Let me ask Mr. Ruckelshaus to provide the second part of his report.

SECOND GENERATION COASTAL MANAGEMENT

(A slide presentation in progress.)

MR. RUCKELSHAUS: In addition to the Governance Working Group spending a lot of time on this how to get the whole process jumpstarted and underscore the support of the administration and the President for some of the changes that we are recommending, it was felt that on the basis of a lot of testimony and evidence that both preceded the existence of this Commission, and, in fact, is embodied in the federal statute that created the Commission and in countless pieces of testimony and appearances before the
Commission, both in person and in writing, it was our feeling that some of the problems associated with where the land meets the water were not being adequately addressed under our existing ocean policy.

We thought we ought to deal with them. Again, the title of this suggested change can be misleading. It is talking about "Second Generation of Coastal Management." Part of what we have looked at is the
effectiveness of the Coastal Zone Management Act and
whether, in fact, that Act should be amended or expanded
to try to encompass more of the problems that we have
found exist at the coastal area, and, in fact, out of
the 200-mile limit of the EEZ and determine if we don't
need more effective policies to address those problems.

While we have called it "Second Generation Coastal Management," it is really broader than that. It is a discussion of goals. We will discuss a little bit the problems that we are trying to address, what we are trying to do, and then regional ocean councils which we are recommending be created, but we have not come to any conclusion yet about precisely what functions those regional ocean councils should perform and how they
Please bear in mind that if the Commission adopts what we have called Phase I and Phase II here under our earlier discussion, that what we are now trying to do is make recommendations as to what the outcome, one outcome of Phase I would be as it relates to the way in which planning and other kinds of activities currently occur on the coast, what the roles...
of the federal, state, local, and other governments are

and how those roles should be examined.

That is one of the reasons why we think it is
terribly important to engage the people that are
currently both administering the programs as it relates
to coastal zone management, for instance, and the people
that will be affected by any change that takes place in
recommending these changes so that we have a body of
support behind any legislation that might come from this
Phase I.

These kinds of activities, these kinds of
recommendations we are making now have to be viewed in
the context of the previous recommendations as it
related to the Phase I development of the statute.
As we say in this slide, a second generation of coastal management we think if properly structured could greatly improve many of the problems that have been identified and are associated with the current activities that go on in the coastal area.

In addition to the Coastal Zone Management Act, there are at least 10, and probably twice that many statutes, that provide significant responsibilities that
in some cases overlap, in some cases duplicate, in some cases advance the efforts that are made under the Coastal Zone Management Act.

We have been developing a history of the Coastal Zone Management Act, which will at least in some form be part of our report so that everybody can see exactly what the problems are that we are concerned about, how much progress has been made under that Act and other acts, and what we think can be done with a more effective and efficient process that would include, states, local governments, tribes, citizens, as well as the federal government in developing policies as they relate to the coast.

As this slide suggests, we haven't completed
our deliberations in this area. We would like additional input from the Commission. Other working groups have assumed that some kind of regional ocean council will be created or be in existence, and have suggested recommendations for functions of a council of that kind.

The next slide, please.

What we have here are a set of things that we
think could be achieved by a set of national goals.

These aren't necessarily the goals themselves; these are the kinds of things which goals would seek to achieve.

If you think of the second generation, who is it that sets these goals?

The Commission can certainly make recommendations as to national goals, and we may well do that. The National Ocean Council which we are suggesting be created could also have recommendation for goals. The statute that might come out of an organic national ocean act would undoubtedly embody goals.

So, it is not as though these goals are going to be set in stone forever by any one group, but what we are trying to achieve are if you take these down, these
three in order, the first one is the economic benefits
associated with the appropriate sustainable development
management of the ocean.

The third had to do with the necessity of
protecting the environmental concerns or environmental
amenities that exist in the ocean, and ensure that
whatever degradation has taken place now is reversed and
that we stop any additional degradation that might take
place. Some of this degradation is a result of non-manmade hazards, which obviously we have little control over.

However, we have tried and we have had discussions. We have discussed a lot the necessity of ensuring that both economic benefits as well as the environmental impacts of the achievement of those benefits sometimes occur are well understood and taken into account in any development activities that take place.

The phrase "sustainable development" is meant to ensure that both the environment and the economy are pursued in ways that are in harmony with one another as opposed to antagonistic, which is the way many people
think about them, and, in fact, has often occurred in
the past. However, these goals are meant to ensure that
those joint aspirations of the American people are
better harmonized than they are now.

It is also, as that third goal, that third
area of achievement suggests, necessary to identify the
benefits of the beaches and the oceans in particular
where they meet and that we pay attention to sustaining
those benefits.

The next slide, please.

This slide talks about some of the things we are trying to do. It certainly is not exhaustive in the list of what we are trying to accomplish, but, as I mentioned before, protecting and sustaining critical ocean habitat and coastal habitat is clearly an important objective.

We have had a number of calls for policy basing recommendations, basing governmental initiatives and regulation on the need to understand ecosystems better and recognize the cumulative impact of some of man's activities on these ecosystems, that it is occasionally irreversible and in most cases if
anticipated ahead of time can be avoided.

The necessity of what is often called "ecosystem management," we at least at this stage of our deliberations like better the phrase "ecosystem-based management," because it isn't that you are trying to manage the ecosystem. It is that you are trying to understand the manmade effects, the man-induced effects, on these ecosystems and take them into account in making
We need a much better process for developing how science can support public policy, how the research can be organized so that it is both timely and relevant to the decision making, how that all takes place is not being done very well now. In some cases, it is done very well, but certainly not on an extensive and organized basis.

There are any number of coastal management programs currently in existence. I already mentioned a number of statutes that relate to the same kind of functions under the Coastal Zone Management Act, and those need to be better coordinated.

The development of incentives, of
incentive-based approaches to coastal zone management

badly needs looking at. We have incentives, that have been in place for decades sometimes, that are contrary to the interests of sustainable development or appropriate harmonization of our environmental and economic goals.

We have incentives for the building of roads on federal lands that are contrary, at least in the
We have had governmental incentives for years for increasing the capacity of the fishing, commercial fishing, fleet in the country and we now see that in some cases in some fisheries there is overcapacity and the government is being urged to come in and buy out some of that overcapacity that it had earlier subsidized.

The need to understand what kind of incentives, both positive as well as the negative incentives associated with regulation and how they can be more effective in dealing with the issues that they are addressing, needs to be better understood.
All of this needs to be funded. Whenever the states or local governments get additional assignments from the Federal Government, we have what we call an "unfunded mandate." Those states and local governments will resist doing that unless funds follow. Often, those pleas are entirely appropriate, and it is necessary to see how a lot of the functions that relate to the oceans are better funded.
Now, the last slide is on regional councils.

Here we are continuing to discuss it. You heard in the earlier discussion questions raised about whether these councils would in any way impinge on the fishery management councils. There are a whole host of issues like that associated with the creation and assignment of responsibilities to a regional council.

I think there is a -- I won't say there is a consensus on the Commission, because there isn't, but there is a lot of support for the idea of regional councils performing certain functions. The ones that are listed here where a regional council could be made up of somewhat mirroring the national councils -- federal officials, state officials, and a lot of other
interests -- that exist in the region that are affected by ocean policy and will be increasingly affected if some of the recommendations aren't carried out, they need representation at the regional level.

We have also found that the problems of the ocean do not fit the entire ocean. They differ depending on what region you are in, not just the problems themselves, but the way that the state and
other kinds of activities have built up over the years
to deal with these ocean problems are different. They
take a different approach, depending on what region of
the country that you are in.

One of the things, one of the assignments,
that could be made to these regional councils is how to
anticipate problems that are coming and organize better
the governmental and other entities that are necessary
for addressing those kinds of problems.

I can think of one that I am personally
familiar with in the Northwest. I apologize to one of
my commissioners for mentioning salmon again. I told
him I never would.

(Laughter.)
MR. RUCKELSHAUS: Here was a problem we could see coming for years. There were several levels of government -- federal, state and local -- and several agencies within each level charged with the responsibility for dealing with it. There was very little coordinated activity in anticipation of the listing of these fish. Twenty-seven species out there have now been listed of these salmon as either
"endangered" or "threatened."

It clearly presents a huge problem for the region, one that was visible years ahead of the listing actually taking place had there been a regional council or even a national council that could have said, "We need to get ourselves organized to deal with this problem effectively, both on behalf of the fish as well as on behalf of the prosperity of the humans that exist in the region that is going to be affected," but that did not happen.

Regional councils could assist in identifying those kinds of issues that cut across jurisdictional lines, cut across state, cut across all kinds of lines and try to better organize the address of the government
to those sorts of issues. There are existing disputes
that have festered for years and haven't been solved.
There are sometimes conflicting assignments given to
agencies that are left unaddressed unless there is some
kind of specific responsibility given to an institution
to address those kinds of problems and try to resolve
them.
The second is there needs to be an assessment
of all of the benefits associated with our interaction with the ocean of how those benefits can be accessed without destroying the environment, without destroying the economy of regional communities and see that those benefits are in fact appropriately addressed and accessed so that communities can benefit from them.

The last sentence, that is a whole sentence, not only is the sentence complex but so in the problem, it is the sort of assignment to these regional councils that raises the most concern. You heard the one expressed by Ed Rasmuson earlier.

If we had a regional council with responsibilities for attempting to do a plan on an ecosystem basis, how would that relate to existing
responsibilities that are under the aegis of the states

or of the federal government in the form of a fishery management council or some combination of local government states, federal government? How would a regional planning process that tried to take into account some of these broader interests that exist actually function?

That is, in fact, one of the reasons why in
Phase I of that strawman proposal we suggest there be a

period where these kinds of issues can be worked

through. The Commission will make some recommendations

I expect to at least identify the kinds of issues that

need to be addressed and make some recommendations as to

options at least to consider, if not to pursue, as to

how those issues should be addressed through a regional

council apparatus.

However, it realistically is going to take a

while. We are going to need to involve directly the

people who are going to be affected by these changes, if

the statutory change necessary to create a regional

council and make it work is ever going to be supported

broadly enough to have a chance of passing. With that,
I will stop and encourage our working group members and others to respond.

DR. EHRMANN: We have a number of commissioners who wish to speak. Dr. Sandifer, I think your card was up first.

DR. SANDIFER: Thank you, John. Bill, I very much like the goal statements here. I think that is the first step here on this
second generation plan, and getting the economic as well

as the environmental vitality up front I think is an

important statement for this Commission to make. I

applaud the work of your working group there.

My only comment here is actually something

that several of us talked about. I believe Chris Koch

raised it in one of the working group discussions

earlier. The last of these three goals is an actual

mechanism that does not exist today for protection for

identifying and protecting critical coastal habitat that

is above and beyond sustaining what we have now or

restoring, but actually setting aside some critical

areas.

Bill, if you can mention salmon, I can mention
South Carolina and Charleston again. This came up in our very first field hearing in Charleston by the mayor of Charleston, it has come up in the Congress of the United States in the Senate with a bill for protection of certain estuary and coastal properties, and I think it is something that we need to include here specifically within the coastal zone management component.
Secondly, at our last meeting we talked quite a bit about ecosystem-based management approaches, and we have a draft definition, if you recall. Again, I am very pleased to see that being incorporated here, at least by reference, as a basis for some of the thinking along to where we want to go, not necessarily where we can get right now, but where we want to go with coastal zone management.

At least the Stewardship Working Group, I believe feels equally strongly that an ecosystem-based management approach is essential and watershed-based management approach is essential in long term for coastal zone management, as well as for living marine resource management.
My final point has to do with the regional
councils, and this is a place where I have very strong
agreement with Mr. Rasmuson. We have had only a little
bit of discussion in our particular Stewardship Working
Group, so I will not pretend to speak for the working
group. I think the kinds of things we have at least
been having a little bit of discussion about is more of
a coordinating and communications mechanism.
What we have identified very early on in our discussions with living marine resource management was that the fisheries management folks have no way, a formal mechanism, usually of interacting with the coastal zone management folks and vice versa until there is a problem or a given permit kind of thing. That is an unfortunate situation that you find yourself in.

Put it back up.

I think I would feel very strongly that a regional ocean council structure should be established. It should be a communications coordinating and funding mechanism that becomes the incentives.

It should not supplant the authorities, however, of regional fisheries management council,
interstate fisheries management commissions, or any kind

of regional body that I hope we will eventually

recommend to organize state coastal zone management

programs in regions and recommend that they at least

work together on a voluntary basis, any regional science

structure that we are able to come up with. The

recommendation I think will eventually come out of our

bodies for better regional organization of the federal
I think those are the kinds of things that we would see as elements of a regional council, and where the utility is that you bring those things that already exist together and have them talk to each other about problems and planning at the regional level and then the implementation is done by the affected body, whether it is a regional fisheries management council or a state coastal zone management program or whatever. This may be an oversight in the sense of planning and communication, but it is not a veto mechanism. If the regional council didn't like something that the fishery management folks did, they simply can't overrule an already existing regional body,
if I am making myself clear.

That I think is the way most -- at least the little bit of discussion we have had has been, that the communications problem, the coordination problem is the issue, and the lack of funding, particularly in coastal zone management areas for states to actually get together and think on a broader scale than simply permit-by-permit at the local level.
If we can get by those kinds of problems and provide a mechanism, a place for these people to come together and talk, I mean representatives not the whole crowd, then the additional cost and the additional bureaucracy is very, very small for the amount of benefit you get by having coastal zone management leaders and fish management leaders actually talking to each other and saying, "This is what we are working on for the next year or the next five years."

With that I will stop and ask you to react, if you would.

MR. RUCKELSHAUS: Well, for one thing, Paul, I appreciate those remarks. I neglected to mention that if a regional council of this kind ends up being a
recommendation of the Commission there are the other two working groups who are in fact going to recommend some, as I understand it some, functions for a regional council to undertake. In our group there was -- well, I can't say there was complete consensus, but there was certainly less dispute over the functions that you are talking about the regional councils should perform. Where you
could find existing problems, where the regional council had a convening function, then convene the people that were involved to try to make sure that it was worked through seemed to be a function that most people felt was appropriate for the regional council.

As I said earlier in response to Ed Rasmuson, I didn't hear in our group any suggestion that the regional council had the power to overrule the fishery management council or for that matter a lot of existing. Now, there may be disputes that come up that need to be looked into and resolved, and a regional council may facilitate that, but I wouldn't think it would supplant the decision-maker.

DR. EHRMANN: Okay. Dr. Muller-Karger?
DR. MULLER-KARGER: Thank you. I appreciate the work you are doing, Governance, on this. I think that our issues seem easy compared to yours.

(Laughter.)

DR. MULLER-KARGER: Just a small comment, but to me very important, on the components of this coastal zone management program, and that is, I would like to see that you have an explicit education program built
into this and not assumed or implicitly hidden within one of your bullets.

There are some efforts at the national level, for example, models that could be built upon. So, I would like to just recommend that there be an explicit bullet as in education, formal and informal, for whatever coastal zone management program you come up with.

Now, also on the second point that I want to make is I also have concerns about these regional councils. I want to make sure that this doesn't create a new federal bureaucracy with a new building a lot of new federal people in a region, which I have seen happen many times.
I understand that there is a need for coordination, and this could be incentivized by the Federal Government. However, I think that if we can do this in a way that you encourage the local people to come up with their structures and their own way of organizing themselves to address their problems up the watershed with neighbors, and so on, I think that is to me a lot more useful and visionary than having another
structure imposed. As you consider this, I would like to make sure that you take that into account.

MR. RUCKELSHAUS: I think your idea about encouraging people particularly in watersheds to take, using collaborative and other kinds of processes to take, their futures into their own hands is a very good one. Maybe these regional councils could be asked to assist in facilitating that process.

I didn't hear anybody in our discussion, Frank, suggest a new building for it. Now, the question of how you would staff that, it would have to be staffed in some way, but I don't think that is a big problem.

DR. MULLER-KARGER: I think we should build guidelines and disincentives for the Federal Government
MR. RUCKELSHAUS: I think that is a good idea, Frank.

MR. RUCKELSHAUS: One thing this is aimed at doing is overcoming some of the problems associated with bureaucracy. We have these stovepipes that exist for dealing with the problems, and bursting through those
stovepipes is very hard to do. If they are sitting around the table, it is harder for them not to sit down and respond to somebody's suggestion that they work through their problems more effectively.

DR. MULLER-KARGER: I agree, but that could be part of this national council. Much of this could be housed at the national council level. You don't have to create a new federal bureaucracy at the regional level.

MR. RUCKELSHAUS: Yes. The bureaucracy is already at the regional level in the federal government. What we are talking about is trying to make it work more efficiently and effectively. You are right, it could be initiated, the example I gave could have been initiated, from the national level in the case of the fish, or it
could have been initiated at the regional level, if

these regional councils exist. I don't see that they

are necessarily mutually exclusive, but rather

supportive of one another.

DR. EHRMANN: Okay. Dr. Ballard?

DR. BALLARD: I have something somewhat

similar, I have a comment and a question. As we said

before, the recommendations being made today,
particularly the actions of the executive order, are jumpstarting the system. However, we have also acknowledged that we still have a fair amount of deliberation to do on potential reorganizations, restructuring, consolidating, et cetera.

I am hoping that the actions that we have yet to take will assist greatly in eliminating some of the problems that we are now thinking the regional council will be addressing because of these structural stovepipes and issues.

I hope that since we are not going to pass on any of this until we see the whole thing that it will be interesting to see as we move into the restructuring/reorganization dialogue to see where our
thoughts are after that process is over.

I am hoping that instead of trying to, you know, compensate for a bad swing, correct the swing. I am hoping that the reorganization effort may actually solve some of these problems that we are now trying to build a structure to compensate for them. That is my comment.

I had a very simple question. On your
possible second generation coastal zone management
components you state, and I just want to better understand what you had in mind when you wrote this, "Protect natural areas and people and property against sea level rise." What were you thinking? I mean, that is a pretty awesome force to be dealing with. What did you mean by that?

MR. RUCKELSHAUS: Well, we are very much opposed to sea level rise.

(Laughter.)

DR. BALLARD: Yes. I can understand other aspects of that sentence, but that one really stands out as the guy with the dike and his finger in it, you know.

MR. RUCKELSHAUS: We have taken no position on
the tides.

(Laughter.)

CHAIRMAN WATKINS: Just blame it on the staff.

(Laughter.)

DR. BALLARD: I hope that we aren't just setting up an agency to compensate for sea level rise by putting dams and dikes around everything.

MR. RUCKELSHAUS: Well, now, we can call it
the "Department of Sea Level Rise."

DR. HERSHMAN: If I could comment, I think the intent, although it could be worded better, is to deal with the effects of sea level rise and try to reduce the impacts. There are all sorts of activities attempted in that regard, both construction standards, setbacks, and using natural resources as barriers.

(Simultaneous discussion.)

MR. RUCKELSHAUS: You might wordsmith that a little.

DR. HERSHMAN: You know, all of those things I think were intended.

DR. BALLARD: All right.

DR. HERSHMAN: You have to read between the
MR. RUCKELSHAUS: Let me try to respond to your first observation, too, because I think it was an important one. As I mentioned at the outset, certainly the proposal of any of these councils, whether national or regional, are not meant to solve all problems. If we come up with some suggested reorganization and consolidation, it could remove some
of these stovepipes and make it easier to solve them

without using this kind of mechanism. In the first

place, that takes statutory change if you move outside,

and so that takes some time. These could be temporary

institutions.

DR. BALLARD: Yes. I am just concerned that I

have never seen the government create something that was

temporary.

MR. RUCKELSHAUS: Well, we used to have these

regional councils in the past and they have just

withered away, not because they aren't needed, at least

in my judgment, but because they weren't given a very

clear assignment. They didn't work very well.

Now let me also caution all of us to remember
that just because we reorganize the government, we move
the boxes around, that doesn't mean that you are not
going to have disputes within those departments. I
offer the Interior Department as a case in point, and
an tempted to rest my case.

(Laughter.)

MR. RUCKELSHAUS: You have got within that
department very strong existing bureaucracies that have
a difficult time in coordinating what they are doing.

Some mechanism like this to ensure that the government functions more effectively, not increases the bureaucracy, quite the contrary, overcomes some of the kinds of instincts that bureaucracy have historically evidenced. You just need some kind of mechanism to break through that resistance.

DR. EHRMANN: Admiral Gaffney?

ADMIRAL GAFFNEY: Thank you, Mr. Chairman.

Other than the sea level rise prevention program, these principles for better living sound like some things that almost everybody agrees with. I was wondering if there is an action to get these principles off the ground that you proposed.
For example, would you assign this to the NOC to do to ensure, protect, sustain, et cetera? Or, are you proposing actually including these in a rewrite of the Coastal Zone Management Act? The word "Act" is not in here anywhere. I assume it is the former and not the later?

MR. RUCKELSHAUS: I think that is a fair question for discussion. Should this Commission try to
establish some goals just to guide the implementation of

our recommendations? We have established a set of

principles. We haven't finalized that or anything else,

but we have put forth a set of principles.

We could put forth a set of suggested goals,

we could suggest that the National Ocean Council do

that, or we could suggest that they develop it as part

of a national ocean act, just as you suggested. I think

it is an open question.

ADMIRAL GAFFNEY: You haven't made that --

implicitness is not a recommendation to do any of those?

You would like ideas on that?

MR. RUCKELSHAUS: No. I think what we have

said in that slide was that the goals to be recommended
by the Commission, now they don't have to be recommended

by the Commission, should achieve the following. So,

these are things that we are trying to achieve by goals

that may or may not be issued by the Commission, or we

may recommend that they be developed by somebody else.

There is sentiment on the Commission for us to establish

some goals, but I don't think we have resolved that

question yet.
ADMIRAL GAFFNEY: Okay.

DR. EHRMANN: Okay. Commissioner Koch?

MR. KOCH: Thank you. The more I think about this I think the title of what we are talking about here kind of reflects some of the confusion that I see, which is second generation coastal management. I think in our discussions and in my own mind we mix up a lot of things in this same discussion, and they are not the same. We are talking about coastal zone management, we talk about ocean governance, we talk about ecosystem management, and we talk about watershed management. They all get blended in, in a way that we are struggling to come up with some sort of clear way to move forward. It is extremely difficult, and my own view is that we
haven't really gotten there.

On the second slide, we talk about, "Establish a new set of measurable national goals needed to guide coastal management." I think that is a very correct statement. We haven't been able to do that at this point. The principles we have listed are certainly not new principles. These are basically, with the exception as Bob pointed out of preventing sea level rise,
embraced in the existing law. They are not new goals, they are not new principles, and they certainly aren't measurable in any sort of a way that I think people could agree on.

What we have found in our discussions I think, and I think there is some consensus, is there is a concern about the effect of population migration along the coast. It is demonstrable. It obviously has an effect on the coast and on the environment. We have also clearly identified non-point pollution as an issue. However, wrestling with those general issues, we haven't related how the existing system, if these are problems, what in the existing system that is defective has caused it? Is it a defect? Is there anything we
can do about it that would be effective from a systemic
basis in the first place?

I think when we are dealing with this we are
kind of all over the map. The reason I think we need to
be concerned about that, frankly, is the "management"
word. It seems to me that, as Paul Sandifer was
discussing, if what we are considering here is something
where we are coordinating communications, we are trying
to coordinate management, have common discussions so
that when there is something in fisheries it affects
coastal zone and vice versa and people are communicating
more effectively than they are today, I think it is a
worthy goal. I think everybody sees that and everybody
would understand that.

I think when we try to migrate into discussing
a new regulatory regime and a management regime, I think
there is an absolute importance on us to be very clear
about what we are talking about and what we may be
proposing.

I don't think this is something that we can
keep in this general set of terms and simply throw to
the Congress or throw to the National Ocean Commission
or council we are talking about without ourselves
providing the kind of guidance or at least a much more sophisticated level of guidance than we have got to.

In terms of my own view on this thing, there is a lot of confusion including the roles of the states. When we talk about establishing a more coordinated system of coastal management programs, I mean, the system today is based on state-by-state coastal zone
management programs. We haven't wrestled really very well with are we talking about supplementing that or supplanting that? What does all of that mean?

Then, when we get to regional councils, regional councils are used and the input we have gotten from the public and a lot of different contexts I think the majority of the time as ocean governance councils. It is not clear that we have defined are we talking about -- and we have had the discussions, but I don't think we have reached a conclusion -- is it ocean governance we are talking about? Is it coastal and ocean? Is it watershed, the whole ecosystem type management program we are talking about?

My own personal view is I am very comfortable
with this concept of regional councils in the context of using them as an ad hoc regional problem solving exercise, where there is a clear problem in a region and people want to come up with a solution. They want to cut across stovepipes and solve something, that they can be used in that context. I mean, I see that there is merit to that and how that could be developed.

To suggest we are at a point yet where we know
that these would be things that should be created for
management purposes, I still have a number of concerns
and think we will really need to in a relatively short
period of time do an immense amount of work to see if we
can come up with something that would be able to
generate consensus because I think it is a huge, huge
challenge, and we need to be very careful here.

DR. EHRMANN: Okay. Thank you.

Dr. Rosenberg?

DR. ROSENBERG: Thank you, Mr. Chairman.

This is an interesting discussion. I am still
trying to recover from your saying the word "fish" and
waving vaguely in my direction.

(Laughter.)
DR. ROSENBERG: I do think that this is a critically important area, I think, particularly with regard to regional councils. It seems to me that second generation coastal zone management or coastal management in some sense follows from the creation of a system to do ecosystem-based management. Understanding that I don't think we have the capability to immediately do all aspects of ecosystem-based management, but that we need
to move in that direction.

We have talked about it a lot. We have included definitions of it in various ways, and here is a lot of international and national work on it including National Academy work, and I don't think that we can duck the issue of ecosystem-based management nor do I think we should. I firmly believe that we should be doing ecosystem-based management.

I think to do that, in fact to do almost anything, regional councils are essential. The reason I think that is because most things happen at the regional level, and creating a national council is all well and good, but it is not going to be implemented unless you have a structure in the region to carry forward any
coordination you do at a national level.

The reason they need to be regional and the reason I think that if you are really going to talk about a second generation of coastal management and you need to think regionally is because ecosystems are regional. They are not defined by the current political boundaries, and so you need to think of many problems on a regional basis.
That doesn't mean that every problem is solved by a regional body, but it can be informed by a regional body, however you define those regions, and I think they should be defined at least generally along ecosystem lines.

I am a little bit concerned in the discussion that we are talking about regional councils. We are saying, "Well, they can be communicating, but they are not going to be regulatory." I happen to agree with that. I think they are policy councils, not regulatory councils.

We don't want them to have a building, we don't want any structure, and we certainly don't want them to tell anybody what to do. So, we really think we
ought to have them, we just don't want them to do anything.

(Laughter.)

DR. ROSENBERG: That makes me uncomfortable. Clearly, we do want them to do something. I think what we want them to do is carry forward planning and problem solving across issues and across entities, governmental entities or non-governmental entities for that matter,
that are involved in a particular problem. That doesn't mean that they do the regulation for fisheries management.

It doesn't mean that they do the regulation for other coastal zone management, but if you don't have some coherent plan in context, then I don't really see how you would imagine that you are going to make a significant change in the impacts across sectors of those regulatory actions.

It has to be a little bit more than a communication forum; it does have to have a planning function in my view. We have identified a number of issues where there are problems to be addressed, and I think it is more than a lot of people moving to the
coast or non-point source pollution.

Those are not solely the only impacts on habit, they are not the only impacts on protected species, they are not the only impacts on harvested species, they are not the only impacts on living resources, and so on.

So, we have stated earlier in our Commission discussions the importance of coastal management and
coastal development and the importance of marine fisheries planning. Frankly, in the list of things such as pollution and coastal zone management, even though we point at a lot of problems in marine fisheries, it is far more successful than most of those because it has a regional council structure. For all of its warts, it does work in some areas.

I do think we have coastal management, marine fisheries planning, pollution reduction planning, non-point source and point source, non-living resource planning -- we have a structure there that currently exists but is not terribly well integrated with other structures -- conservation planning, which goes to Paul Sandifer's point about protecting areas or sort of
the equivalent of open space and science and research planning, that none of those functions are fully carried out on a regional basis or an ecosystem basis now. I do think we have to say what we are going to do, I think Paul Gaffney raised this, if we are going to either imply that we are going to move towards ecosystem-based management or create regional councils or, for that matter, create a national council. A
national council can wave its hands around and make all sorts of national policy. I think as you all know the center of the universe is not Washington, D.C., it is New England.

(Laughter.)

DR. ROSENBERG: That doesn't imply that there is a veto and that doesn't imply these councils are regulatory, but they have to be serving a planning function.

Finally, I don't think you actually mentioned it or maybe I missed it in the description of the slide but there is that sort of tag line that says "Pilot programs, as appropriate." I think that merits some attention, because I do think it is a very important
You would not expect in every region that a start towards ecosystem-based management would work in the same way, would address the same set of issues or would take the same approach. There may be lots of different ways to begin to move in that direction, and the best way to do that is to allow people that flexibility as opposed to giving them a set of
guidelines that say, "Go out and do all of these things."

I think that carrying forward that idea of pilot programs, which I think came from the regional workshop that Biliana chaired, is quite important in figuring out how we make a start at doing some new things in a policy framework.

I guess, finally, I would suggest that we think hard about the names of these entities. I mean, is it a national ocean council or is it a national ocean policy council? Is it a regional ocean governance body, or is it a regional ocean policy body? Those are different things. I would suggest the later. It is policy that we are talking about, policy and planning,
if you like. That is more useful to get away from the
sense that we are going to create a regulatory
structure.

Thank you.

MR. RUCKELSHAUS: I apologize for not
addressing the pilot program as appropriate. In fact, I
was the one that said this had to be put on this slide,
and then I was reading from these hard copies and it
isn't on there. So, it is not the staff's fault, it is
my fault.

DR. ROSENBERG: I assumed that.

MR. RUCKELSHAUS: Boy, was that hard to say.

(Laughter.)

DR. EHRMANN: Dr. Hershman?

DR. HERSHMAN: I would like to just add a
couple of points to the discussion. I think the second
generation coastal management and the Coastal Zone
Management Act and the programs it has spawned are
sometimes seen synonymously.

I think the intent here is that we are using
coastal management with a small "c" and a small "m" to
refer to a wide grouping of activities and programs
15 primarily operating at the state and local level that
16 all address aspects of coastal management.
17 The second generation at least, in my view and
18 more discussion is needed here, is to somehow see that
19 more holistically. In other words, there are a
20 variety of players already working at habitat
21 protection; at water quality; at shoreline management,
22 shoreline protection; at hazards who operate at the
state and local level, but they are very, very numerous.

I know in my own area the degree of communication between them is very weak.

At least in this one commissioner's mind, a very important role that the regional councils might play would be to find the incentives and to come up with the models for cleaner implementation -- I'm sorry, integration amongst these variety of players much of which might occur through the policy directions at the regional level of federal agencies combined with state law and state actions under their own powers.

I think that, at least in my view, second generation coastal management can be an upgrading and greater integration of the numerous players out there
now of which coastal zone management programs are one.

I just wanted to add that to the discussion.

The second point, which I think is worth mentioning, is the regional councils, much of our discussion now I perceive as looking more inland towards the coastal zone area for the councils, but a very, very important function and one which I think is essential to what this Commission was set to do is to look seaward.
We have the zone, the ocean zone, which includes both state area between zero and three, the territorial sea that is not state-owned, from three to 12, from 12 to 200 called the "Exclusive Economic Zone."

If we are looking 20 to 30 years, as our charge is, then we should be asking, How is this broad area of public land and public area that we are responsible for to be managed out into the future?

It seems to me that this both looking at prospective uses, at the coordination of uses that are going on out there now, at the conservation goals, the development goals, and that we should be thinking much more proactively about a planning process for looking at ocean regions, again thinking "blue water" at this time.
This is not to exclude the role, the very important role, they can play with regard to improving coordination and providing incentives to improve the way we look at ecosystems and shoreline and estuaries and all of that, but very important in my mind is to think about the ocean area in general and how it is going to be used.

There are many important new uses that are
being discussed now, lots of opportunity there. It is an exciting area. I would think the regional councils can have a very important role to play in that.

Thank you.

DR. EHRMANN: Thank you.

Commissioner Borrone?

MRS. BORRONE: Thank you. I think my three colleagues members of the Governance Committee just gave very good insights into the way we have been thinking and some of the debate that still has to take place.

I think I would like to add one other piece, and that is sort of in direct response to what Frank asked early on about flexibility and the structure of regional councils. I for myself think that the councils
15 need to be primarily, but not exclusively, the federal
16 agencies and the state agencies and regional agencies
17 that play in those sectors.
18 However, as I have experienced in our own
19 region in New York/New Jersey, we used task forces set
20 up by the regional council structure to address specific
21 areas of more intensive focus. I think there is the
22 ability to be flexible and to be more virtual than
physical in terms of what we expect the councils to look like. They will change in terms of their memberships or perhaps even their participation from the same members, depending on the issues.

I also think it is very important, and we have talked about this in our workgroup, that we understand that we are trying to bridge between existing institutions and policies and programs and do the planning and preparation for future institutions and the arrangements of those institutions that we are going to need.

For example, there are metropolitan planning organizations now in existence in all of our regions or perhaps tribal structures or territorial structures that
I don't want to say do a good job in interfacing, but don't necessarily because of their statutory authorities see the linkages.

Our need is to get the council to be able to bring the metropolitan planning organizations and the agencies into a new dialogue, so that we are understanding an ecosystem-based management concept, and we begin to see where transportation planners and
decision makers can better appreciate, for example, what
the effect of decisions they may be making will have on
the marine system.

I think we are all working through the
 evolution of how we see the council, but I do think it
has got to put the conceptual role of really bringing
the focus on ecosystem-based management to a clearer
resolution.

MR. RUCKELSHAUS: John, let me just mention,
you have heard from four of our working group members,
Governance, and as I indicated at the outset, we have
not yet come to closure on exactly what we think these
regional councils should do.

I actually think we are closer than we often
think we are on what these council -- how they should be made up and what they should do. I would only finally say in the current set of recommendations that we have made our Commission is recommending to the Congress and to the President how we envision these regional councils being structured and what we think they ought to do.

Phase I of this process is, in fact, necessary to go through in order to develop a statute and a
constituency that would create these councils. So, we
are really recommending to the people that are going to
put the statute together exactly how they should think
about these councils.

It gives us flexibility, and at the same time
it seems to me it may be unfortunate for us not to share
with them the variety of views, the richness of views we
have, rather than in this particular case try to drive
it to some consensus; it turns out to be a little
artificial. At least that is one way we need to think
about it, I think.

DR. EHRMANN: Just a couple of summary
thoughts, and I will turn to the Chairman to close this
session. I won't again, as Mr. Ruckelshaus has said, go
through and elaborate on all of the comments that were made, but I think a couple of cross-cutting themes. First, that in this whole area of "second generation," as it is being called right now as a working title, I think the Commission clearly is interested in making sure both the environmental and the economic aspects of the coastal zone, speaking broadly, are taken into account in the recommendations that they
are making. I think you see that reflected in the tentative initial goal statements that were made, as well as some of the other comments.

Clearly, there is a range of viewpoints and important inputs to be blended together as it relates to the notion of regional councils and how that part of the process would work. However, as Mr. Ruckelshaus just said, there is certainly both from this working group as you will hear and from other working groups, if you are in these public sessions, a number of issues that all of the working groups have seen the potential for regional councils to be able to help implement.

How that should be done, how does it relate to
existing authorities, et cetera, et cetera, as you have
heard in this discussion, there are still a number of
issues that need to be worked through. Clearly, the
commissioners are making progress in terms of thinking
through the implications of this kind of structure, if
indeed they are going to recommend this kind of
structure.

There is obviously I think a strong desire to
find the right balance, if you will, relative to the kinds of planning functions, but I think clear statements from a number of commissioners, this is not intended to supplant existing authorities. This is not intended to be some kind of super-regulatory structure; there are ranges of views. I think that is not the intent based on the comments I think we heard from a number of people. Yet, obviously, there is a desire if they are going to recommend something like a regional council to be clear about what it is going to do, why it is going to do it, and how that ties back to trying to address some issues that have been identified through the hearings that the Commission has held.
That work is obviously still ongoing, and you will be hearing more, from the members of the public hearing more, about this concept as it gets further fleshed out. With that, let me turn to Admiral Watkins to close this session.

CHAIRMAN WATKINS: Well, I take it now, and I will address my comments to both the acting chair of the Research Group and to the Stewardship Group, that I
sense this whole last two hours that you are satisfied

at this point that these are useful tools for your

working groups and our staff to move their

recommendations into some kind of a placeholder that is

essential for us to begin to write our papers in a

cohesive way.

We are doing it incrementally and we haven't

come all together yet with all of the issues. I want to

get a nod from you two that you are satisfied that we

have got a useful device here and we can use at this

point these names, these titles, these places, these

concepts to place your recommendation.

DR. BALLARD: Yes, we have begun that process.

CHAIRMAN WATKINS: With that, I think, Bill, I
commend your group. I think you have done a noble job here. These two hours have been extremely important, and they lay the groundwork for our future. I know that they are going to get considerable debate from everybody else that is interested in what we are doing, and that is a large number across the nation.

It is a great step forward. We appreciate that, and we appreciate your willingness to be flexible
as this thing evolves to perhaps another structure that
might come out of it, but this is a great start. Thanks
very much.

Without any further comment from anybody, we
will take a break for 15 minutes, and be back here at
11:00 for commencement of the Research Group.

(Whereupon, from 10:45 a.m. to 11:05 a.m., a
recess was taken.)