwood)
- Zoning/MPA concept is new; did not exist during Stratton; locally established reserves in Guam help locally and nationally. (Underwood)
- Move ocean policy away from crisis-oriented management toward coordinated, adaptive, comprehensive decision making. Focus has been on use over conservation. Oceans are under increasing pressure. (Rufe)
- Specific recommendations to help integrate federal/state/local management:
  - 1) First step is holistic perspective that recognizes the interconnected relationships of habitat type and condition, population and community structures, and overall system ecology.
  - 2) More inclusive approach to better resource management would more fully integrate state authorities with federal mandates; Atlantic States Marine Fisheries Commission and CZMA are examples. (Haddad)
- Create regional ocean councils: In California examples include; Cal/Fed, shoreline erosion, research. (Nichols)
- Faced with limited fiscal resources, increased Federal contribution and greater cooperation with stakeholders will be needed. (Shultz)
- Establish a clear governing system.
  - 1) Currently, authority over ocean related issues resides in various places in the U.S. government.
  - 2) One solution would be establishing Department of Oceans. (Moore)
- Change laws to reflect reality and get us out of the lawsuit mess.
  - 1) Need to understand that oceans and fisheries are dynamic, not static.
  - 2) Weigh relative worth of fisheries and actions we take to conserve and manage them.

- 3) Recognize and accept that science is imprecise.
  - 4) Time frames involved in fisheries management should allow ample public comment and participation. (Moore)
- Do not design a marine ecosystem management plan nationally, because while it is fine to have national standards, the people who know the most about it are people like Kathy Fletcher, Ralph Brown, and Usha Varanasi, and their teams. They should receive their marching orders, and then come up with the ideas. (Moore)
  - Models exist, such as the ones right here in Puget Sound, that could be used as examples of ecosystem management. (Fletcher)
  - The Northwest Straits Initiative should get continued support because it is an extremely promising effort. A combination of top down and bottom up approach is best. There is a need for both; especially with respect to the outer coast there is a tremendous need for national policy in this area. (Fletcher)
  - The marriage of science, policy, and implementation should be strong when discussing ocean policy. (Varanasi)
  - Believe regional ocean governance structure is required to enable all parties to regularly come together to address issues. (Soliday)
  - An integrated ocean governance structure should include the following:
    - 1) A comprehensive legislative framework;
    - 2) Defined governance structure and process;
    - 3) Identified and supportable area of jurisdiction and interest; and
    - 4) Accountability. (Evans, N)
  - A regional governance area must be based on knowledge of the ecological and economic coherence of ocean and coastal areas. (Evans, N)
  - Mechanisms (formal or informal) must exist to require accountability to plans and policies through political and budgetary processes. (Evans, N)
  - It is hard to say if a department of oceans is the right choice but we do know that we have to follow the money because that will reflect where the priorities are. Regardless of whether there is a department of oceans, there needs to be a mechanism to integrate the budget choices and to drive the budget policy. It is important that it is not compartmentalized. It has to be networked and have all the affected parties and parties with any responsibility at the table. That is state, local, and Federal agencies. It will include industry interests and public interests. And then be driven top down at the same time it is driven bottom up. (Evans, N)
  - We need to put together a working mechanism concept of this coordinating body, to which we all keep referring. An ocean management act somehow has to empower agencies and interests that do in fact have a defined scope of interests and jurisdiction simply to get at the same table together and say, yes, these boundaries do exist, but we have the authority to go forward and solve cross boundary issues. That is one of the things missing right now. (Evans, N)
  - Regional Councils have to have both the state and the Federal government empowered to work on the councils. The fishery management councils, of course, do not provide for that. We have to get over the boundary 3-mile issues. The way to empower both the Federal government and state government is to think on a regional level. (Evans, N)
  - Need to be very proactive—like the Nisqually—it is one of the healthiest watersheds in Puget Sound. People started the process way before the Endangered Species Act threatened them. They went out and did it—and that was without any Federal incentive. (Beck)

*Alternative Governance Regimes and Models (continued)*

- The ocean, the single defining feature of our planet, was regarded as sacred, an elemental force in global life. A remarkable paradigm shift is now occurring. Some say there is a powerful resurgence toward the original ocean ethos. This is a good thing and we strongly urge this Commission to use this paradigm shift as a filter when it writes its recommendations to the President. (Evans, C)
- A coherent set of policies to govern human behavior is needed, devised around principles of respect and appreciation for the complex and intricate trophic relationships and chemical and atmospheric pathways that make up marine habitats. (Garrett)
- We need an ocean restoration policy on national and global scales. (Garrett)
- Develop an Ocean Restoration Policy.
- Ocean policy must be strongly worded to work towards sustainability over the long term (200 years and on), focusing not on healthy industry, but on healthy ecosystems (industry will follow only with a healthy ecosystem). (McCaffrey)
- Fellowships should include a management policy component to encourage any scientists to not only do state of the art research but also to synthesize what we know now and apply it to ongoing policy programs so the best science can be used in making policy decisions. (O’Keefe)
- Commit to achieving by 2010 a fully operational ecosystem approach to the management of ocean resources. [Further description provided.] (Richert)
- Create a hospitable economic environment for ocean conservation—economic incentives are more often than not inconsistent with the stated objectives of current ocean policy. This lack of harmony is most pronounced in the fisheries sector, where economic incentives encourage the expansion of fishing fleets that are already too large, and stimulate a race for fish that is neither biologically sound nor economically prudent. (Reilly)
- Recommend the Ocean Commission review legislation and initiatives in public waters and make recommendations to the Congress to help devise a more comprehensive management regime that achieves a responsible balance. This would be an invaluable contribution to the legislative process and ultimately to the long-term conservation and responsible management of new activities in the coastal zone. (Delahunt)
- Through a regional ocean planning process, permitting decisions would be based on prior consideration of siting and jurisdiction. [Further description provided.] (Kurkul)
- Establish the authority and a coordinated process to achieve comprehensive ocean planning, involving local, state, and Federal interests. (Kurkul)
- Stress the importance of a regional approach to ocean planning, and realize that cooperation and coordination are best accomplished at the local level. (Kurkul)
- Make changes at the Federal level to more fully encourage, recognize, and support regional approaches to marine ecosystem management. (Skinner)
- Maintain continuity in commitment, leadership, and staffing; specifics include:
  - 1) Develop a proactive agenda that causes people at the right level to participate;
  - 2) Recognize that inertia and culture often impedes progress – develop approaches to overcome these obstacles;
  - 3) Create and nurture champions;
  - 4) Steadfast commitment pays off; and
  - 5) Develop and monitor indicators of commitment. (Skinner)

- In considering regional ocean policy, focus must be placed on regional needs shared by all partners:
  - 1) Emphasize regional issues that require collaboration or cooperation to be effectively addressed;
  - 2) Be inclusive in priority setting and provide adequate time for priorities to emerge;
  - 3) Initially take on tasks that can be achieved – look for quick successes;
  - 4) Build relationships with others that are lasting and productive;
  - 5) Focus on a small number of priorities and prepare a plan or strategy to achieve them;
  - 6) Set bold targets and be visionary; and
  - 7) Adopt measurable goals, create baselines and track progress – these produce accountability. (Skinner)
- The ultimate biological health of the Gulf of Maine is a direct function of our capacity and effectiveness in four managing interactive system variables: water quality, living resources, extraction rates, habitat protection and governance. [discussion provided] (Shelley)
- Improve ecosystem governance recommendations: need new legislation or an executive order to develop the capacity for integrated Federal management at the scale of the regional sea; regional Federal task forces must be organized and charged with the task of identifying, integrating, promoting, and protecting strategic Federal interests in the nation's oceans; and ocean zoning or area management strategies must be developed. (Shelley)
- Include human motivation and response as part of the system to be managed. (Young)
- Act before scientific consensus is achieved. Additional scientific studies are not necessary to tell us that human activities are affecting ecosystems. (Young)
- The kind of commitment that is being made to Chesapeake Bay must be made to all estuaries. In addition, the statutory framework must be reworked based on our years of experience with watershed management approach. (Spalding)
- Since much of the atmospheric deposition entering the Waquoit Bay watershed is attenuated by the forests, wetlands, and vegetated boundaries along streams before it reaches the bay, other areas of the country should consider adopting the Land Bank Program found on Cape Cod where a property tax surcharge is approved by a town to purchase open space. The Commonwealth of MA helps support the Land Bank Program; it is a successful local/state partnership. (Dow)
- Urge the Commission to recommend adopting a national oceans act that sets criteria, indicators, and policies to protect ocean ecosystems. (Phillips)
- Trying to clean up environmental policy mistakes that came, in part, from the lack of foresight. The culture of science is such that there will usually be doubt. Please don't gamble with our future because of this inevitable uncertainty. Please be courageous by practicing just a little bit of our idealism. (Nugent)
- Regional marine ecosystem plans should be prepared and implemented and would serve as the overarching management document to guide human interaction with the marine environment. (VanTuyn)
- We need a stricter Federal presence. What we need to say is that activities that may affect the ocean should not be allowed unless the proponent demonstrates that the activity will not harm the ocean. That's an example of the authority that would have to be met. (Van Tuyn)
- An ecosystem-based approach is needed along the lines of the Ecosystem Principles Advisory Panel report to Congress in 1998. (Childers)
- Environmental regulations are necessary but they are a financial burden. Financial resources are needed to help our communities build the infrastructure to allow them to live in a healthy environment. (Hermann)

### *Alternative Governance Regimes and Models (continued)*

- Policy can be set at many levels (local, regional, state, Federal, and international). But compliance to policy is another issue. (Hermann)
- Help create a new vision that incorporates the value of protecting America's marine and coastal ecosystems as wild, natural places. (Miller)
- Establish your policy recommendations binding to all stakeholders, the knowledge and wisdom to be locked into place immovable by the lobbying efforts of special interest groups. (Ulery)
- The entire community must develop the definition of sustainability. The larger community of interested parties needs to come together in open dialogue that is egalitarian, and have no governing body that is directing how discussion will go, and explore and define what sustainability means to that community. (Marcy)
- Recommend that the U.S. has a Bering council—a council made up of Canada, the U.S., Russia, Japan, and possibly Korea. The emphasis should be on contaminants. (Parker)
- Urge the Commission to think about the big picture and the big responsibility of ocean policy and take it beyond the role that the U.S. government plays. The North Pacific Anadromous Fish Commission and its fledgling international cooperative research being done through BASIS is a good example of what is possible, when nations come together on a common goal. (Ulmer)
- The Commission's vision to consider ecosystem-based management is a very good one. (Snyder)
- Consideration should be given to an extension service program throughout NOAA and modeled after the National Sea Grant approach. (Kudrna)
- Three specific initiatives come to mind that may provide useful models for improving our existing approach to resource use, protection and management of marine and freshwater resources on a national scale: program evaluations and benchmarking; regional, multi-jurisdictional management institutions; and regionwide agreements and plans. (Kudrna)
- If we are to address the numerous demands and stresses on the coastal marine environment we need a coherent and pragmatic national system for ocean governance. (Eichbaum)
- The United States is in need of a coherent system of governance that is based on a set of overarching principles and processes that address: guiding principles of a federalist system; institutional arrangements and responsibilities (national marine council, regional marine councils, improve existing systems, improve existing tools). (Eichbaum)
- A guiding example is Australia's National Ocean Policy. (Eichbaum)
- Establishing basic principles and effective processes for the governance of the ocean and coastal areas is a prerequisite both to economic investment and to sound environmental stewardship and would make a more reasonable, less adversarial approach to resolving conflicts possible. (Eichbaum)
- We need a governing body that can set strategic direction and provide a mechanism to coordinate ocean and coastal policy, both at the national and the regional levels. There are a number of existing models to consider in crafting such a governing structure. The most obvious is the Office of National Drug Control Policy—there are others. Perhaps it is time to consider the feasibility of a National Oceans Policy Advisor. (Collins)
- We must put increasing emphasis on awareness and prevention. (Collins)
- National Council should set priorities in a very limited number of areas—should not be sweeping—defined critical national interests in the marine environment. Regional Councils should be formed ad hoc and last as long as the issue does. Description provided. (Eichbaum)
- Your report to the Congress and the President should specifically refer to the need for investment in conservation technology to help develop and evaluate conservation practices to ensure that the best science available is being utilized to address natural resource concerns. (Knight)

- This country has to pass some kind of national ocean policy act— implemented through what we would call regional ecosystem councils. We think it's very important to restore some coordination at the national level. So we are going to recommend the national oceans council that basically brings the agencies and departments together in some kind of coordinating council at the White House level. (Panetta)
- We need to take this broad view of looking at the ecosystem and try to govern pursuant to that kind of approach. (Panetta)
- Would like to see each regional council develop regional “plan” for issues of the area. (Panetta)
- The OC must recognize the fragile and unique nature of the coastal and ocean environments, and that any development of those resources shall be done in the most environmentally safe manner possible. (Radonski)
- Concerning the guiding principles we encourage you to keep the first one on stewardship, that the ocean resources are held in public trust. (Weissman)
- Ocean Governance—three recommendations presented. (Eichenberg)
- Help identify and highlight a family of action imperatives for managers, citizens and legislators. (Stupak)
- Need to become more inventive at restructuring traditional institutional arrangements—not by just reorganizing and renaming, but by fundamentally improving their effectiveness. (Stupak)
- Search for a more productive interface between public and private action, and encourage a broad vision that is not bound up in traditional roles. (Stupak)
- We favor the creation of a national ocean policy council and working with the National Academy of Sciences to develop much needed national strategies for environmental research, monitoring, and education. (Allen)
- Policy and management must be based on ecological-hydrological units rather than on political boundaries. (Allen)
- The link between science and management can be facilitated by establishing peer review as a standard procedure prior to the approval and implementation of major management initiatives or programs. (Allen)
- Specific recommendations are presented for: ocean governance; ecosystem approach; interagency council; and, investment. (Rufe)
- Take an ecosystem approach to coastal zone management. (Wellenberger)
- Encourage NOAA to establish a cross-cutting administrative mechanism and foster agency-wide integrated programmatic planning and implementation of its research, education, and outreach functions. (DeVoe)
- Encourage NOAA to integrate and enhance its educational and outreach activities in partnership with the extramural community in support of balanced use and conservation of the nation's coastal, marine, and Great Lakes resources. (DeVoe)
- Recognize and promote Sea Grant as a unique and currently underutilized university-based program that can serve all of NOAA and its diverse clientele throughout the country. (DeVoe)
- Recommend that Sea Grant become the nation's primary extramural, university-based research, education, training, and technical assistance program in support of coastal, marine and Great Lakes resource use, management, and conservation. (DeVoe)

*Alternative Governance Regimes and Models (continued)*

- We urge the Commission to examine where realignment and consolidation of ocean-related government functions are attainable in a way that provides greater effectiveness and accountability. Keep the research and regulatory arms separate while ensuring that the best available research results guide regulatory decision making. Develop an efficient and integrative system of information exchange and coordination among federal agencies. Enhance State and local capacity. We believe that marine/ocean outreach capability would be improved if NOAA would create a new Office of Outreach, Education and Public Engagement. (NASULGC)
- Embrace an ecosystems-based approach to management for all of the nation's marine resource activities, including environmental and human dimensions as well as mechanisms for adaptive management. (NASULGC)
- We urge holding a major White House Conference and the establishment of an office or designated staff person in the National Economic Council to develop a long-term national strategy addressing declining workforces in Federal agencies that deal with ocean issues. (NASULGC)
- Recommendations for new and creative governance mechanisms should be guided by 10 proposed principles. (Fry)
- Industry endorses the development of a more comprehensive, integrated approach to these issues within the existing federal resource management structure; it supports a wide variety of suggested new and creative solutions. (Fry)
- Enhance governance, in partnership with states and territories, to address ecosystem management at the regional, state and watershed level (includes three specific recommendations). (CSO)
- Coastal and Ocean Governance (includes six specific recommendations). (CSO)

## TOPIC: **GOVERNANCE**

### KEY ISSUE: *Roles in Ocean Governance*

#### ISSUES RAISED

- Merge of traditional and cultural approaches with Western style of management of resources is ongoing challenge for both small Pacific Island nations and U.S. Federal structures. Acknowledgement of existing patterns and incorporation of traditions and cultural norms is key to implementing successful resource management program in Pacific. Recognizing integration is required when instituting resource management programs is advocated as critical starting point and to be merged in implementation approaches. (Peau)
- Role of public government:
  - 1) Facilitate development of vision;
  - 2) Ensure benefits do not accrue to just one organization, region, institution; make sure there is leveraging, partnership, funding. (Davidson)
- Try and remove layers of federal management and simplify process; figure out who can do it and give them responsibility. (Dodds)
- One of the challenges for Commission is to think carefully about role of federal government in helping to clarify federal interest. (Stallworth)
- Commission should set goals for federal and state governments to follow. (Stallworth)
- Challenges:
  - 1) Increasing devolvement of decision-making to state and local level;
  - 2) Limits of new legislative mandates in addressing complex environmental challenges; need for more incentive- based collaborative processes;NGOs private sector play increasingly important role. (MacDonald)
- International cooperation necessary to resolve most oceans issues. Issues affecting international ocean policy flow through four levels of government: local, national, regional, and global. Global and regional must be linked to national and local to ensure international solutions meet local and national needs. (West, MB)
- Four current international oceans policy issue may be of interest:
  - 1) Ratification of UNCLOS;
  - 2) Spread of invasive species through ballast water discharge: need shipboard technologies to eliminate organisms and pathogens;
  - 3) Coastal management: U.S. could improve effectiveness in Caribbean countries;
  - 4) Marine transportation system security-ships, ports, offshore facilities-vulnerable. (West, MB)
- Optimal role of State Department in brokering international marine science collaboration: diplomacy, policy development, and implementation of international science cooperation. (West, MB)
- Effectiveness of international large programs led by U.S.:
  - 1) Need to bring into force those instruments that are not yet in force (i.e., FAO Compliance Agreement);
  - 2) Need to continue to develop better measures where new technologies permit improvements;
  - 3) Ensure international measures are implemented. [includes description of global and regional programs] (West, MB)
- Urge thinking about environmental/defense connection abroad (U.S./Russia/China); oceans/environmental agenda can help reduce conflict. (Weldon)

## *Roles in Ocean Governance (continued)*

- A database exists from UN conference on environment and development for 2,000 tasks from program of action; what they are and who is responsible. (Antrum)
- Coast Guard is principal federal maritime law enforcement agency; also regulates portions of maritime industry for safety, security, and environmental protection. (Carmichael)
- DOI has significant responsibility for coastal and ocean environments. [list of agency programs and activities provided] (Groat)
- Not all answers are up to government. Need to maintain sense of public/private partnership. (Struhs)
- Sea Grant conducts priority-driven research, transfers scientific results to public, provides educational opportunities from K-12 to graduate degrees. [detailed description of Sea Grant is provided] Portfolio includes: promote sustainable fisheries; encourage development of responsible aquaculture; support quality community development in coastal areas; mitigate coastal hazards; create value through marine technology; expand public literacy. [discussions provided] (DeVoe)
- People are the missing link to solving many of our ocean resource problems. (Berry)
- International leadership—the U.S. lacks effective leadership roles in international ocean affairs due to nonparticipation in key international treaties. (Hamilton)
- The Gulf of Maine Council may provide a good model—to work between the states' programs and the potential extension into some regional entity that has some broader or new mandate from the Federal level. (Durand)
- USFWS broad areas of concern related to stewardship of ocean and coastal resources and protection of the marine environment are:
  - 1) Water quality and quantity in the Northeast [discussion provided];
  - 2) The health of fish and wildlife [discussion provided];
  - 3) Aquatic nuisance species [discussion provided]; and
  - 4) Watershed health assessment techniques [discussion provided] (Geiger)
- In order to sustain our operations, Congress has appropriated direct funds through agencies. In addition, applications have been submitted for competitive grants through NOAA's Coastal Services Center. (Skinner)
- There is something to be said for telling agencies to do their job so things do not end up in court. There needs to be more emphasis on the non-marine agencies doing their job when it comes to the oceans. (Goldburg)
- The City of Gloucester led in the formation of the Northeast Seafood Coalition, representing fishermen and seafood processors throughout the region. The City is fully engaged in the deliberations on the current northeast fishery management plan, as well as discussions regarding the reauthorization of the Magnuson-Stevens Act. The City faces a broad array of ocean policy issues in the day-to-day business of local government. (Bell)
- The roles and missions 2000 study of the Coast Guard has not been updated. All of the roles are still valid for the Coast Guard and the addition of the homeland security role being molded into the port security, is all a mission growth area. The need for any additional staffing and vessel requirements will be relayed to the Coast Guard headquarters. (Underwood)
- An emerging and increasing part of the Civil Works program is aimed at using the scientific, engineering and collaboration skills of the Corps to restore the Nation's environment. (Griffin)
- Because oceans and their resources do not recognize national boundaries, international cooperation is necessary to resolve most ocean issues. (Turner)

- U.S. leadership is essential and should take several forms. First, we obviously need to be a model ourselves. We must practice at home what we want others to practice abroad. Second, we must continue to work the international forums to develop treaties and non-binding instruments necessary to address oceans issues. Third, we must be creative in finding new ways to address problems such as through work in the WTO to reduce or eliminate subsidies that contribute to overfishing and overcapacity. Finally, as a nation with many resources we must actively engage in capacity building for others to enable them to manage their coastal areas and resources. Our White Water to Blue Water initiative is one such example. (Turner)
- Enhancing the Sea Grant Role within NOAA in support of an integrated U.S. Ocean Policy: background and rationale statements provided. (DeVoe)

## **PRESENTER RECOMMENDATIONS**

- The U.S. must allow its Territories and Commonwealths to manage the living and nonliving resources within their 200-nautical-mile EEZ and to utilize the revenues generated from these resources for their own prioritized purposes. (Van Dyke)
- Should emphasize consideration and evaluation of cultural practices or traditional governance strategies of indigenous populations; can provide insights an alternatives how to manage marine resources sustainably. (Underwood)
- Ocean governance regime should include strong role for coastal states and effective federal-state partnership with strong federal consistency review provisions. (Wan)
- The U.S. must work through the WTO to strengthen the global commitment to environmental protection, and to ensure that the value of free trade, as important as it is, does not overwhelm the equally important values of promoting biodiversity and protecting threatened and endangered species. [discussion provided] (Van Dyke)
- Coast Guard-supported agencies must establish clear and objective requirements to address. (Carmichael)
- Need to get people political, not partisan, to hold Congress accountable. (Weldon)
- Recommend continued state-federal partnerships as mechanism for meeting objectives of Oceans Act. Recommend close cooperation among all government agencies to ensure consistent management, appropriate funding and facilities support, cost-effective operations and enhancement of state-federal partnerships. (Sedberry)
- State and local governments have important roles in ocean policy; emphasize communication and conflict resolution. (Talbert)
- Up-current (international) needs must be addressed. (Rader)
- Make NOAA a functioning agency; it is currently dysfunctional.
  - 1) Organic act setting clear responsibilities and articulate ocean policy.
  - 2) Consider removing “dry” side so it just deals with water. (Moore)
- Sub-basin planning is one way of achieving success using all the technical teams’ information. Local planning should be supported by some of the broad scale science issues and the management issues. (Varanasi)
- Commission needs to involve jurisdictional interests and key stakeholders as co-equals for ocean planning and management. (Evans, N)
- State and Federal interests must be structurally integrated: appropriated management scales; research and monitoring; funding; capacity building; communication and coordination. (Evans, N)
- Policy/framework plans must be developed by many players (like OPAC) to guide integrated management.

## *Roles in Ocean Governance (continued)*

- Bolster limited ocean management resources by engaging the private sector. Since corporations also need to be responsible stewards of land and water resources, it is critical to engage them in dialogue and assist them in conservation investments. (Berry)
- There should be more local involvement. (Berry)
- Accept and include people and economics as part of the conservation equation; invest more resources into local volunteer efforts to secure the success of the larger programs. (Berry)
- Empower agency representatives who work with watershed groups to make decisions and commitments and to clarify what decisions they can and cannot make. (Ehrmann)
- Assist in building sustainable, local capacity by funding leadership and facilitation training. (Ehrmann)
- Establish a “clearinghouse” to provide one-stop shopping that would enhance the flow of information about watershed protection and restoration, technical assistance and funding, and other relevant data. (Ehrmann)
- USCOP should continue to work with the Bush Administration to ensure that ratification of LOS takes place as soon possible. (Hamilton)
- We should go into the EEZ and develop a regulatory structure that meets the needs of that area and then bring some of the standards, patterns and models back to the near shore environment to help solve many of the emerging conflicts there. Have one or two agencies that are committed to leading this effort. They would be administrative lead(s); DOC/NOAA are recommended. A particular area of activity, such as aquaculture, should be focused. (Swecker)
- Must have participation by adjacent states if the desired outcomes are to be used as models for problem solving in the Coastal Zone. Resources should be provided to other jurisdictions to fund the cost of participation. The goal of the group would be to develop a streamlined permit process for aquaculture projects in the EEZ. (Swecker)
- Transnational seafood corporations must be increasingly scrutinized to guarantee the protection of U.S. Commerce, to deal with economic and tax returns from national assets. (Taufen)
- The OPAC process would be much better served if there were a Federal oceans department to which they could address their recommendation for marine reserves in federal waters off Oregon and future recommendations for activities taking place in the Ocean Stewardship Area. Having one or more Federal representatives sit on the OPAC would also enhance opportunities for cooperation and coordination. (Taylor)
- Strengthen the Federal government’s role in ocean governance, in partnership with states. (Durand)
- It is critical, however, that people do not lose sight of the huge successes made in improving the health of our nearshore coastal waters and of the programs—Federal, state, and local—that continue to play important roles. [Further description provided.] (Hartman)
- Recognize the important future roles that existing Federal programs can play in ocean and coastal governance. (Hartman)
- A Federal ocean policy must place a high priority on strengthening state and local capacity to manage development, reduce nonpoint source pollution, minimize exposure to coastal hazards, and preserve open space against development pressures. (Stahl)
- The NORLC can play a role on formulating the ocean strategy. (Colwell)
- Work more closely with the Office of Science Technology Policy (OSTP). (Colwell)
- Rely on scientists to recognize problems, but not to remedy them. (Young)

- One of the roles the Federal government can play is to be much stronger about the needs for the nation's watershed, so other estuaries can get the same support that the Chesapeake Bay receives. They have firm agreement accountability and they have interjurisdictional conversation. The same is needed for all estuaries. Chesapeake Bay Foundation put a billion or more dollars into the restoration of Chesapeake Bay. This should be properly calibrated. At some level, the same kind of commitment must exist across the board for all estuaries, within some kind of structure. Some of that exists within the National Estuary Program, but nothing like what you see for the Chesapeake Bay. (Spalding)
- Alaska has quite a good idea of the sorts of Arctic issues we should be focusing on, and understand full well the immediacy of their human impact. The Commission should use this knowledge. (Dorman)
- Those most dependent on a resource should be involved in the public policy process that addresses those management issues. Grassroots stakeholders should be included in the process at the highest levels. (Herrmann)
- Develop policies in ways that inclusive of local stakeholders, keeping in mind the grassroots people who are going to have to live with those policies. (Herrmann)
- Produce a straightforward explanation of how the tribes and rural residents can use the policies for their own benefit. (Herrmann)
- Policies should always have an implementation plan that states who is responsible for implementation and what resources (and from where) will be needed to implement actions. (Herrmann)
- Establish Regional Citizens Advisory Councils in sensitive and vulnerable U.S. coastal waters that empowers citizens to provide oversight of government and industry activities in coastal regions. [Further description provided.] (Steiner)
- Demand the inclusion of equal weight of small boat fishers to any and all governing bodies set forth by this Commission. The inclusion of citizen oversight and third party review in the decision making process will ensure that all stakeholders are represented. (Ulery)
- Get the stakeholders more directly involved. (Vick)
- Support citizen's oversight models and local involvement and training, and the reauthorization of the Marine Mammal Protection Act to further define the statutory language supporting co-management of marine mammals between Alaska Native tribes and Federal agencies. (Snyder)
- A national approach to ocean policy development is needed, but the building blocks for that approach must be assembled at the regional level. Toward that end, we suggest that consideration be given to the structure provided in the Water Resources Planning Act of 1965 as it related to the formation of a national system of (multi-state) river basin commissions and a federal U.S. Water Resources Council. (Kudrna)
- OMB ought to be at the table of the Ocean Council—once you get somebody involved with the money, the power flows very quickly. (Panetta)
- Councils should have equal representation from key state agencies and not be dominated by Federal agencies. (Panetta)
- We urge the Commission, to call on Congress to provide a forum for debate and resolution of conflicts inherent in both the present and future ocean policy debate. (Schwabacher)

