

Developments in State Ocean Governance:
Innovation, Action, and the Progress of United States Ocean and Coastal Policy

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Chapter 1. Background and Methods

a. State Ocean Policy

In recent years the United States has seen an increased focus on its ocean and coastal policies, spurred primarily by the activities and findings of two blue-ribbon ocean policy commissions, the US Commission on Ocean Policy (USCOP) (USCOP 2004) and the Pew Oceans Commission (PEW) (PEW 2003). Each of these commissions highlighted many of the most urgent policy issues facing the country's oceans and coasts, and their final reports provided extensive recommendations for enhanced management of these areas, ranging from refocusing scientific study of the oceans to achieving long-term sustainable fisheries. A central area of focus in both reports was the examination of ocean governance structures in the US, including recommendations for changes to the current organization of ocean management entities at the national level in order to achieve more effective oversight and management of the nation's marine areas. In response to the findings of the federally-mandated USCOP, President George W. Bush also released the US Ocean Action Plan (USOAP) (Bush 2004), which highlighted the federal government's plan to address the recommendations found in the USCOP report. The USOAP focuses its recommendations on federal management entities, including the creation of a new committee on ocean policy, enhanced scientific study of oceans by federal agencies, and review of federal fisheries management practices.

However, state governments were also primed to respond to the findings of the two national ocean policy commissions. States have long played a role in the management of the US coastal areas, dating back to the very earliest American history. In the 18th century, individual states were in charge of overseeing many ocean and coastal policies relating to fisheries management and water quality, issues that were not managed federally until decades later (Weber 2002). The mid-20th century saw the passage and implementation of the Submerged Lands Act (SLA) of 1953 (43 U.S.C. 1301 et seq.), which granted coastal states ownership and jurisdiction over navigable waters and submerged lands from the coast extending three miles seaward (eventually becoming a small fraction of the 200-mile federally managed exclusive economic zone declared in

1983).

An additional law passed in the 20th century was the Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq.). The framework for the CZMA was first proposed by the Stratton Commission of the 1960s, a federally-created national ocean policy panel that recommended the federal government provide mechanisms for coastal states to better manage their coastal areas by establishing guidelines, defining objectives, and providing financial assistance. When passed in 1972, the CZMA provided these mechanisms, while containing a provision that ensured a state's enforceable policies would not be disregarded by federal agencies. This provision has come to be known as the "federal consistency doctrine," which holds that those states which develop coastal zone management plans (CZMP) consistent with the CZMA, which must be approved by the federal government, may oppose or restrict any activity that is undertaken directly by a federal agency, or approved by the federal government, that may cause effects in state waters not consistent with the enforceable policies of a state's CZMP.

While the CZMA did not require each state to develop CZMPs, the opportunity for states to develop a plan that would ensure their oversight of activities taking place in federal waters inside or outside of their three-mile jurisdiction proved to be strong encouragement. This became increasingly apparent during the mid-1970s and 1980s, during which the federal government pursued increased offshore oil and gas development, when the CZMA provided the only clear mechanism for state governments in opposition to restrict this type of federally-sponsored activity. At present, the CZMA is still used by states to influence oil and gas development, while also addressing additional issues such as coastal access and disposal of dredged materials, among many others. All but one of the eligible states and territories in the US currently has a CZMP in place, and the CZMA remains one of the most important laws relating to ocean and coastal management in the US.

In recent years, new forms of ocean policy activities that build upon the framework of the CZMA and SLA have taken place in the states, activities that will be the focus of this thesis. With the release of the USCOP and PEW reports, many coastal states in the US saw the opportunity to address in new ways the important ocean and

coastal policy issues facing them through the mechanisms of state government. While a select few states had begun addressing certain ocean policy issues prior to the release of these two reports, including Massachusetts and Oregon, the hundreds of recommendations released in 2003 and 2004 provided a framework for additional coastal states to take action in response to the urgent issues facing their particular ocean areas and coasts.

The role of the states in US ocean and coastal management has long been a central facet of ocean policy activity in this country, as well as a focus of ocean and coastal policy analysis. Government entities, environmental and policy groups, and numerous academic experts have extensively studied state government activities as they relate to ocean governance, and what role states play in interacting with the federal government on a national level, as well as internally with their own local government entities (Coastal States Organization; Eichenberg and Archer 1987; King and Olson 1988; Hershman 1996).

Academic study of the role of states in ocean governance in the US has varied over time, focusing on numerous issues of jurisdiction, resource management, and governmental interplay. The enactment of the CZMA provided a flash point for analysis of the role of states in US ocean governance, examining a number of issues relating to consistency between federal and state policies and the role of the states in managing offshore areas. Analyses have also focused on state-driven governance activities, although during the 1980s and 1990s many coastal states were at varying degrees of policy progress with differing focuses. A 1996 study provided a concise yet comprehensive summary of the activities of coastal states during this time, highlighting the latest ocean governance efforts of ten states (Hershman 1996). This study illustrated the numerous issues facing many coastal states at the time and new policy approaches they adopted, many of which were spurred by such issues as offshore oil and gas development, fisheries management, and the role of state coastal zone management programs. This is one example that is especially relevant to the discussion contained in this analysis, but additional academic reviews of state ocean governance provide an extensive framework to guide a review of the most recent ocean policy efforts at the state

level.¹

Coastal states played an active and vital role in the most recent ocean policy efforts of the USCOP and PEW commissions, and in the reports and recommendations the two efforts produced. States worked extensively with the PEW Commission, which included a sitting Governor as one of its commissioners, and the Governors of all coastal states were required by law to formally submit comments to the USCOP. With regards to the USCOP, the comments of the 37 Governors of the US states, commonwealths, and territories are included as a special addendum to the final report.² These comments provide invaluable insight into the issues that were most pressing to each individual state at the time of the commission's work (Juda 2006).

While the federal government has provided initial responses to the findings of the USCOP, the focus of this study will be to examine the states and what role state government has played in recent times in promoting new ocean policy programs and providing the most recent novel approaches to ocean governance in the US. The first step in this analysis is to provide a framework for state policy innovation, a political science concept that focuses on how state governments approach policy problems and develop novel solutions through new policy programs.

In this thesis, the definition of innovation is taken from Nice (1994): “(Innovation is) a program or policy new to the state adopting it, regardless of how old the program may be elsewhere or how many other states have adopted it; ... The innovation may involve new decision rules, new technology, new approaches to organizing, or new goals.” Broadly defined, this concept of innovation allows for analysis of state policy programs that are new to a specific state, regardless of similar activities that may be underway elsewhere.

Using the policy innovation concept in this way, the thesis uses an analytical framework based on state governments being innovative entities in the US that provide innovative policy solutions to policy problems (discussed in more detail below and in Chapter 2). Once summarized, this concept is then applied to recently formed state ocean

1 See, for example, King and Olson 1988; Cicin-Sain and Knecht 2000.

2 Available at: http://www.oceancommission.gov/documents/gov_comments/Gov_Comments_all.pdf

governance initiatives around the US. The central focus of this examination as related to state ocean governance lies in two main areas. The first is to summarize the most active coastal state governments' activities relating to initiation of new governance arrangements or new policy programs since the release of the two commission reports, including two states that were active prior to the release of the reports, and to analyze what encouraged an innovative approach to ocean policy in that state as well as what that approach has resulted in to date. The second area of focus is to analyze the highlighted states as a whole, to review and summarize what patterns of policy innovation may be common to multiple states, and identify what lessons can be learned about how state governments have operated in recent years to aid in the development of new ocean and coastal management approaches. The goal of this second analysis is to provide a framework for observing these new state ocean policy activities in hopes of better preparing for future efforts in US ocean and coastal management, whether at the state, regional, or federal level.

Following this introductory chapter, this thesis consists of two main chapters and a final concluding chapter. Chapter Two provides a review of state policy innovation, summarizing a framework for analyzing factors that may spur novel policy approaches undertaken by state governments. Chapter Three summarizes the individual ocean policy efforts of a selected group of active coastal states, highlighting the efforts of each state and their areas of policy focus, and concludes with an analysis of what factors did or did not encourage policy innovation in that state. Chapter Four provides a summary analysis of the entire group of states, highlighting the factors that were common to multiple states and examining why other factors may have been less relevant. This chapter also provides the central conclusion of the examination of the states as it relates to ocean management efforts at the federal and regional level, highlighting what factors will be the most important when future ocean governance proposals may attempt to build upon, coordinate, or actively integrate with preexisting state activities.

b. Methods for Review and Analysis of State Policy Innovation

The analysis found in this thesis is based largely upon the concepts put forward in

previous literature on states as sources of policy innovation, and the role of states in the US as entities that pursue innovative policy approaches to new or existing policy problems. Based on this review of state policy innovation concepts, seven indicators were chosen as factors that significantly contributed to the innovative action in each state. Finally, a summary of this analysis is presented in the context of potential next steps for state, regional and federal ocean governance activities and the role coastal states might play in the future of US ocean governance.

The framework for this analysis is based on studies that focus on states in the US as independent actors in public policy development, and their role as sources of new policy programs to respond to a wide range of policy problems. In many of these texts, a wide range of policy activities and interaction is discussed in detail, covering issues of individual states responding to a unique new policy problem, the role of neighboring states developing similar solutions towards a common policy goal, and the role of the federal government in spurring state activity either through new proposals that may affect states or its own inaction spurring a state to develop solutions on its own. While the majority of literature on this subject focuses on topics unrelated to environmental issues, especially those related to the oceans and coasts, an analysis that may focus on health care or education still provides a useful example of how states develop novel policy solutions, which can be logically applied to the examples of state ocean governance discussed in this analysis. Before listing the factors chosen for analysis, three works stand out in forming the framework for this study.

An important text on this topic is Osborne's Laboratories of Democracy, which illustrates the mechanisms through which states face a new policy situation, develop a solution to a perceived problem, and implement novel solutions to form a successful model that may be exported to other states or eventually the federal government, thus truly serving as a “laboratory” for policy in the US (Osborne 1988).

Another significant work that highlights the states' role in developing innovative policy solutions in the US is Bowman and Kearney's (1986) Resurgence of the States. A primary tenet of this work is summarized by the authors' view of what had caused an increased amount of state policy activity: “(...the political resurgence of the states is due

to the) increasing incapacity of national and local governments to contend with the problems of governing a complex society, and the growing capacity of the states to act in a positive manner in policy fields that are of interest and importance to them.”(Bowman and Kearney 1986). This conclusion provides a primary basis for the analysis performed in this review as it pertains to the latest ocean governance efforts of states in the US.

An additional review that provides a framework for much of Chapter Two of this thesis is the work of Nice (1994) in Policy Innovation in State Government. Here, Nice discusses numerous useful aspects for review of state policy innovation and defines many components and models of innovative action used by states in the US. Nice’s main findings illustrate the specific mechanisms for state government policy innovation. These three texts are selected examples of a larger group of analytical texts and academic articles that establish parameters for studying state policy innovation in this analysis (See below):

Certain dimensions of these reviews of policy innovation, as well as some others, are then applied to state ocean policy initiatives and used to analyze what encouraging factors may be at work in the highlighted activities. The reasons for selecting these seven factors are discussed in more detail in Chapter 2.

Specifically, the factors used are:

1. the importance of policy attention (Nice 1994);
2. the problem environment unique to a state (Nice 1994);
3. regional policy diffusion (Bowman and Kearney 1986, Berry and Berry 1990);
4. attitudes towards the role of government (Osborne 1988, Hedge 1998);
5. the role of individuals who push for change, known as “policy entrepreneurs” (Mintrom 1997);
6. the federal government's role in encouraging state action (Bowman and Kearney 1986, Welch and Thompson 1980);
7. and a state's view of itself as an innovation leader (Bowman and Kearney 1986, Nice 1994).

An in-depth discussion of the definition of these concepts is performed in Chapter Two. The concepts are then applied to selected state examples using the analytical

framework with the dimensions discussed above, to analyze what factors were at work in each state, concluding with a summary of what aspects most influenced the activities in a given state.

The nine states included in this analysis were chosen based on the notice of their achievements and the availability of information relating to their activities, many of which have been highlighted through news distributions and online databases produced by the states themselves and various ocean policy advocacy entities.³ While other states may have recently been active to varying degrees, including some in the Great Lakes and Gulf of Mexico regions of the US,⁴ the nine states included in this thesis were chosen by the author based on two set of criteria. The first was whether the state had taken formal legislative action, seen executive creation of new organizations, or achieved formation of policy goals. The second was based on in-depth updates from individuals active in a state, as well as availability of information on the state's latest ocean policy activities.

The analysis performed on each state is based on three types of policy review and analysis: literature review; program document review; and direct participant observation. Literature review of state activities included reports and presentations that summarized activities, most often from individuals or entities that were involved with a particular state's efforts. Program document reviews were performed on numerous reports and releases that came directly from the state itself, most often in an online electronic form housed in a state agency website. These documents included formally released reports, state legislation, public meeting summaries, and general background information about the state's latest efforts. Finally, there was participant observation performed through the author's direct experience with west coast state ocean policy efforts, with emphasis on Washington State. This direct experience allowed for more detailed reviews of what the west coast states' activities entailed, what individuals were directly involved, and what factors may have played a role in encouraging action in these states.

3 See, for example: Coastal States Organization, Joint Ocean Commission Initiative.

4 See, for example: Great Lakes Regional Collaboration (<http://www.glrc.us>); Gulf of Mexico Alliance (<http://www.dep.state.fl.us/gulf/default.htm>).

Chapter 2. Review of State Policy Innovation

a. Introduction

In the United States, there are three levels of government constantly at work: federal, state, and local. The federal government is responsible for the country as a whole, and local governments are responsible for smaller counties and cities. State government, on the other hand, must be responsive to the political environment of the entire country while also minding the needs of its own localities. As a result, all fifty state governments are uniquely positioned to provide the innovative solutions to the widest range of policy problems encountered in American governance. Sometimes called “Laboratories of Democracy,” (Osborne, 1988) state governments are often looked to as the primary resource for novel approaches to policy problems in order to provide successful models for use around the country.

For the purpose of this investigation, a 'novel' or 'innovative' approach shall be defined as one that allows a governmental entity to address specific policy problems or situations in a new way. Sometimes this innovation is brought on by the emergence of new policy problems, while other times a government may choose to address a preexisting issue in a different way, thus 'innovating' in their approach in hopes of better solving that problem. Overall, a policy program that is created or changed to enhance a state's governmental activities in managing a specific policy arena shall be defined as novel or innovative. And while similar approaches may have already been undertaken in other states, in this context an approach that is new to a particular state may still be deemed innovative in that state.

The following section will highlight the ways in which states become policy innovators, and how innovative policy solutions are achieved and dispersed throughout the US. First, the importance of a policy problem receiving attention will be reviewed, explaining why states are often hesitant to propose innovative solutions to a problem unless the importance of that problem is widely agreed upon. Next, those factors internal to a state that spur policy innovation will be discussed, focusing on why a state may move towards innovating novel policies on its own volition. Spatial and regional

diffusion patterns will then be summarized, highlighting the ways in which nearby states may move to adopt similar state policy programs based on the examples of regional neighbors.

A third process leading to state policy innovation that will be discussed is national policy diffusion, pointing to mechanisms for states to innovate based on the examples of the entire country, regardless of proximity to the original innovator. Finally, the discussion will move to the important role that ‘policy entrepreneurs’ play in policy innovation, through individuals who take it upon themselves to advocate for implementation of novel policies. Once methods for state innovation have been summarized, the role of the federal government in the implementation of novel state approaches nationwide must be examined. It has been said that many of the most successful federal programs in the history of the US were originally formulated and implemented in the states (Welch and Thompson 1980). This idea only further reinforces the importance and relevance of the states in the American governance system, and its continued importance in the future.

b. Importance of Policy Attention

In state government, it often takes serious policy attention to a specific issue for innovative policy approaches to materialize (Nice 1994). This attention may often come in the form of increased media coverage, or higher levels of concern on the part of state lawmakers. It is often rare for an issue not receiving such vigorous attention to become the subject of novel policy proposals. Additionally, while brief attention may spark an immediate yet short-lived response, only sustained attention from policymakers will result in successful policy responses over the long-term.

Many new approaches to state government policy can be traced back to a specific point in time when that policy area received outright and explicit consideration. Sometimes such new awareness of an issue may be a nationwide event relevant to all states, while other times it may be a specific instance at the local level that spurred a single policymaker into action. These “crisis-moments” are crucial in turning loosely defined policy ideas into specific action with momentum behind it. While termed a

“crisis-moment,” the event need not necessarily be a crisis with negative connotations, but rather a single defining moment where policy action was seen as necessary by someone (Nice 1994).

Generally, this heightened awareness of an issue is contingent upon a specific and timely set of circumstances that lead those in policymaking positions to take notice (Nice 1994). The evidence of momentum caused by awareness of an issue can materialize in state government through numerous avenues. Policymakers may witness widespread public attention due to a story receiving heightened media coverage, spurring those in positions of power to react and offer potential solutions to perceived problems. Alternatively, attention may originate from within state government from a Governor or state lawmakers, where the prevalent political attitudes may bring a certain policy issue to the forefront. This may result in particular issues remaining on the political agenda of a state for a prolonged period, warranting innovative proposals in order to respond.

Generally, there are certain issues with long-standing and well-established positions on the political agenda of a state. Education, health care, economic development, and infrastructure are some policy areas that have provided the basis for state government action since the inception of the state itself (Osborne 1988). As a result, those policy problems that are new to a state’s political realm begin with a substantial disadvantage, causing these issues to often receive inadequate attention from those who make policy (Nice 1994). It is often only when a new issue receives widespread attention from the general public, policy makers, NGOs and the like, that innovative approaches are seriously considered and advanced within state government. Nonetheless, attention alone is not sufficient for an innovative solution to go from the proposal stage to the implementation stage. Numerous other variables of the state policymaking process must also be aligned in order for an innovative approach to be proven credible.

c. Internal State Policy Innovation

The course of policy innovation in a state can be influenced by many factors. The idea that innovative policy approaches are more influenced by a state’s own

characteristics, sometimes called an ‘internal-determinants’ model, assumes that it is not other states in the US that spur innovation in a particular state (Nice 1994). Rather, it is concluded that unique attributes of that single state are the driving force behind novel policy ideas. While it is dangerous to assume that any one state’s policy activities are without influence from the actions of other states, it remains useful to investigate those factors internal to a state as the principal factors in policy innovation. In the following section, the influence of the state problem-environment and a state’s orientation towards government’s role and scope of activities will be discussed in order to highlight some of those factors inherent to a state that may encourage policy innovation.

i. Internal Encouraging Factors

Similar to the concept of widespread attention spurring innovative policy action, which is most often sparked by non-governmental activities, the problem-environment unique to a state may aid policymakers’ success in implementing new policy programs. At the most basic level, the policy environment in a state may be ripe for policy action by legislators or state agencies when a policy issue or problem becomes the focus of lawmakers and citizens alike, leaving the need for policy action at a rare apex (Nice 1994). A healthcare crisis, teacher strike, or economic downturn within a state may increase the likelihood that proposals for innovative policy solutions will be moved ahead on the political agenda. Once proposed, such policy items will likely receive increased attention by government decision-makers so as to reach an efficient and effective policy solution for the state more quickly.

Inherent in this model is the assumption that the policy problem and problem-environment are unique to a state, and are not having regional or national effects, such as would be the case with neighboring states with similar makeup. Rather, the problem-environment is theoretically independent of other states and the country as a whole, thus producing innovative policy solutions from internal sources. Assuming an idealized model of a state acting independent of its neighbors, the problem-environment cause of action for state government illustrates one of the most fundamental roles state policymaking serves: responding to your state's needs by providing innovative policies

that solve the problems of your citizens (Nice 1994).

A second facet of attributes internal to a state having an effect on policy innovation is the political attitudes of a state regarding the fundamental role of state government. Reflected in the varying political wills of state citizens and the activities of state lawmakers around the country, the self-perceived roles for effective state government will differ from state to state. Some states may regard state government as a very active participant in policy affairs for the state, while others may prefer a smaller role for state government with the open-market or local governments having more responsibility in policy decisions (Osborne 1988). Further, many states view themselves as leaders in policy innovation in certain fields, with past successes in novel policy solutions leading them to cherish their role as the primary source for remedies to similar policy problems in the future. As a result, once a state sees its role as an innovator well-established in a certain policy field, they will likely continue to pursue being among the first to propose innovative approaches in the future so as to not lose that title (Bowman and Kearney 1986, Nice 1994).

In terms of political attitudes controlling government activity, some argue that liberal and conservative political ideologies are predisposed to encouraging certain roles for state government (Nice 1994). However, it cannot be concluded that a certain political majority in a state may lead to the same policy results over time. While liberal politics are perceived as being in favor of a larger role for government, with the conservative view being against big government and pro-open market, for example, this may not always be the case.

Once a state government has decided to move ahead with a novel policy initiative, there are also certain factors that contribute to the success or failure of an initiative once proposed. A basic measure of a state government's ability to successfully implement an innovative policy is the administrative capacity of the state to do so. Most simply, this capacity can be measured by the full-time staff within state agencies that are assigned to working on a particular issue (Nice 1994). The more staff people focused on a policy issue and the potential governmental solutions being explored by the state, the more likely a novel policy approach will be investigated and refined so that a successful

program may be implemented. The benefit of devoting full-time staff to an issue is aided by the fact that in recent years a higher number of staff people with specific training and heightened expertise in certain policy fields have begun working in state government, leading to more efficient and effective policy solutions being reached.

For those policy initiatives that have been proposed by state Governors, as well as state legislators, recent expansions of power for state executive branches around the country have aided in the adoption and implementation of new policy plans (Feller 1975, Nice 1994). Some examples of this broadening of power have been the consolidation of budgetary authority to the Governor's office, appointment and removal power allowing the Governor more control over the personnel of state agencies, and longer terms of office that allow for more long-range policy planning that lead to more focus on innovative long-term solutions rather than short-term 'quick fixes.'

ii. Discouraging Factors

While there are numerous variables that may encourage successful state policy innovation, there are likewise many factors that may discourage it. Success of an innovative policy initiative may hinge on the careful alignment of numerous aspects of a state's policy-making environment, but failure may result from a single variable working against it. The following section will discuss the importance of the deterrents to innovation, highlighting the problems of excessive cost, political stalemate, creation of conflict and criticism, and the political risk with altering the status quo.

One of the most widely agreed upon causes of slowing innovative policy is the fact that new policy initiatives require use of the state budget for implementation. While excess funds might spur innovation, a lack of funds will surely discourage it (Bowman and Kearney 1986). Startup costs associated with personnel, coordination, and planning of a new policy must be accounted for in a state's budget. If the finances of the state will not allow for a policy to be implemented, especially a novel one that has not been proven as effective in the state, there is little chance of the innovation progressing to successful implementation in the state. However, it should be noted that governments will find funds for the programs they see as truly necessary, often through budgetary trade-offs.

Second, there is always the chance that political conflicts within a state's policymaking bodies might deter innovative initiatives from being advanced once proposed (Hedge 1998). With some exceptions, most states have three central policy-making units, a Governor and two houses of the legislature. Each of these three units may subscribe to a different political agenda, depending on political parties and the majorities of elected officials. Because most states require the agreement of the Governor and the majority of the legislative houses, compromises must be achieved in spite of the strong possibility of political disagreement. If these disagreements materialize, political gridlock may ensue. Innovative policy solutions are often based on the core of political ideologies, in that those who propose them believe the current political program is not functioning sufficiently and a change is needed. When this happens, if those with opposing political views believe that such an initiative would not be successful, they will likely use their political power to keep such a program from advancing from proposal to implementation. What results will be a more stagnant policy environment that will discourage acutely innovative policies from reaching fruition due to political disagreement within state government. Instead, under these circumstances policy proposals must be intricately adjusted over time in order to appease all political entities of the state, thus slowing the policy innovation timeline (Hedge 1998).

A final deterrent to innovation is the potential conflict any new policy program might create between state government and state citizens, leading to criticism from the general public and hesitancy on the part of lawmakers (Nice 1994). There is a well-established maxim in government, "If it isn't broken, don't fix it." More specifically, this sentiment stresses the staying power of the status quo in the operation of government policy programs, and only when a problem is extreme might a proposed solution be advanced without difficulty. Instead, proposed changes to any state policy program will likely run into opposition from those parties that most benefit from the existing conditions (Bowman and Kearney 1986). Rare is the case when a new policy initiative will benefit all, yet rile none.

Instead, most proposals in their initial form must be 'bounced off' those who would potentially be affected, whether a specific industry or stakeholder group, for

example, to get feedback. Today, this is done through NGOs, public hearings, lobbying firms, and similar groups. There are a multitude of citizen- and industry-representative groups that operate within close earshot of those who make policy for state government, whether legislators, a Governor and staff, or any level of a state policy-making body. Once feedback is gathered, revamped proposals are formulated and another similar feedback process must ensue. Policy revisions such as these are very similar to those that take place entirely within the halls of state government, although this type of feedback loop takes longer in that there is more time needed to get a response from non-governmental groups, and more diverse interests must often be satisfied. The end-result of this process is a proposal that might meet with approval over time, but will likely not resemble the original proposal to a high degree.

Overall, the three types of deterring factors all work against innovation in two primary ways. First, they slow the process of innovation by doing just that, slowing down the process of proposed policy to policy implementation by creating different types of friction that cannot be overlooked by state policymakers. The second way is by leading to policy incrementalism, slowing the implementation of truly novel approaches in favor of those that only contain subtle changes from the status quo. Those policy initiatives that turn the status quo on its head are much too likely to upset a multitude of state interests, whether they be governmental or from the citizenry of the state. Rather, the status quo will likely be fine-tuned over time until gradual changes are agreed upon, leading to a time frame for truly innovative policy solutions that is stated in decades rather than months or years, as some innovators would prefer (Bowman and Kearney 1986).

d. Policy Influence from Outside the State

While the previous section was idealized in that it assumed that states are not affected by their neighbors or nationwide policy efforts, this section will embrace the more diverse, and realistic, policy influences that take place across regions of the states and the entire country. Processes of policy diffusion that cross state borders will be discussed with the potential effects on other states highlighted in each case. First, the

role of spatial and regional diffusion processes and the mechanisms that encourage states in the same parts of the country to adopt similar policies will be summarized. Next, national policy diffusion processes and the ways in which state policymakers interact throughout the country will be highlighted, with some attention paid to the importance of ease of communication in the 21st century. Finally, the integral role of ‘policy entrepreneurs’ in spurring policy innovation will be reviewed, discussing details of how individuals active in a policy debate may speed the process of diffusion and the achievement of successful innovative policy approaches.

i. Spatial and Regional Policy Diffusion

Many times, policy innovations that appear in a state may be the emulation of a policy program already in operation in another state nearby. This process is known as spatial diffusion, where analogous policy programs begin to materialize in multiple states in roughly the same region of the country. There are several key reasons that a state may choose to adopt a novel policy approach based on the example of its immediate neighbors, as opposed to nationwide impetus or reasons internal the state.

First, political factors may spur neighboring states to compete with one another in order to ensure their policy programs are seen as adequate when compared to those of their neighbors. If a new economic development program or method for enhancing public education is underway just beyond the border of a state, yet that state has no similar program of their own, it may choose to pursue a similar approach. Without delving further into whether the program is successful in other states, or whether a similar approach is appropriate for an entire region, the public view that a state government is not doing enough for its citizens creates the fear of political death for elected officials. As a result, spatial diffusion will quickly ensue as state policymakers attempt to emulate the programs of neighbors so as to not be left behind in a race for successful governance (Jensen 2004).

Another example of spatial diffusion relies less on political competition between states, but rather on the importance of similar political and cultural atmospheres found in states near one another. Many times neighboring states will have similar political

dispositions, whether liberal or conservative, pro-environmental protection or pro-development, for example. While there are many exceptions to this rule around the country, similarity in political views easily lends itself to policy emulation and regional diffusion. If two neighboring state governments, as well as citizens, both believe in a small role for government, and one state implements a novel policy to expand use of open-market mechanisms while lowering taxes, its neighbor is likely to investigate that program and possibly implement a similar approach in their own state. The same type of emulation between state neighbors or regions throughout the country could be extrapolated for any number of policy situations. The most important aspect of this type of policy diffusion is simply that political agreement on policy goals will lead to emulation of programs trying to achieve similar results (Jensen 2004).

Finally, the importance of communication between neighboring states cannot be overstated in its importance to the spread of innovative policy programs. Over the history of government in the US, neighboring states have opened lines of communication between one another to discuss a multitude of governance issues that are relevant to all processes of government. Those individuals in a state government focused on health care programs, for example, will surely communicate with and observe the programs of their neighboring states on a regular basis. A crucial result of these communication patterns, very relevant to the diffusion processes discussed above, is that with increased exposure to policy activities comes increased familiarity. And with increased familiarity comes increased awareness of those policy programs that are successful, and those which are failures. By communicating with neighboring states and receiving updates on their latest policy initiatives from one another, state policymakers can view the policy results of others and theorize whether a similar program would be successful in their own state.

The most important outcome of these communication patterns is when a policy program is successful in a state, and the interest that success might incite in neighboring states. If a novel policy program can achieve its stated goals in an efficient and effective manner, than emulation by neighbors may be inevitable. Emulation is even more likely if states throughout the region have adopted similar initiatives, and a single state is left as the only one without a comparable program. When policymakers who communicate with

their neighbors can create policy proposals and assuage the doubts of their critics by pointing to the successful results nearby, parallel policies will more easily materialize in nearby states, thus achieving spatial diffusion.

ii. National Policy Diffusion

The causes of state policy innovation both internal to a state and located proximally have been reviewed, to highlight the mechanisms for innovation and diffusion at work in or around a state. However, a means for innovation that is becoming more and more prevalent are those sources of innovation at the nation-wide level. Both the ease of communication in the 21st Century, and the frequency of conferences and networking of policy professionals, have increased exposure to new policy approaches throughout the country, regardless of location.

Decades ago, the main means of communication in government were telephone calls and ground mail. Even at that point in history, news of governmental activities would take days to reach one end of the country from the other. Further, intricate details of such activities would take months to summarize and transmit, if possible at all over long distances. Instead, communication in high levels of detail regarding state policies were more strictly enclosed within a state's borders (Hedge 1998).

These challenges to communication no longer exist, and the ease of transmitting information throughout the country and the world has increased exponentially in the last twenty years. No longer must one wait for ground mail to reach its location or a cross-country telephone line to be in place. Broadband information-transmission mechanisms have been erected to connect cellular phones at any point on the globe, along with electronic-mail and the World Wide Web that allow information of all kinds to be sent, received, and viewed in a matter of milliseconds at any desk with a computer. This shrinking of the communication landscape is most prevalent in developed countries like the US, and those who use email and cellular phones in state government have benefited to a high degree.

Now, most state policy programs will have their own website to house all relevant types of information relating to their latest initiatives. These documents may range from

program summaries to draft policy plans, from budgetary figures to contact information for all involved parties. This type of passive information display is largely a one-time exercise, in that a document is saved and displayed on a website and anyone at an internet-connected computer may view it and download it for her own use. Inherent to the global nature of the internet, this type of electronic communication is especially relevant to policy innovation throughout the US. A policymaker in Alaska may now easily view the details of a policy program in Florida, to a very high level of detail and at any time she chooses. While this type of information diffusion may not be as regular and comprehensive as diffusion from neighboring states or the immediate region, the information is nonetheless available and easily accessible. This is a primary means for policy information distribution in the state governments of today, and results in a nationwide policy diffusion network that is always at work.

Another development over the past decades has been the increase in ease and frequency of business travel around the US. This has further led to an increased frequency of professional conferences throughout the country for policy professionals in all fields. While exchanges over phone or e-mail may be simple and frequent, they cannot carry the depth of exchange that is achieved at a conference with people speaking face-to-face. Whether they be through formal presentations on a policy topic or an informal chat over dinner about the real strengths and weaknesses of a new policy approach, the importance of open discussions with policy colleagues cannot be supplanted. And the frequency of these meetings, often with the same individuals at every meeting, only benefits the rapport of policy professionals, further aiding ease and speed of policy diffusion. Repeated face-to-face meetings with policy professionals working in similar policy fields are as integral to policy innovation as they have ever been in the US, but with the growing ease and frequency of these meetings the relative importance of this method of policy dispersion will only increase in the future (Mintrom 1997).

All of the previously discussed mechanisms for policy discussion and dissemination should not be construed as ways that internal state determinants or regional diffusion will be replaced. Instead, this discussion of national policy diffusion is meant

to highlight the growing significance of these potential sources of innovation that reach every corner of the country regardless of policy problem or location. And while the well-established local and regional means for communication between policy professionals will persist, the importance of national policy diffusion and potential effects on state policy innovation cannot be ignored.

iii. Role of Policy Entrepreneurs

While the previous discussions have focused on the reasons and means for policy programs to diffuse based on their own merits, the following will emphasize the important role individuals can play in spurring innovative policies to disperse throughout states in the US. Termed ‘policy entrepreneurs,’ these individuals are those who advocate for a novel policy program and engage other policymakers to encourage use of that policy throughout the country. Policy entrepreneurs perform certain activities having to do with the awareness of the policy field, and must usually have certain qualities in order to be successful entrepreneurs.

According to Mintrom (1997), a policy entrepreneur is an individual who actively seeks to initiate dynamic policy change. In order to initiate change in policy programs and aid in diffusion of novel approaches, a policy entrepreneur must have certain qualities to be an effective individual active in policy affairs. The first is the ability to spot policy problems and identify those which are ripe for new policies in the first place. As discussed earlier, there will be little opportunity to propose a new initiative if there is no perception that there is a problem. Another quality is the ability to take risks when pushing policy proposals. To truly be innovative, policies will often be foreign and unknown to those receiving the proposal. Rather than shy away from backing an atypical policy initiative, a policy entrepreneur must embrace such proposals with the vigor and confidence required to bestow the image of assured success. A final quality that is integral to policy entrepreneurs is the ability to organize both policy concepts and policymaking individuals in a way that allows a fluid policy idea to become a concrete policy proposal for use in government. It is not nearly enough to simply state that a policy may be ripe for implementation in a particular state, but the successful

entrepreneur must counsel policymakers on how to achieve actual results from the approach they propose (Mintrom 1997).

Aside from the qualities a policy entrepreneur should possess, there are certain activities that must be undertaken in order for an individual to be truly entrepreneurial. First, after a policy problem is identified, the entrepreneur must network frequently and visibly in policy circles. These policy networks are the means for communication between state policymakers around the country, and a successful entrepreneur must be in tune with what is being discussed and debated in these networks. Second, the entrepreneur must move to shape the policy debate surrounding a new policy. Instead of letting others choose those areas of a policy that might be surveyed for pros and cons, an entrepreneur must focus the debate on aspects of their proposed policy that are the most beneficial. For example, rather than allowing policymakers to focus on short-term startup costs of a new policy initiative, a successful entrepreneur would shift the debate to recognition of the potential for long-term gains and the overall benefit to the state. Further, if this shaping of the debate is achieved, an entrepreneur can control what face of the problem is seen by policymakers, highlighting the positive aspects and avoiding the negative. And if the face of a policy problem is defined on the terms of the entrepreneur, then all logical solutions to this problem will likely fall in line with the outcomes the entrepreneur had envisioned all along (Mintrom 1997).

Finally, there are activities an entrepreneur must perform in order to be successful specifically at state-to-state policy diffusion in the US. First, he must work across state lines in order to become familiar with all of the details of policy programs regarding the policy area they are concerned with. Before an entrepreneur can begin to discuss the benefits and pitfalls of a potential policy, it is most beneficial to learn the most he can about all relevant programs so as to speak with authority with potential allies in the pursuit of your policy goals. Next, it helps if policy entrepreneurs can become familiar and network with policy experts who have attempted similar types of novel approaches to a policy program elsewhere. If such experts can give feedback to an entrepreneur, or the entrepreneur can connect experts with policymakers he is trying to collaborate with, the expertise of such individuals throughout different states can be more efficiently accessed.

Finally, and most importantly, the entrepreneur must seek out and highlight successful examples of policy programs from other states. These successful examples will serve to show that policy initiatives executed in a similar vein have worked elsewhere, and that such an approach could also work in whichever state the entrepreneur is operating (Mintrom 1997).

e. State Interaction with the Federal Government

There are many potential causes for an innovative policy to be implemented at the state level, as well as many avenues for diffusion of that policy to other states. However, less clearly defined are the mechanisms that innovative state programs may interact, or even be transferred, to the federal level. And if the federal government sees fit to follow the lead of the states, there are many different ways in which the federal government might spur nation-wide use of a novel policy program on its own terms.

Regarding how federal government might influence, or even encourage, a state to implement a new policy approach, there are many mechanisms through which action might be spurred. Often times the federal government will propose a new policy initiative of its own, which may have a direct effect on the states. As a result, a state may decide to respond to the federal activity by implementing a new program of its own to better prepare its own governmental activities for the federal action (Welch and Thompson 1980). Further, the state may feel that its own governmental authority or autonomy may be pressured or even infringed upon by a federal governmental action. To protect itself, a state may choose to elevate existing policy activities, or create a new policy program altogether, to better provide notice to the federal action that the state is prepared to provide its own response and protect its own interests legally, financially, and otherwise, in that policy realm.

Another activity undertaken by the states, which often times results in enhanced policy programs, is the lobbying of the federal government for financial and technical resources. The scale of the federal government, both in terms of funds and personnel, is huge compared to that of any one state. As a result, states have ongoing dialogues with federal entities to enhance their access to these resources. Whether communication is

taking place between federal and state agencies, or between lawmakers in the state and those in Washington DC, states place a high value on the opportunity to partner with the federal government in boosting policy activities taking place in the state. As a result, an innovative policy approach may be taken in order to better position the state for pursuit of these federal resources that might lead to enhanced state policy action.

In terms of gaining national notice of state activity, there is a way which the federal government might take more rapid notice of innovative policy programs once put in place at the state level. A primary means for states to gather momentum behind successful programs is to partner with one another, and show that multiple states are using common approaches to respond to a widespread problem (Jensen 2004). If achieved, state-to-state partnerships can quickly build coalitions among states that cannot be ignored by federal lawmakers and policy professionals. A primary means for novel federal policy programs to be proposed is when federal lawmakers can go the US Senate or House and state that such an approach has been implemented with success back in their home state. The notoriety of these successes are further highlighted when the representatives of multiple states can join together to support a program successful throughout their constituencies. Those states that act alone in proposing federal implementation of their novel approach can pursue the same avenues for federal exposure, but will likely be met with more resistance without a multi-state coalition.

Once recognized as a program appropriate for federal implementation, there are multiple ways in which the federal government might modify a state approach for nationwide use. First, federal policymakers in the executive branch or lawmakers in the legislative branch might propose a federal program that closely emulates that of a state (Welch and Thompson 1980). This may be done simply through funding allocations that allow federal funds to be used by states throughout the US to design programs aimed at achieving the results of the novel approach. Further, if multiple states already have similar initiatives operating, the federal government might propose a program that is the 'average' of these programs, so that additional states have some flexibility in implementing a comparable approach within the framework of their own policy agendas. These sources of federal funds would be purely optional, but would allow for certain

programs to be highlighted through the always attractive lure of funding.

Second, Congress might pass a law creating a federal equivalent to the policy initiative started in the states. Once passed, this law will call for additional states around the country to follow the lead of the policy innovator. This can be done in one of two ways. The federal law may allow for optional implementation at the state level, in that matching funds or grants are provided for those states that choose to act upon the federal proposal. The other method would be for a federal mandate that requires all states to respond by forcing them to implement a program or set of laws that must closely replicate the original innovative program. These two contrasting styles are sometimes referred to as 'the carrot' and 'the stick' (Welch and Thompson 1980). The carrot is the tempting offer of reward (grants or budgeting) to follow suit, the stick is the threat (legal mandate) that requires everyone to act, whether they like it or not. It has been well-established that using the carrot approach, or benefits of providing funding through federal grants, is much more likely to achieve the desired results efficiently and effectively.

f. Conclusion

The previous discussion has reviewed the causes, mechanisms, and outcomes of state policy innovation, and the tremendous importance of state governments in responding to the policy needs of the US. States are one of the strongest facets of government in this country, and the relevance and utility of their novel policy programs will likely persist in the coming decades. Van Horn (1989) said, "State governments are the most responsive, innovative, and effective level of government in the American federal system." While surely debatable, the foundation for this statement is evident in the multitude of roles that states play in the advancement and modernization of governance systems in the US, qualities exemplified through the innovative processes highlighted above.

For the specific purposes of this thesis, the preceding review of political science theory regarding states and their role in policy innovation in the US must now be extended and aligned with the specific policy field of ocean governance. An issue

brought to the policy forefront by two national blue-ribbon reports, multiple states have taken it upon themselves to pursue innovative approaches to numerous policy fields relating to scientific research, economic development, and governance structures, among others, all relating to their oceans and coasts. Specific examples of these innovative state policies around the country will be highlighted in the following section. The discussion will extrapolate the qualities in these state advances that were discussed in the previous political science review, in hopes of shedding light on both what factors motivated states to develop novel approaches to ocean governance in recent years, as well as what role state policy activities will play in the ocean policy realm of the entire country in the near future.

In chapter Three, state activities are analyzed using seven specific factors highlighted above (also listed in Chapter One):

1. the importance of policy attention (Nice 1994);
2. the problem environment unique to a state (Nice 1994);
3. regional policy diffusion (Bowman and Kearney 1986, Berry and Berry 1990);
4. attitudes towards the role of government (Osborne 1988, Hedge 1998);
5. the role of individuals who push for change, known as “policy entrepreneurs” (Mintrom 1997);
6. the federal government's role in encouraging state action (Bowman and Kearney 1986, Welch and Thompson 1980);
7. and a state's view of itself as an innovation leader (Bowman and Kearney 1986, Nice 1994).

This group is a selected sample of a larger amount of policy innovation factors that are discussed in detail in the academic literature. These particular seven were chosen based on their usefulness to the policy field of environmental management, with focus on ocean policy. While many additional factors are useful when analyzing issues such as economics or education, these seven were chosen by the author as the most useful for reviewing state ocean policy initiatives and reaching conclusions about analyzing future ocean governance activities in the US.

The goal of analyzing the state activities based on these seven factors is to pursue

conclusions about what factors have contributed most significantly to the activities in each state discussed. By reviewing which of these seven factors most contributed to innovative action in a state, a foundation for constructing or analyzing future ocean governance proposals begins to be achieved. By learning what ocean policy issues are most important for the most recent state initiatives around the country, future US ocean governance development that involves the states can be better shaped to achieve policy goals at the state, regional, or national level.

Chapter 3. Review of State Ocean Policy and Innovation

The following section summarizes the ocean policy activities taking place in nine coastal states. The order of the states is not based on a ranking of any kind, but begins with the west coast states due to a more in-depth level of information, and then proceeds geographically through the other western states, the southeast, concluding in the northeast. In addition, for the sake of space, detailed treatments of each state's activities can be found in Appendix A.

a. Washington State

i. Background

Washington State has recently undertaken a program to review its policies as they relate to the outer coast and ocean areas of the state, leading to the release of two policy reports and numerous recommendations for ocean and coastal policy action.⁵ The effort was first highlighted in 2005 by the introduction of a bill regarding ocean policy review, and later officially established through a budget proviso and a review headed by the Governor's Office. A policy work group of state officials, local governments, tribal representatives, and numerous additional parties have worked together to lay the framework for a comprehensive examination of Washington State's ocean policies and potentially set the stage for future state ocean policy activities.

The first official step taken by Washington State in initiating potential new ocean policy activities was the January 2005 introduction of SB 5278, a bill aimed at creating an Ocean Policy Review Commission for the state.⁶ The bill was passed by the state Senate, but saw no further action once received by the state House of Representatives. While the bill was not passed by the legislature to become law, the legislature did pass a

5 It should be noted that the author was directly involved with Washington State's Ocean Policy Work Group, serving as a research assistant to a member of the work group and participating extensively in work group activities since its inception. As a result, this summary is based on more in-depth familiarity with the workings of this state effort, a level of familiarity that was not available in the reviews of other states discussed in this examination.

6 Text of SB 5278 available at:
<http://www.leg.wa.gov/pub/billinfo/200506/Pdf/Bills/Senate%20Bills/5278.pdf>

budget proviso in May 2005 that provided funds for an ocean policy review in the state.⁷ The text of the proviso called for the creation of two reports covering a set of specific tasks regarding the state's ocean policies. To achieve these goals, funds were allocated to the Governor's Office, and the state Departments of Ecology, Fish and Wildlife, and Natural Resources.

To begin the policy review and achieve the tasks laid out in the budget proviso, the Office of Governor Christine Gregoire convened a policy work group of multiple ocean and coastal related parties from throughout the state. Because the budget proviso specifically called for the Governor to provide two reports to the legislature, rather than creating an official ocean policy council in state law as called for by SB 5278, the initial membership of the policy work group was informal and somewhat fluid. The first meeting of the Washington State Ocean Policy Work Group (OPWG) was held in August 2005, and included representatives from multiple state agencies, legislative members, local government officials, port and industry representatives, academic experts, and tribal government representatives that chose to participate as observers. The work group has met roughly once a month since its first meeting through to the present.

The early meetings of the OPWG were centered on what policy topics would be the focus of the group's activities. Certain ocean and coastal policy areas were chosen for inclusion in the initial policy report, due by December 2005, and other topics were deferred to be studied in more detail in the second report due in December 2006. Some policy topics, although related to the state's ocean and coastal affairs, were deemed to be adequately addressed by ongoing state activities and not included in the OPWG's policy review efforts. For the interim report of the OPWG, six policy subcommittees were convened to perform an initial policy review based on their policy focus, working towards a summary of current state activities, where management gaps may have existed, and initial policy recommendations to enhance state policy. During this period, the OPWG subcommittees were also aided by a group of graduate student researchers from the University of Washington's School of Marine Affairs, who provided research and writing support to aid the work of the subcommittees.

7 ESSB 6090 – Operating Budget (2005)

In December 2005, the OPWG released its interim report, “Action for Washington's Ocean: Initial Steps to Enhance Management of Washington State's Ocean and Outer Coasts” (Gregoire 2005). The report included a review of Washington State's early activities, the ocean policy context from around the country, and a brief summary of each subcommittee's findings along with draft recommendations. While the interim report received no immediate action from the state legislature, it provided a policy framework for the OPWG's activities into 2006 and the preparation of its more in-depth final report.

In early 2006, the policy subcommittees of the OPWG were expanded and additional topics like ecosystem-based management, coastal hazards, and ocean education, among others, were added. Through early 2006, the subcommittees, still aided by graduate student researchers, continued a review of the state's existing policies and management gaps to provide an analysis framework for its final report and recommendations. Also undertaken by the OPWG was a public outreach program, aimed at gaining input from outer coast stakeholders on the management and policy needs of state residents who lived and worked in or near the state's marine environment. The input gathered at these public meetings was used to refine the work group's focus and aid in formulating its recommendations.

Since the conclusion of the public outreach meetings in June 2006, the OPWG has met to respond to the public outreach results, include any additional policy topics that warranted further investigation, and compose a complete list of policy recommendations to include with the final report. It is expected that the final report will include roughly 70 recommendations, which will be included in the final report and presented by the Governor's Office to the Legislature no later than December 31, 2006. While they vary depending on policy area and specific focus, it is expected that the recommendations of the OPWG may be acted upon by the Governor, state agencies, and the state legislature, in order achieve the policy goals highlighted through the OPWG's eighteen months of work. The OPWG will technically cease with the submission of its final report, and it is unknown if Washington State will propose a continuation of the work group's efforts through an ocean policy review mechanism of some kind, possibly through a proposal by

the Governor or state legislature.

ii. Factors Influencing State Ocean Policy

A central motivating factor to Washington State's activities was very likely the fact that the state has an extensive ocean coastline, and the numerous policy issues that relate to its outer coast and ocean areas and the role those issues play in the state's affairs. Washington is a state with a unique marine environment, in that it could be said that the state has “two coasts,” with the extensive Puget Sound area internal to the state, and the outer coast area that is less populated but still a valued marine environment. Throughout Washington State's history, and especially in recent years, the Puget Sound area of the state has gotten much more attention from state policymakers due to the extensive population residing in the area. This has been especially true with policy activities relating to coastal and marine issues, both with governmental entities but also through a large number of non-governmental organizations focused on numerous issues having to do with the Puget Sound. However, in the face of an increasing number of relevant ocean policy issues, ranging from federal proposals to an increasing threat from sea level change, the state saw fit to focus an effort on the outer coast area. The OPWG has provided the first steps in this effort to review the state's policies for this part of the state, and any resulting activities will likely continue to squarely focus on marine issues for the state's outer coast.

It should be noted that during the activities of the OPWG, there has been a parallel effort also initiated and headed by Governor Christine Gregoire, focusing on a review of activities relating to the Puget Sound, called the Puget Sound Partnership.⁸ This effort has focused more on marine restoration efforts, rather than broader ocean policy issues as highlighted in the reports PEW and USCOP, and has built upon the numerous preexisting activities already at work in the Puget Sound area. While many of the topics addressed by the Puget Sound Partnership overlap with the recommendations and findings of the OPWG, the policy efforts focused on the outer coast has an inherently different agenda, which requires its own focused investigation that examines a broader range of ocean policy issues.

Another factor that likely encouraged the new approach to ocean policy in Washington State was the activity of policy entrepreneurs. Marc Hershman is a professor at the University of Washington's School of Marine Affairs and School of Law, and also served as a commissioner on the US Commission on Ocean Policy. Mr. Hershman's expertise on ocean and coastal issues, through both his many years of experience in the ocean policy field and his service on the federal ocean commission, combined with the fact that he works and lives in Washington State, made him a prime candidate to be a policy entrepreneur encouraging action in state government. Hershman followed through on this potential, working closely with legislative representatives in providing input and support on the content of SB 5278, the legislation that proposed a state ocean policy council. Further, Hershman has stayed intimately involved with the ongoing activities of the resulting Ocean Policy Work Group, providing his expertise as a member of the group and encouraging innovative policy action in the state's ocean and coastal management activities.

Another policy entrepreneur was State Senator Ken Jacobsen, the chair of the Senate Committee on Natural Resources, Ocean and Recreation. Jacobsen was the primary sponsor of SB 5278, and has long been a proponent of addressing ocean-specific issues in the state legislature. And while his bill was not passed by the state legislature in 2005, he worked to make sure the budget proviso that provided for the OPWG was part of the state's operating budget for the following biennium. Jacobsen, who worked closely with Marc Hershman on SB 5278 as well as on other ocean issues, has served to provide a clear voice for ocean issues in the state's lawmaking body, ensuring that they are not overlooked or forgotten by the state's legislative members.

In terms of less relevant factors, the federal government did not play a strong role in encouraging action in Washington State, as there were no imminent proposals for federal action that had a direct connection to the introduction of SB 5278 and the resulting state ocean policy activities. Washington state government did not cite the state's role as a leader in state ocean policy innovation in any of its legislative findings or background documents, suggesting that this factor for policy innovation was also

secondary to the factors discussed above. Finally, there was no indication in any of the findings of the OPWG or otherwise that the action taken in Washington State was the result of internal government inclination towards a more active oversight role for ocean and coastal affairs, and that internal factors and policy entrepreneurs were the central cause for action.

b. Oregon

i. Background

Oregon is a unique case in this examination, in that it is the only state being reviewed that had a state council specifically focused on ocean policy at work before the release of the reports of the Pew Oceans Commission and the USCOP. Starting in the 1970s, and through the 1980s and early 90s, Oregon has implemented an ocean management plan through state laws and has established both an official state ocean resource management program and an Ocean Policy Advisory Council. Combined, the state management program and advisory council make up the management regime for all ocean-related matters in the state coastal waters of Oregon. The main focus of this discussion will be the state's Ocean Policy Advisory Council, but it is useful to review the extent of Oregon's activities as a leader in state ocean affairs, which have been underway for some time.

The seeds for the current ocean policy activities in Oregon were planted in the 1970s in early state ocean policy studies, which led to the state adoption of "Goal 19" in the Statewide Planning Goals and Guidelines in 1976.⁹ Goal 19 included the establishment of a state "ocean stewardship area," which extended from the shore to the edge of the continental shelf and slope, covering roughly 50 miles offshore, spurred primarily by state concerns about federal policy concerning oil and gas development offshore. The language of Goal 19 included the state's policies on uses of ocean resources, management measures, and contingency planning guidelines. While technically the establishment of this stewardship area created no enforceable changes in state or federal law, nor in jurisdiction over resources, it aided the state in planning and

clearly identifying its ocean policies towards enhanced management of its ocean resources.

In 1987, the state's ocean policies progressed further when the state legislature established an Ocean Management Task Force. This Task Force worked for many months through meetings, public hearings, and extensive policy review, resulting in the creation of the state's Ocean Resources Management Plan, which was formally adopted into the state's coastal management program in 1990.¹⁰ Also included in the recommendations of the Ocean Management Task Force was the creation of a state Ocean Policy Advisory Council (OPAC). The OPAC was recommended in order to aid the state in creating a Territorial Sea Plan, which was aimed at providing detailed management guidelines, as opposed to simply policies, for the state's management area from 0-3 miles offshore. In 1991, the state legislature officially acted upon this recommendation and created the OPAC in state law, with the Oregon Territorial Sea Plan officially adopted in 1994.

The 1991 law that established the OPAC was very specific in laying out the composition, procedures, and goals of this new state ocean policy group. However, it must be noted that the original OPAC and its membership was dissolved in 2004, and reconstituted shortly thereafter. In 2002, following two years of study, the OPAC presented a report with extensive findings and recommendations on the use marine reserves in Oregon, and recommended establishment of a limited series of reserves in state waters.¹¹ However, due to the highly conflicting views on marine reserves, and the politically charged arguments on either side, the OPAC recommendations on marine reserves resulted in gridlock in the OPAC's activities. Frustration about lack of activity eventually led to the legislative reconstitution of the council with a new membership composition. The discussion below summarizes the OPAC as re-established in 2004.

The membership of the OPAC is established by the Governor, and staffed by the State Department of Fish and Wildlife and the Department of Land Conservation and

9 Text of Goal 19 available at: <http://www.oregon.gov/LCD/docs/goals/goal19.pdf>

10 More information available at: http://www.oregon.gov/LCD/OCMP/Ocean_Plan.shtml

11 2002 Marine Reserves Report available at:

<http://www.oregon.gov/LCD/OPAC/docs/resources/MarineReservesRecommendation.pdf>

Development. The official membership of OPAC is composed of both voting and nonvoting members. Nonvoting members include representatives of the Governor and selected State Departments, and voting membership includes two county representatives, an elected city official from a coastal city, and multiple representatives from numerous ocean-related groups within Oregon.

While the OPAC has no authority to change state laws or regulations in its activities, its central goal is to provide a forum for state ocean affairs that allow full involvement of the state's ocean and coastal stakeholders. The primary duty of the OPAC is a periodic review of the Territorial Sea Plan, with all recommended amendments of the plan going to the state Land Conservation and Development Commission, where they can be formally adopted into the state's Coastal Management Program. If the state chooses to adopt an OPAC recommendation in the Coastal Management Program, the recommendation officially becomes a policy of the state and all state agencies and activities must adhere to those guidelines.

The OPAC also provides a forum for discussing all issues of ocean and coastal policy and management, as well as mediating any disagreements when appropriate, while providing advice to the Governor and all state agencies involved in ocean and coastal management. An additional duty of the OPAC is to encourage the participation of federal agencies in discussion and resolution of ocean-related planning and management issues affecting Oregon, with the duty of advancing the official ocean policies of Oregon to the federal government, as well as any multi-state bodies, including any potential regional management regimes.

While not established in law, there are presently two additional committees and three work groups made up of council members that contribute to the OPAC's activities. The OPAC has an Executive Committee that organizes OPAC activities, and a Federal Liaison Committee that communicates with the federal government on behalf of the council.

The policy work groups of the OPAC are established by the council members themselves, usually assigning a smaller number of members to address a specific issue. The work groups meet separately from the OPAC as a whole, and report back their

findings and recommendations to the larger group to aid the work of the council.

However, the work groups only provide guidance to the council, and the full OPAC membership must vote to approve any recommendations that might be suggested by a smaller work group. At present, there are three work groups addressing three specific policy issues, which also illuminate the three most pressing issues that face the OPAC's current activities, and hence, the ocean policies of Oregon as a state.

The first work group is focused on marine reserves, and was established to guide a process for investigating the possible recommendations for or against use of marine reserves in Oregon's state waters. Currently, the work group is investigating the needs of the marine reserve planning process for the OPAC, and discussions have focused on whether the group will choose to import the findings of the 2002 marine reserves study as its starting point, or if changes must be made to that report before it will be considered by the OPAC. Overall, the marine reserves group plans to have ongoing communication with coastal communities and all concerned stakeholders, and pursue clear establishment of its guiding principles, criteria for a potential marine reserve system design, synthesis and integration of scientific marine ecosystem information, and then, if appropriate, discussion of how to progress the planning process into the next substantive phase.

The second work group is focused on marine sanctuaries, spurred by Governor Ted Kulongoski's proposal to investigate establishment of a federal National Marine Sanctuary off of Oregon's coast. The federal program, which designates certain marine areas as being specially protected, currently has 14 sanctuaries throughout the US and its territories, and is managed by the NOAA National Marine Sanctuaries Program thorough collaboration with federal, state, tribal, and local representatives. Governor Kulongoski proposed the establishment of a national marine sanctuary that would cover all of Oregon's coastal areas, and has requested the initial state review be performed by the OPAC. As a result, the OPAC established the marine sanctuary work group to develop a plan for a response to the Governor. The work group is currently planning public meetings to gain input on this issue, legal analysis of how state and federal ocean and coastal laws would intersect surrounding a sanctuary designation, and general discussion of a number of issues, including funding, coordination, use of science, and interaction

with current fisheries management practices.

The third work group of the OPAC is focused on wave energy, and the potential use of this marine-based renewable energy source in Oregon's ocean areas. Currently, this work group has begun an initial review of wave energy proposals for Oregon's marine waters and the processes involved with licensing and siting potential facilities, and exploring what role OPAC might play in this planning process. Initial discussions of these early steps have been presented by the work group to the council as a whole, but at present the work group has not released any findings or draft recommendations. Further development of this policy topic and expanded discussion regarding wave energy among the OPAC is expected in the near future.

In addition to the activities of the OPAC, the Office of Governor Frank Kulongoski has also taken an active role in ocean affairs, both within the state and regionally. The Governor has been active in ocean policy discussions with Oregon's neighboring west coast states, developing new approaches to coast-wide issues and developing solutions to common problems. The Governor's Office also has an active natural resources cabinet that includes ocean policy discussions, further aided by the activities of a designated advisor on ocean and coastal affairs. These executive branch activities, combined with the forum provided by the OPAC, illustrate Oregon's proactive role in developing new policies for ocean and coastal management.

ii. Factors Influencing State Ocean Policy

The early impetus for Oregon's ocean policy activities, which began more than a decade prior to the reports of the USCOP and PEW, were internal determinants based on the perceived need to provide a state position on proposed federal oil and gas developments in the state's offshore ocean areas. This internal motivation of providing a strong state voice in intergovernmental communication regarding ocean affairs led to the establishment of an ocean management task force and plan, and eventually resulted in the creation of the Ocean Policy Advisory Council that exists today.

While the primary motivation for this early state policy action was opposition to offshore oil and gas development, the findings of the ocean management task force in the

ocean management plan covered a number of additional policy topics outside the realm of energy. As a result, the foundation was laid for both a strong state position on many ocean policy issues as well as a framework for ongoing state ocean policy development in Oregon addressing internal policy issues.

Included in these ocean policy developments was the creation of the locally-based OPAC. While the OPAC's membership was reconstituted in recent years, the fact that the council exists, and the role that it plays in the state's ocean affairs, demonstrates an important quality of Oregon's view on the role of government. Since its inception, the membership of the OPAC has included many representatives from the local perspective, including marine industries, environmental groups, and the general public. The strong role that state citizens play in advising the state on the content and direction of its ocean policies shows that Oregon's state government recognizes a need for locally-driven policy processes that include a clear voice for all citizens. Rather than choosing to keep the ocean policy decision-making process behind closed doors, the OPAC represents a concerted effort to allow full discussion of the state's ocean and coastal policies from all concerned viewpoints throughout the state, and on a continual basis.

Finally, Oregon views itself as a leader in developing new and innovative approaches to its ocean and coastal policies, a role that it values highly. While many states did not begin to use an ocean policy review body until spurred into action by the national attention given to the two blue-ribbon ocean policy reports, Oregon had already done so some ten years earlier. The fact that Oregon was the first to institute a role for such an entity in the state's policy apparatus identifies it as a leader in innovative approaches to ocean policy. And while many states have become more active in ocean affairs in recent years, with some following the general model of the OPAC, Oregon can claim it has long been a leader in this policy field. As a result, Oregon should continue to be looked to as a strong source of innovative approaches to ocean policy development, and as a result a continuing source of potential solutions to ocean policy problems that may be relevant to states throughout the US.

While internal determinants, attitudes towards the role of government, and a view of itself as an innovation leader were the most contributing factors to policy action in

Oregon, the other factors highlighted in Chapter Two proved less relevant. There were no clearly identified activities of policy entrepreneurs that provided the early impetus for new approaches to ocean policy. Further, the national attention provided by the two ocean policy commissions did not affect the initiation of Oregon's ocean policy activities, as they had begun over a decade earlier than the work of the USCOP and PEW.

c. California

i. Background

California as a state has long been regarded as a leader in innovation regarding numerous environmental issues, and its recent activities in ocean policy have been no exception. Coinciding with the release of the USCOP report, a new stage of state ocean affairs was initiated and has been followed by multiple state actions, and novel approaches, to ocean policy. Through taking these strong early steps in forming its state response to developments at the national level, California has once again proven itself a leader in state policy innovation and provided encouraging examples for other states in addressing ocean and coastal issues in a new way.

California has a long history of being very active in coastal management, through a number of state agencies and policy activities that have driven new approaches to coastal management in the US. The coastal zone management program in California has long been considered a national leader in developing coastal and ocean policies. The California Coastal Commission has been active since the 1970s, regulating use of the coastal land areas of the state while also fostering partnerships between the state and coastal cities and counties to enhance management practices. The California Coastal Conservancy is an additional state agency active since the 1970s, with a focus on resource management and protection while ensuring adequate access to coastal areas of the state. However, these activities, as well as other state ocean and coastal management practices, were undertaken by different agencies with different authorities, including the State Lands Commission and Dept. of Fish and Game, which were not always acting in concert. The latest activities in California have aimed at better aligning the ocean and coastal policies of the state in order to pursue statewide ocean management goals more

effectively.

California initiated a new phase of its ocean affairs in October 2004 with the release of its state Ocean Action Strategy, along with the passage and signing of the California Ocean Protection Act,¹² establishing the California Ocean Protection Council. While each of these items received a lot of attention at their respective announcements, the release of this document and passage of this law represented a wider range of ocean policy activities that had been underway in California for some time. However, the drafting of a uniform ocean policy action plan and creation of a primary state ocean policy body provided further focus on ocean and coastal issues and an avenue for a growing set of activities taking place in California.

Prepared by the state's Resources Agency and Environmental Protection Agency, California's Ocean Action Strategy¹³ is a general plan for the ocean policy priorities of the state. The fifty-two page report includes priority action items, a discussion of general ocean policy themes relevant in California, and a review of ocean and coastal policy programs and activities already underway in the state. The first items in the report were the immediate action items of the highest priority for the state, many of which were highlighted in the two national ocean policy reports, which California was very active in contributing to. The first action taken was the signing of the California Ocean Protection Act and establishment of the California Ocean Protection Council, which took place at the release of the action strategy report, discussed in greater detail below.

Following the list of immediate action items, the plan goes on to list more general long-term ocean policy goals for the state. These action areas are organized into four policy themes: governance; economics and funding; research, education, and technology development; and ocean and coastal stewardship. Running through each of these four themes is an additional list of action items for the state, with broad policy recommendations listed that would achieve defined goals for each of the themes.

The language of Senate Bill 1319 has an extensive findings section that lists the

12 SB 1319 (2004); text available at: http://resources.ca.gov/copc/3-21-05_meeting/cal_ocean_protection_act.pdf

13 Available at: http://resources.ca.gov/ocean/Cal_Ocean_Action_Strategy.pdf

many important factors that encouraged the drafting and passage of a state ocean policy bill, outlining goals for the state's management of its ocean resources, and definition the new Ocean Protection Council (OPC). The OPC was established in state government with three voting members: the Secretary of the Resources Agency; the Secretary for Environmental Protection; and the Chair of the State Lands Commission. The OPC also has two non-voting ex officio members, one each from the state Assembly and state Senate. The bill also establishes the California Ocean Protection Trust Fund in the state Treasury for carrying out the various projects of the OPC.

Following the inception of the OPC, the council held its first meeting in March 2005, and has met seven times in total.¹⁴ All of the meetings have been open to the public and generally have covered the numerous action items of the council. To date, many action items of the council have followed a specific plan to implement the recommendations of the state Ocean Action Strategy. At the first meeting, a Table listing the recommendations in the plan, and the progress made in achieving them, had already been prepared and was the first order of business.¹⁵ The numerous actions in this list have continued to be pursued by the council, but some have been the primary focus of the group's activities in progressing the state's ocean affairs.

One of the first major policy actions of the OPC has been regarding federal energy policy, starting with an April 2005 letter sent by the council to California's US Congressional representatives regarding certain legislative issues that had the potential to affect policy relating to offshore energy and coastal management measures in the state. The primary message of the letter was to urge federal lawmakers representing the state to continue to oppose offshore oil and gas exploration off of California's coast along with opposition to natural gas facility siting along the state's shores. These sentiments were reinforced in an additional letter in September 2005 from Mike Chrisman, the Secretary for Resources and chair of the OPC, to Rep. Richard Pombo, Chairman of the U.S. House Committee on Resources, further requesting that any future Congressional language regarding offshore ocean energy protect the oil and gas moratorium off of California's

14 Meeting minutes available at: <http://resources.ca.gov/copc/meetings.html>.

15 Table available at: http://resources.ca.gov/copc/3-21-05_meeting/accomplishment_chart.pdf.

coast.

A second focus of the council has been the adoption of a strategy for marine research, observation, and outreach needs in the state. To identify and address these needs, the OPC oversaw a process that developed a state Ocean and Coastal Information, Research, and Outreach Strategy.¹⁶ Initiated through a workshop sponsored by the OPC and numerous state ocean-related academic institutions, with participants from government, academia, non-governmental organizations, and industry, the discussion of the workshop provided the substance of the draft strategy as drafted by the council. The plan was refined after public comments and scientific advice were received, leading to official adoption of the strategy by the OPC in September 2005, at which time the OPC also approved \$1 million in potential funding for projects that address the policies and recommendations contained therein. A major theme of the information, research and monitoring, and outreach strategy for the OPC is ecosystem-based management (EBM). Building on this theme and using EBM as a general guiding principle, the council has gone on to allot funding for ecosystem management projects in the state, starting with \$12 million dollars approved for five state programs at its January 2006 meeting.

In February 2006, the OPC released an outline for its draft 5-year Strategic Plan, and in March 2006 hosted a two-day workshop to begin review of the plan, with the outcomes of those workshops providing further guidance for the development of the plan. The draft plan was presented to the OPC in April 2006, leading to its official adoption at the following meeting of the council in June.¹⁷ Final recommendations and action items in the plan build on the same tools and goals as discussed in draft documents, with specific recommendations for action items to be achieved by the end of 2006 and mid-2007, and further into the future.¹⁸

Another activity sponsored by the OPC, which has built upon the findings and goals of the council's 5-year strategic plan, was the California and the World Ocean Conference 2006, in Long Beach, CA in September 2006. The goal of the conference

16 Available at: http://resources.ca.gov/copc/InfoResOut_Strategy_final.pdf

17 Available at: http://resources.ca.gov/copc/docs/OPC_Strategic_Plan_2006.pdf

18 See id, table at pp. 41-53.

was to bring together ocean and coastal managers, users, academic experts, and other interested parties to discuss a number of issues relating to ocean and coastal policy. The 2006 conference was a continuation of previous California and the World Ocean conferences taking place in 1997 and 2002. However, the 2006 conference was the first since the creation of the state's OPC, and as a result the primary topics of the conference were shaped around the activities of that new group. Panel sessions and individual speakers were asked by the OPC to link their discussion topics to the state's strategic plan, showing how the activities and policies highlighted might serve to further the goals of California's ocean policies. As a result, the conference served to fortify California's state policies by linking worldwide experts and their activities in ocean and coastal affairs directly to the recommendations and goals of the OPC.

One of the latest activities aided by the OPC, which was officially announced at the California and the World Ocean Conference, was the state's partnership with Oregon and Washington in a tri-state agreement on west coast ocean health. The agreement, announced and signed by the Governors of all three states, will serve to enhance the management of the west coast ocean environment, which will be aided through the individual ocean policy initiatives in all three states. The OPC, as one of most developed ocean policy initiatives in the country, let alone the west coast, will surely be very active in the policy discussions and potential programs that might develop regionally between the three states.

ii. Factors Influencing State Ocean Policy

A clear driving force behind California's release of its own ocean policy action strategy and creation of a new ocean policy council is the state's view of itself as being a leader in policy innovation. Likely true for a number of its state policy problems, but especially so for environmental issues, California has repeatedly demonstrated its pride in providing novel policy approaches and being an example for other states to emulate. While internal factors, such as California's long coastline, increasing coastal population, and strong reliance on coastal-related economic activities provided a strong impetus for action in coastal affairs, the state's view of itself as a leader has encouraged action to an

equally strong degree.

This sentiment has been supported even at the earliest stages of the state's new programs on ocean policy, as an example from the Executive Summary of the state's Ocean Action Plan of 2004 demonstrates: "California has been a leader in ocean and coastal management and continues to lead important initiatives ... California will use this action plan to guide future efforts to protect and manage its ocean and coastal resources and to continue its role as a national leader."¹⁹ The fact that California views itself in this manner in regards to ocean and coastal affairs in relation to the rest of the country, and its need to be an early player following the release of the two national ocean policy reports, has directly led to the multitude of innovative ocean policy activities that began in 2004 and have continued to grow to the present day, again proves that California has provided an example that other states would be wise not to ignore.

An additional factor that encouraged the innovative approaches seen in California has been the work of a policy entrepreneur.²⁰ Brian Baird, the Assistant Secretary for Ocean and Coastal Policy in the state Resources Agency, has been a very active participant in statewide, regional, and national ocean affairs, and has acted on behalf of his state in a positive and effective manner. While serving to recognize policy problems that are of the most relevance to California's ocean and coastal affairs, Mr. Baird has shown himself to be a policy entrepreneur by embracing novel policy approaches and successfully organizing both the policies and the relevant decision-makers to achieve concrete results. Working through California's numerous channels for ocean policy discussion, and by exporting those discussions to West Coast affairs through interaction with Oregon and Washington, as well as acting on behalf of California nationwide, Baird has proven to be a very active participant in the very latest discussions surrounding ocean policy. And through such active representation of his state's positions on a number of ocean and coastal issues, the success of California's ocean policies and the sustainment of

19 California's Ocean Action Strategy, p. i; (see n. 13 above).

20 Note: the author's personal interactions on the west coast allowed for more detailed discussion of this encouraging factor for California's ocean policy activities; this level of familiarity is not consistent with research done for non-west coast states and summaries of other state activities should be viewed as such.

its role as a national leader in innovative approaches has benefited greatly, and such success will likely continue in California as long as entrepreneurs like Mr. Baird continue to operate.

While internal determinants, the view of itself as a leader in policy innovation, and the activities of a policy entrepreneur have been the most encouraging factors behind California's newest ocean policy activities, additional innovation factors discussed in Chapter Two have played a smaller role. While certain federal activities, such as the potential for oil and gas exploration, have been addressed by the OPC, there was no imminent federal action that directly sparked California's newest ocean policy action. And while California's state government has long been active in proposing new approaches to environmental policy, the previously highlighted innovation factors played a stronger role than the state's political views towards the role of state government.

d. Alaska

i. Background

Alaska has the longest coastline of any state in the US, its state ocean area produces over half of the country's harvest of seafood, and its coastal areas account for a quarter of the nation's oil produced. As a result, ocean and coastal affairs are very high on the priority list of Alaska's residents and its state government. Hence, it came as no surprise when Governor Frank Murkowski signed an Administrative Order in 2004 to create the Alaska Ocean Policy Cabinet. Since then, this group of state executive natural resource agencies, aided by a state Ocean Policy Coordinator, has conferred amongst themselves and with additional ocean and coastal stakeholders of the state in order to enhance coordination of the state's ocean policies.

Governor Murkowski's Administrative Order 223 was signed on December 17, 2004, coinciding with the release of President Bush's federal US Ocean Action Plan. The administrative order did not create an entirely new entity, but rather called for existing state agencies involved in ocean and coastal matters to better coordinate their activities. Specifically, the cabinet was comprised of four state agencies and two policy advisors to the Governor, charged with advising the Governor on ocean and coastal policy issues and

providing guidance on where the state and its various stakeholders might stand on a certain ocean or coastal issue.²¹

The Department of Fish and Game is charged with the overseeing the activities of the cabinet and ensuring that unified positions are reached by cabinet members. The role of the Department of Fish and Game as the lead agency of the group, as stated in the administrative order, is due to the paramount importance of fisheries issues in Alaska's ocean policy. Further, a single policy coordinator position for the group was also created by the administrative order, and that individual is housed in the Department of Fish and Game. The ocean policy coordinator does not declare the policy positions of the state, but rather works to bring all of the state agency members together on specific issues, while also serving as the liaison between the cabinet and interested stakeholders, such as non-governmental organizations, industry, academia, and the general public.

After the creation of the Ocean Policy Cabinet, Alaska's state government has used the enhanced coordination of these parties to better identify the state's ocean information needs, while better communicating and partnering with the federal government on numerous policy issues and marine-related activities. Rather than creating a policy report or strategic plan, Alaska has used its policy cabinet to directly address the most urgent ocean and coastal policy issues facing the state.

Little information has been published that summarizes in detail what activities the group has undertaken since its creation in 2004. However, there have been public statements made by members of the council that shed light on how the ocean policy cabinet has operated since its inception. One such instance are the remarks of Kurt Fredriksson, the Commissioner of the Department of Environmental Conservation, in November 2005 regarding Alaska's role in emerging national ocean policy developments.²² In that statement, Commissioner Fredriksson summarized three central policy activities the state's ocean policy cabinet has undertaken since 2004.

The first has been to provide a clear state voice on federal ocean-related legislation. Namely, there were two bills of primary concern to Alaska, one being the

21 Available at: <http://www.gov.state.ak.us/admin-orders/223.html>

22 Available at: <http://www.akrdc.org/membership/events/conference/2005/presentations/fredriksson.pdf>

reauthorization of the Magnuson-Stevens Fishery Management Act, and the second being a bill proposing regional ocean observing systems that would be managed by regional associations. The paramount importance of marine fisheries and their management, along with the vast ocean area of Alaska and the proposal for regional observing systems, were two areas of ocean policy that the Governor and his administration felt strongly about, and the Ocean Policy Cabinet filled the role of promoting the state's position to the federal government.

The second focus of the group has been to better coordinate state activities with those of federal agencies at work in Alaska's ocean areas. These partnerships have focused on enhanced information-sharing for living resource management, especially information regarding fisheries. A proposal for a federal/state agency forum was proposed and later acted upon, now called the Aleutian Islands Ecosystem Forum (AIEF), to provide a long-term mechanism for federal and state agency representatives to collaborate on management issues and ensure adequate data transfer between agencies at all levels of government.

The final policy focus of the cabinet has been to clearly define state priorities for ocean scientific research and information needs. The cabinet has teamed with the University of Alaska to clearly identify the day-to-day needs of state agency resource managers and better align statewide scientific research activities to fill those needs, resulting in increased management efficiency and reduced research redundancy. The cabinet will likely continue its efforts in organizing state agencies and all coastal stakeholders of the state to gain input from the public on state ocean affairs, and advise the Governor on these matters. Further, the cabinet will also continue in its ongoing efforts to lobby Congress and federal government on behalf of the state, while also forming partnerships with federal agencies working in Alaska, and continuing to prioritize and refine the state's ocean research priorities.

ii. Factors Influencing State Ocean Policy

Alaska is a clear example of a state that initiated new policy activities due to encouraging factors internal to the state, both relating to the unique geographic features

of the state as well as the relative importance of fishery-related industries. In addition, Alaska views itself as a leader in ocean policy development, an opinion that further encouraged state policymakers with strong opinion about the state's need to enhance its ocean policies in the face of potential federal activity. All of these factors, combined with the national attention provided by the USCOP and PEW commissions, were the central motivation for the innovative approach undertaken by Alaska's state government.

The physical qualities of Alaska, regarding both its extensive coastline and its ocean areas stretching outward from the coast and from the Aleutian Island chain, are something that both the general public and lawmakers of Alaska are clearly proud to call their own. As a result, policymakers at both the federal and state level have been active in proposing policy programs and laws that bring novel approaches to the management of these areas and their resources. One such example is the federal legislation that manages fisheries in federal waters, the Magnuson-Stevens Fisheries Conservation and Management Act, originally co-sponsored by and co-named for Sen. Ted Stevens of Alaska. The role of Alaska in being a policy leader in managing this valuable marine resource is a good example of both the high esteem Alaskans hold for their fisheries, and also the clear role they see for themselves as being a leading voice among the coastal states regarding coastal and ocean affairs. This role of Alaska as a leading state innovator was further represented by Governor Murkowski's prompt establishment of the ocean policy cabinet.

In addition, there is another political factor that likely encouraged action by the Alaskan state government and resulted in the creation of a state-led policy cabinet. The prevailing view in Alaskan politics has most often held that the activity and oversight of the federal government should be limited, rather than overwhelming, and that Alaskan residents and their state representatives should be the ones most responsible for their own actions and governing. This sentiment carried over to the state's ocean and coastal affairs in 2004 when the ocean policy cabinet was created. When President Bush released the US Ocean Action Plan, state policymakers in Alaska saw the prospect of federal activity relating to ocean and coastal matters on the horizon. While Alaska's state government was already very active in ocean affairs, the possibility of new federal activity at the

national level, and its potential effects on Alaska's large marine regions, resulted in a state policy cabinet that has increased notice of Alaska's stance on ocean policy issues and provided a clear conduit for the state to make itself heard in policy discussions nationwide.

The only clear innovation factor that did not seem to be motivating Alaska's new ocean policy initiative was the role of a policy entrepreneur as encouraging action. Instead of an individual person being a primary voice for change in Alaska's ocean affairs, a wide range of motivating factors, as discussed above, led to the creation of a new ocean policy cabinet and the novel approach the state took in addressing its ocean and coastal policies.

e. Hawaii

i. Background

The official start of Hawaii's new approach to managing its ocean and coastal affairs was January 2005, when Governor Linda Lingle signed Executive Order No. 5 creating the Hawaii Ocean and Coastal Council (HOCC). The council was established as a temporary board made up of 25 members, charged with gathering information regarding ocean policies for the state, and providing recommendations to the Governor and the state legislature, while supporting locally-driven ocean and coastal efforts throughout the state. The group membership consisted of state, federal, and local government representatives, with a standing invitation to non-governmental groups and industry representatives from the state with an interest in ocean and coastal matters. The group operated from January 2005 with a pre-designated sunset at the conclusion of the regular legislative session in May 2006.

Governor Lingle's Executive Order No. 5, establishing the HOCC, included a findings section justifying the need for such a council, the policy areas which the group was to focus on, and the 25 members that would make up the group. The four tasks of the council were to: address the social, cultural, environmental, economic, and security issues in the state's ocean and coastal affairs; assess concerns from all state perspectives in these areas; increase overall state efficiency in addressing ocean and coastal matters;

and investigate potential sources of additional funding.

Once established, the HOCC's primary focus was on the updating of the State Ocean Resources Management Plan (ORMP). The state's ORMP was first released in 1991, and was based on the findings of a cabinet-level council that established principles and recommendations for state management of its ocean and coastal resources. The state legislature passed legislation in 1995 that officially incorporated the plan into the state's Coastal Zone Management Program, housed in the state Office of Planning. The plan was reviewed in 1998,²³ and the latest update of the plan in 2005 was a primary activity of the newly formed HOCC.

In October 2005, the HOCC presented its final report to the Office of Planning.²⁴ The report included recommendations that fell under three general themes: protection of natural and cultural resources; coastal development; and recognition and balance between resources, resource users and the conflicts that arise. The recommendations were organized into long-range goals for the plan, as well as short- and mid-range action items that would aid in the achievement of those goals. The broad long-range goals, among others, included integration of the impacts of climate change, initiation of more sustainable coastal communities, and development of community-based solutions to address potential long-term use conflicts. The short term action items, numbering 31 in total and prioritized under each general theme, varied from increasing ease of permitting resource enhancement activities and improvement of compliance with existing state laws, to the development of long-term environmental monitoring systems and improvement of community education tools and community involvement in ocean and coastal affairs.

Following the last meeting of the HOCC to review the ORMP in October 2005, there were no publicly available records of any further meetings taking place. As of May 2006, the HOCC was technically terminated per the language of the Executive Order that established it. However, action has been taken in the state to pursue continuation of the council and its activities. In February 2006, before the council had officially ended,

23 1991 ORMP and 1998 Review available at:

http://www.hawaii.gov/dbedt/czm/czm_initiatives/SOF_HORMP_Book.pdf

24 Available at:

http://www.hawaii.gov/dbedt/czm/czm_initiatives/orm_pdf/HOCC%20Final%20Report.pdf

Governor Linda Lingle, working with the Dept. of Land and Natural Resources, introduced legislation to formalize the HOCC and permanently establish it in state law. Senate Bill 2361²⁵ closely follows the original language of Governor Lingle's Executive Order No. 5 that originally established the HOCC. During the spring of 2006, no action was taken on the bill, and the HOCC has yet to be officially reconstituted by Executive Order or statute.

ii. Factors Influencing State Ocean Policy

Like other states, it is clear that Hawaii considers itself to have an elevated interest in ocean and coastal affairs. But unlike any other state in the US, Hawaii itself is made up of a island chain 1,500 miles long and situated in the middle of the Pacific Ocean over 1000 miles from the continental US. Needless to say, Hawaii is in a unique situation in regards to the role the ocean and coastal policy plays in the activities of its residents and its state government. A strong encouraging factor for the action of Governor Lingle in creating an ocean policy review council were these unique qualities of the state, and additional factors relating to enhanced coordination of governmental entities allowing for clarification of state policies seems to have also encouraged this new state ocean policy activity.

Stated clearly in both the Executive Order creating the Hawaii Ocean and Coastal Council, as well as the legislation that aims to make it permanent, ocean and coastal affairs cannot be escaped in day-to-day life for Hawaii's residents and state government members, “[T]he farthest any spot of land in the State of Hawaii is away from shoreline is about twenty-eight and a half miles and almost half of Hawaii is within five miles of coastline;”²⁶ and “[J]ust about any activity in Hawaii could be described as possibly having an impact on our ocean and coastal resources.”²⁷ Generally speaking, the geographic makeup of Hawaii was a very strong internal factor that provided impetus to its Governor to create a new body to review the policies of the state relating to this

25 Available at: http://www.capitol.hawaii.gov/sessioncurrent/Bills/SB2361_.htm

26 Governor Linda Lingle, Executive Order No. 5, 2005, §1

27 *See id.* §1 and SB 2361 (2006) §1

unique situation. It can be safely said that it would be surprising if such a council that would aim to increase efficiency of state activities and enhance the overall state management of ocean and coastal resources would be met with much hesitation among general state citizenry and lawmakers alike. In addition, the HOCC allows the state to speak with a more focused voice on national policy developments from a more precise state point of view. While no summary of these activities have yet to be released, the state of Hawaii has certainly positioned itself to better become active and responsive in the national ocean and coastal policy arena. However, it remains to be seen whether the council will become permanent through state law or what other future might be in store for the presently-defunct HOCC.

The primary encouragement for Hawaii's action, in addition to the national attention provided by the USCOP and PEW reports, were internal factors related to the physical qualities of a state made up of islands, and not related to attitudes towards elevated government activity in state affairs. A policy entrepreneur was also not a strong factor in encouraging Hawaii's state activities, as no one individual was clearly a strong proponent for a new approach to a state ocean policy program. And while Hawaii devotes a large amount of attention to ocean and coastal affairs, it did not cite its role as a leader in policy innovation as a factor in encouraging new policy action.

f. Florida

i. Background

The Florida Legislature passed House Bill 1855, the Ocean and Coastal Resources Management Act, in May 2005. In that bill, the Legislature listed findings that provided justification for a new piece of legislation regarding the state's ocean and coasts, followed by details of the Florida Ocean and Coastal Resources Council formed therein. Within the findings section of the Act, there are many references to the vast and unique marine environment that falls within Florida's coastal jurisdiction, such as coral reefs, marine mammals and birds, and one of the longest coastlines in the country, along with goals of environmental protection and conservation and economic vitality and sustainability. The findings also reference the USCOP and its recommendations as a

recent development worthy of the state's attention in developing its own policies regarding the ocean.

Based on these findings, House Bill 1855 created the Florida Ocean and Coastal Resources Council (FOCRC) and assigned it a set of tasks to enhance the state's policy regarding coastal management primarily through scientific research planning. The FOCRC is housed within the State Department of Environmental Protection, and has a membership of 18, assigned by three state agency heads. The language of the Act does not clarify specific members to be appointed to the council, but rather calls for two agencies to appoint scientists specializing in certain ocean and coastal fields, and the third to appoint members of non-governmental groups.

The focus of the council's activities is clearly scientific, with the legislation laying out tasks of a scientific research review, comprehensive ocean research planning, a marine resource assessment, and a scientific investigation of marine aquaculture. The first task the council was charged with was collecting information on past and present marine scientific research activities, in order to review all relevant scientific studies within the state and use that information to guide creation of a new scientific plan.²⁸ The council views this review as a long-term project that will be updated over time, with the goal of an online database of these activities that would be available publicly through the World Wide Web.

Once this research review was initiated and a working draft composed, the next task for the council laid out in the legislation was the creation of a Florida Oceans and Coastal Scientific Research Plan, to be presented annually to the State Legislature in order to guide funding decisions for state marine scientific research. The first research plan was due in January 2006, giving the council seven months to complete it, and the plan is to be updated annually and submitted each year by February 1st. The legislative language states that the prospective scientific research projects in the plan must meet at least one of 14 objectives, which include goals such as improving ecosystem functioning, promoting marine biotechnology research, improving fisheries sustainability, and promoting ocean-based renewable energy technologies, among others.

The third task of the council was to perform a resource assessment of the state's marine and coastal environment, a one-time effort to establish a baseline of scientific information for use in assisting future scientific research plans, due by December 1, 2006. The legislation states that the assessment must include coastal and ocean use patterns, natural resource features, locations of current and proposed marine research and monitoring facilities, marine transit patterns, and socioeconomic trends for the state's ocean and coastal economy.

The final task laid out in the legislation forming the FOCRC is a focused research effort on inland aquaculture and marine fish enhancement. The motivation for this research, as discussed in the legislation, is to protect and restore the state's recreational fisheries, stimulate economic growth, and help meet state seafood needs. The effort is to be the collaborative product of two scientific research entities, chosen and directed by the FOCRC, to investigate expansion of existing state aquaculture efforts and exploration of marine fish stock enhancement activities, including use of new fish species and novel aquaculture technologies.

An additional activity undertaken by the council was to request lists of management needs from state agencies charged with ocean and coastal management, with needs prioritized in order of importance.²⁹ These lists were used by the council to identify gaps in the state's marine scientific research planning, and to determine where the research plan could most effectively respond to state research needs. The list also included management priorities from federal entities and non-governmental organizations, so that the state could remain aware of additional research needs and the possibility of future collaboration with state efforts.

Although not specifically called for in its forming legislation, the FOCRC has partnered with the National Ocean Economics Project,³⁰ a non-governmental organization housed at California State University Monterey Bay, to produce Phase I of a report on the

28 http://www.floridaoceanscouncil.org/meetings/files/111705_Research_Review.pdf

29 Available at: http://www.floridaoceanscouncil.org/meetings/files/Management_Needs_FY07-08.pdf
(submitted to FOCRC June 2006)

30 <http://noep.csUMB.edu/>

Ocean and Coastal Economies of Florida.³¹ This effort was funded by the Florida Department of Environmental Protection, and was initially spurred by a partnership between the FOCRC and the Florida Ocean Alliance, a non-governmental group focused on ocean and coastal issues affecting Florida.

ii. Factors Influencing State Ocean Policy

In examining the new ocean management efforts of Florida, and the creation of the FOCRC, it becomes clear that there are two factors that encouraged this novel policy approach by Florida's state government, and both are factors internal to the state itself. Florida's novel approach to ocean policy stemmed directly from both the environmental attributes of the state itself and the clear need to address issues affecting its ocean and coastlines, as well as the state government's view of itself as a leader in ocean and coastal policy for the US.

The primary factor internal to Florida is the fact that Florida is a large state that is almost entirely surrounded by saltwater and possesses a vast marine environment. Florida's coastline covers almost 1200 miles, second to only Alaska, and also includes 2300 miles of tidal shoreline area and over 600 miles of beaches. In addition, the state has a large number of lagoons, estuaries, and bays, along with many coral reefs, all the while being at a very low elevation throughout. All of these factors quickly reveal the fact that Florida is inherently an ocean state, and the important role for policy related to the state's coast and ocean areas cannot be overlooked.

As a result, it becomes logical, not only to state policymakers, but also to the state's citizens as a whole, that new policy approaches to enhance management of these large marine areas should be investigated. Thus, when policymakers in Florida assessed the potential benefits and downsides of novel ocean science and policy program, both scientifically and politically, the geographic composition of the state and the relative importance of the marine environment left much room for positive policy outcomes over the long-term. When combined with the importance of seeing itself as a policy leader, discussed below, Florida was a prime candidate for a new ocean policy program, which

31 Available at: http://www.floridaoceancouncil.org/meetings/files/Florida_Ocean_and_Coastal_Eco.pdf

has since been achieved through the FOCRC.

An additional policy factor that encourages innovation, discussed in Chapter 2, is the importance of a state's view of itself as a leader in a certain policy field, and the active role a state believes government should play in maintaining a leading position of policy innovator. While it is debatable how active Florida has been in coastal management over time, this is the case for Florida state government's view of itself, and was a primary factor in the passage of new legislation and creation of the FOCRC. In the Findings section of House Bill 1855, the legislation that formed the FOCRC, there is a simple but revealing statement about what motivated a novel policy approach for the state's ocean and coasts, "The Legislature finds that... It is Florida's responsibility to be a national leader on oceans and coastal protection;". While this is the only direct reference to the Florida State Legislature's view of the state as a leader in ocean and coastal policy in the US, this view surely echoes the feelings of other Florida policymakers, housed in management agencies, the Governor's Office, and elsewhere. As a result of this view of itself as an innovative source for new ocean policy approaches, Florida was well-suited to pass legislation that formalized a new way for the state to better study and manage its oceans and coasts.

Additional factors highlighted in Chapter Two played less of an encouraging role in the new ocean policy activities in Florida. There was no clear evidence of a single policy entrepreneur working within Florida to advocate for the legislation creating the FOCRC. Instead, it was likely a concerted effort on behalf of a large number of individuals and entities involved with ocean and coastal policy in the state. While Florida's ocean and coastal management agencies collaborate with the federal government, there was no single federal activity that was cited by Florida's legislature or policymakers as a central motivation for initiating new state activities. Finally, while internal factors, such as the state's physical environment, encouraged new policy action in Florida, it was not an attitude towards a more active role for state government that encouraged the new policy initiative in the state.

g. New Jersey

i. Background

The start to a new review of New Jersey's ocean policies began in April 2004 with a white paper written and distributed by the Commissioner Bradley Campbell of the state's Department of Environmental Protection. Following the reports of the two ocean policy commissions, Commissioner Campbell proposed new directions for New Jersey's ocean and coastal policy approach. Stemming from this white paper, the state went further and organized public meetings with representatives from state, federal, and local government, along with non-governmental organizations representing environmental groups and marine industry. The results of these meetings, combined with the initial ideas in Commissioner Campbell's white paper, went on to provide the framework and foundation for a new ocean policy initiative for New Jersey.

New Jersey initiated a new review of its ocean and coastal policies in 2005, shortly following the release of the USCOP and PEW reports. While not very much information has been published regarding the overall activities of New Jersey's state government in initiating new ocean policy activities, it has nonetheless been active in adopting a new approach to its ocean management. At least one product has been a brief summary document of a new ocean policy initiative, listing recommendations for enhanced management and protection of New Jersey's coastal resources.³² However, most new ocean policy activity in New Jersey appears to have been housed in existing programs in the state, namely the state Coastal Zone Management Program, bypassing the need for an entirely new entity.

Governor Richard Codey's "New Jersey's Coast 2005: A Plan to Strengthen Protection of Our Valuable Coastal Resources" was officially announced in April 2005, with a number a wide range of themes and numerous recommendations for the state to enhance its ocean and coastal policies and protections. The themes of the initiative, outline in a summary document released by the state Dept. of Environmental Protection, include categories of "Ensuring the future of New Jersey's seafood industry" and "Stronger controls for offshore development," among others. Within each of these

categories, there were a number of more specific recommendations aimed at achieving the broader goal of the theme itself. These ranged from ensuring a public process to review the potential for offshore wind farms, to working with the state's commercial fishing industry to ensure that new coastal development will not harm or eliminate existing marinas or shore facilities. With twenty-five recommendations in total, combined with a state vanity license plate program that funds coastal protection programs, Governor Codey's initiative has set the groundwork for enhancing New Jersey's ocean policies.³³

An early outcome of the New Jersey Coast 2005 initiative is the state's "New Jersey Clean Marina Program."³⁴ Sparked by a recommendation in the Governor's initiative, the program is aimed at minimizing water pollution from the state's many coastal marinas. Currently, five marinas in New Jersey have been certified as "clean marinas," with an additional 23 pledging to pursue certification in the near future. At this time, the additional steps of the New Jersey Coast 2005 initiative are unclear, and it is unknown how further recommendations will be acted upon, or in what priority. The majority of the recommendations are aimed specifically at the state Dept. of Environmental Protection, which houses the state Coastal Zone Program, so it can be presumed that this state agency will be the primary lead on initiating any future steps of the Governor's initiative.

ii. Factors Influencing State Ocean Policy

Overall, the primary encouraging factor for New Jersey to take steps towards a new review of its ocean policies and creating a new coastal policy initiative were the two reports of the US Commission on Ocean Policy and PEW Oceans Commission. As discussed earlier, these two reports provided the impetus and opportunity for many states around the country to review their policies in this area, and New Jersey is one such example.

32 Available at: http://www.nj.gov/dep/cmp/njcoast_2005.pdf.

33 See id.

34 More information available at: <http://www.njcleanmarina.org/>.

An additional factor in New Jersey is role of the policy entrepreneur. The individual who was likely most active in the state, bringing ocean policy to the attention of state policymakers and being responsible for the follow through to the relevant issues, is state Department of Environmental Protection Commissioner Bradley Campbell. By writing a white paper summarizing the findings of the two blue-ribbon ocean commissions, and connecting how those recommendations might be applied to New Jersey, one neatly packaged product was able to bring ocean policy in New Jersey to the forefront for many in state government. And, by being an active participant in the ocean policy activities of the state, Commissioner Campbell was able to see his early work in the white paper come into fruition, first through public meetings, then through specific recommendations, and presently into the initiation stage that is largely headed by his agency. Without this leadership, and entrepreneurship, for the state's policies in this area, it is unlikely that ocean policy would have such a prominent position in New Jersey's policy arena, and the Governor's coastal initiative would probably not have gotten off the ground as quickly, if at all.

Additionally, there were two other policy entrepreneurs who had a profound, if less active, role in promoting ocean and coastal policy for New Jersey. The two, Lillian Borrone and Vice Admiral Paul Gaffney II, USN (Ret.), were both commissioners on the USCOP, and both worked actively in New Jersey before, during, and after their work on the federal commission. Borrone worked for 27 years with the Port Authority of New York and New Jersey, based in New Jersey. Vice Admiral Gaffney is the President of Monmouth University, in West Long Branch, New Jersey. Both were mentioned by name in the statement of Governor Codey describing the importance of ocean affairs for the state of New Jersey, and while both have been less active with New Jersey's latest efforts than they were with the USCOP, they served an important role in demonstrating the level of expertise housed in New Jersey, and the importance of exporting US Commission's work back to New Jersey.

While many internal determinants encouraged action in New Jersey, as highlighted in the initiative's twenty-five recommendations, other innovation factors seemed to play a lesser role in encouraging new ocean policy activity. Similar to its

neighbor New York, the prospect of federal ocean activity, the view of themselves as an innovation leader, and the attitude towards the role of state government seemed to have little effect on Governor Codey's initiative. Instead, the internal factors facing the state, highlighted by the two national reports and facilitated by the activity of certain policy entrepreneurs, led to the novel approaches to state ocean policy in New Jersey.

h. New York

i. Background

For New York State, ocean and coastal affairs was brought squarely into the focus of state government when Governor George Pataki was appointed as a commissioner on the Pew Oceans Commission, operating between 2000 and 2003 while reviewing the ocean and coastal policies of the US and recommending new approaches. While the Governor worked on the Pew Commission, New York has an active history of addressing ocean and coastal policies. The state is unique due to its geographical features, and the idea that it could be considered to have separate coasts facing three areas: interior lakes; Long Island Sound, and the Atlantic Ocean. Additionally, the coastal zone management program in New York has been one of the most active in the US, providing a strong framework for coastal management in the state.

In terms of the latest New York State ocean policy developments, the state legislature officially took up the issue when the Governor introduced the New York Ocean and Great Lakes Ecosystem Protection Act (A-10584B / S-8380) in the State Assembly in April of 2006. The bill formally passed out of the State Senate and Assembly in June 2006 and was signed by the Governor on August 9, 2006. As the bill was introduced on behalf of Governor, and the Governor and his office were said to actively participate in ongoing negotiations regarding passage and implementation of the bill,³⁵ Governor George Pataki was intimately involved with the details of implementing a novel approach to the ocean and coastal policies of the state and establishment of a policy body that was new to ocean governance for New York State.

The New York Ocean and Great Lakes Ecosystem Protection Act laid out specific

guidelines for state management of coastal ecosystems, regarding sustainable use, healthy coastal environments, and use of good science, among others. In order to pursue achievement of these guidelines, the act established the 10-member New York Ocean and Great Lakes Ecosystem Protection Council, chaired by the Commissioner of the State Department of Environmental Conservation and made up of various additional state agencies and groups. The legislation forming the Council lays out certain activities in order to achieve the ecosystem goals laid out in the bill, including promoting enhancement of the state's coastal ecosystems while promoting sustainable economic development, using an adaptive approach to management, and to facilitate regional coordination across political and jurisdictional boundaries. While the council formed has an increased focus on ecosystem management, the state's outer coasts and marine areas will be addressed through development of new state ocean policies.

The Council is tasked with delivering a report to the Governor and Legislature by November 1, 2008 that includes recommended improvements to ecosystem management including state and local government cooperation with industry, non-governmental conservation groups, and academia. Further, the report will recommend executive and legislative actions, along with potential funding mechanisms, creation of a coastal resource atlas, establishment of a scientific research agenda, and identification of opportunities for regional governance with neighboring states and the federal government. While there is no designated appropriation in the language of the Act, upon signing the bill into law Governor Pataki designated \$3 million in funding for initiation of the council and its activities. At the time of this writing, the newly-formed New York Ocean and Great Lakes Ecosystem Protection Council has yet to have its first official meeting.

ii. Factors Influencing State Ocean Policy

Chapter 2 discusses the important role of policy attention in causing new policy approaches in state government to materialize. Policy attention materialized in a clear way for New York State in 2000, when Governor Pataki began his work as a

commissioner on the Pew Oceans Commission. For the following two and a half years, the highest official in New York State government participated in the most in-depth review of US ocean policy in over 30 years (a review followed closely by the work of the federally-established US Commission on Ocean Policy).

The relevance and importance of this sustained policy attention for the development of innovative approaches to New York State ocean governance cannot be overstated. Without the exposure to the most immediate problems facing the country's oceans and coasts, along with discussion and analysis of potential solutions with other PEW Commissioners over more than two years, Governor Pataki would likely have lacked both the experience and sense of urgency needed to propose and establish a new ocean policy body for his state.

While sustained policy attention is crucial to new policy approaches, the actual exportation of the results of that attention by the Governor allowed for New York's state government to directly foster development of its own novel programs. Through his introduction of ocean management legislation, along with active participation in the legislative negotiation process, Governor Pataki actively sought to initiate dynamic policy change, as defined by Mintrom (Mintrom 1997). The fact that he happened to be at the head of New York State government only enhanced exposure to this specific issue, and likely aided in passage of legislation that formed a new policy program in response.

Seemingly less relevant in New York were the innovation factors of the federal government in spurring action, the state's view of itself as an innovation leader, and the attitudes towards the role of state government. No existing or proposed federal activity being widely debated by state policymakers was referenced in the legislation forming the new policy program implemented in New York. No language in the forming legislation or background information on the Ocean and Great Lakes Ecosystem Protection Council clearly referenced the value of being a national leader in state ocean policy, as has been done by many other states around the US. Finally, while New York state government took it upon itself to provide new solutions to the latest ocean and coastal policy problems facing the state, this action did not seem to stem from a strong attitude towards an active state government inherently inclined to address ocean policy without additional

encouraging factors.

i. Massachusetts

i. Background

While many recent state ocean initiatives were stimulated and guided by the findings of the US Commission on Ocean Policy, the state of Massachusetts began its own state review of ocean policy while the US Commission was still at work. While Massachusetts participated in the federal commission's efforts along with many other states, it released its own independent findings and recommendations for changes to state ocean policies prior to the release of the US Commission's report. By doing this, Massachusetts became one of the first states to review its own policies and propose novel approaches to its state ocean management programs in recent years, and setting an early trend that would be repeated in many other coastal states shortly thereafter.

A central driving force behind Massachusetts' new activities relating to ocean management are the proposals for wind energy facilities off of the state's coast in Nantucket Sound. The proposals for “wind farms,” which include towering wind turbines positioned in the open waters off the coast, sparked controversy for many areas of Massachusetts state ocean management policy. Concerns over the effects on fisheries, potential harmful environmental consequences, and damage to the aesthetics of the state's coast were all issues that became urgent concerns to state policymakers. As a result, Massachusetts took an early step in developing a new approach to its state ocean policies and initiated a formal process to address this wide range of issues.

Governor Mitt Romney announced an Ocean Management Initiative in March 2003, starting a comprehensive review of the state's ocean policies aimed at providing recommendations for improving the state ocean and coastal management practices. Once formed, the task force first met in July 2003 and had a two-day workshop to provide a review of the task force's charge, and a summary of both the state's biological ocean resources and existing management frameworks.

The work of the task force proceeded over the next nine months, and included thirty internal meetings, six public meetings, and review of hundreds of public comments,

culminating in March 2004 with the release of their final report and recommendations.³⁶ The report totaled over 70 pages and included 16 recommendations. The recommendations covered the four policy areas of Governance, Management Tools, Scientific Understanding, and Outreach. Specifically, the Governance recommendations called for a new comprehensive ocean management act and increased coordination of management entities. The Management Tools recommendations included inventorying of the state's ocean uses and resources and a marine protected areas working group. Scientific Understanding recommendations called for standardizing data collection practices and a comprehensive state ocean monitoring and research plan. Finally, Outreach recommendations included increased promotion of ocean literacy in the state and enhanced public distribution of ocean-related data.³⁷ In addition, the task force accepted public comments on their findings to guide future work, and has made those comments publicly available.³⁸

Since the release of the Ocean Management Task Force's final report, certain activities have been underway to pursue the implementation of the report's goals and final recommendations. Foremost has been the introduction of a bill in the Massachusetts legislature, aimed at formalizing the goals of the management task force through creation of a state ocean management plan and companion ocean management commission. Senate Bill 2653, a revised version of a bill originally sponsored by Governor Romney and Sen. Robert O'Leary, was approved by the state Senate on July 19, 2006, and sent to the House of Representatives.³⁹ The bill was not passed by the House before the end of the 2006 legislative session, and reintroduction of the bill into the state legislature is expected in January 2007. The bill includes detailed provisions for creation of a management plan, an ocean management commission, an ocean science advisory council, as well as proposed rules about allowable and prohibited activities to be included in the ocean management plan.

36 *Waves of Change: The Massachusetts Ocean Management Task Force Report and Recommendations*. Available at: http://www.mass.gov/czm/oceanmanagement/waves_of_change/pdf/wavesofchange.pdf

37 These are selected examples of the report's recommendations. For a full list, see: <http://www.mass.gov/czm/oceanmanagement/taskforce/pdf/tfrecommendations.pdf>

38 Available at: <http://www.mass.gov/czm/oceanmanagement/taskforce/commentssummarized.htm>

The bill calls for an ocean management plan, under the jurisdiction of the Secretary of Environmental Affairs, which shall lay out the ocean management goals for the state, while protecting the state's resources, maximizing benefits to the state's citizens, fostering economic sustainability, and encouragement of full public participation in state decision-making. Within 24 months of initiation, the management plan would formally become part of the state's coastal zone management program. Geographically, the plan covers the state's marine areas out to the 3 nautical miles, as well as activities farther offshore as allowed through federal consistency provisions that related to the state's ocean management activities. The bill explicitly states that nothing in the management plan shall have any effect on marine fishery authorities, which are handled by federal fishery management councils.

While Senate Bill 2653 encompasses many of the recommended next steps of the Ocean Management Task Force, additional activities have been initiated through the ocean management initiative that have already resulted in products that respond directly to task force recommendations. To respond to the recommendations regarding education and public outreach, an ocean education program has been initiated through the state's coastal zone program, with funding from the state's environmental trust.⁴⁰ The program has produced a directory of ocean education resources for the state, including lists of ocean-related curriculum, publications, and field trip destinations. The program has also created a teaching award for excellence in ocean education, which is given annually to an educator in the state who has shown extraordinary efforts in marine education.

Two additional projects have been implemented since the recommendations of the task force were released, with both activities already releasing final reports.⁴¹ The first was a study of the marine-based economies of the state, performed by the Donahue Institute of the University of Massachusetts Amherst. The study evaluated numerous economic parameters of ocean and coastal industry in Massachusetts and provided an assessment of trends, output, and economic value to the state. The report also included

39 Full text of S. 2653 available at: <http://www.mass.gov/legis/bills/senate/st02/st02653.htm>

40 More information available at: <http://www.mass.gov/czm/oceanmanagement/education/index.htm>

41 Final reports available at: <http://www.mass.gov/czm/oceanmanagement/projects/projects.htm>

recommendations for future information collection and analysis techniques that would most benefit long-term ocean and coastal management activities.

A second report, produced by TRC Environmental Corp., focused on ocean energy, summarizing current activities in the state and assessing the potential for new facilities. Highlighting both fossil fuel importation and electric generation, the study inventoried current ocean energy sites and associated infrastructure, and current proposals for future development. A second part of the study went on to assess worldwide potential energy technology developments that could be used in the marine environment, and analyzed where certain technology types could theoretically be sited in Massachusetts' ocean areas. Released in May and June 2006, the two final parts of the report include text and numerous maps that display the analyses performed in the study, to provide an information base for use in management and policy processes in future state efforts.

ii. Factors Influencing State Ocean Policy

Massachusetts initiated a novel ocean policy prior to the release of the findings of the Pew Commission and US Commission on Ocean Policy, as well as prior to any substantive ocean policy actions of neighboring states. Instead of spatial policy diffusion sparking action in Massachusetts, it seems clear that factors internal to the state encouraged a new program and a new approach to ocean policy. And while other states had varying degrees of ocean and coastal policy activities under way in the decades prior, the encouragement for the new approaches of many coastal states in recent years can be traced back to the early actions of the Massachusetts Ocean Management Initiative.

The primary impetus for action in Massachusetts stemmed from internal determinants and the important role coastal and marine affairs played in the state, based on issues ranging from the economic value of marine commerce and fisheries to the importance of environmental protection to state residents. Further, the hotly debated installation of a wind-based power facility off of Cape Cod elevated public attention on state's ocean policies, and raised questions about how to respond to these new issues. As a result, an impetus entirely internal to the state existed for investigating whether zoning

the state's marine areas for different types of uses would be a useful exercise. Further, study of how the state's ocean policies and legal framework might be altered to provide a better state response, as well as the need to further educate state residents on these issues, became clearly identified as a primary concern to many in state government in Massachusetts.

With these factors encouraging new policy action in the state, it was left to someone within state government to take action. Perhaps shedding light on how urgent an issue this was for Massachusetts in 2003, action was taken by the Governor through the formation of his Ocean Management Initiative. While the Governor surely had many people throughout various agencies encouraging new actions in the ocean and coastal policy realm, the fact that it was the Governor himself who announced a new policy initiative shows that this was something to be addressed by the state in a high profile and in-depth manner. Once announced, the Governor's new initiative was handed to Ellen Roy Herzfelder, the state Secretary of Environmental Affairs, who then oversaw the creation of an Ocean Management Task Force, as discussed above and in Appendix A. Based on their activities, each of these individuals was a policy entrepreneur in Massachusetts state ocean policy, by proposing new approaches to policy and achieving policy change.

Certain factors that were discussed in Chapter Two proved less relevant to the activities in Massachusetts. National policy attention brought on by the USCOP and PEW reports had yet to materialize, as the reports were released after the initiation of activity in Massachusetts. There is little evidence that regional policy diffusion played a role in Massachusetts, as it took the lead in the northeast region of the country in developing a new approach to ocean management. While the state interacted with the federal government on a number of issues, there were no imminent federal proposals that drove action in Massachusetts, proving the threat of federal action was secondary to the issues facing the state and its need to manage issues such as energy siting, among others.

Chapter 4. Conclusion

a. Review of Output of State Ocean Policy Initiatives

Each of the nine states reviewed in the previous chapter highlight different approaches and activities taking place in the US regarding state ocean policy. The forms of these state policy initiatives are based on the goals of each state government, and while they vary from state to state there are commonalities between the products of multiple states. Summarizing these commonalities portrays the current status of state ocean governance activity in the US and provides a baseline for analysis of both existing state action and potential future activity at the regional or national level (See Table 1).

All states but New Jersey have an ocean policy review body of some kind currently in place. These bodies range in size, from twenty-five members in Hawaii to five in California, and age, from almost a decade old in Oregon to the most recently formed group in New York. The groups focus on a wide range of issues including scientific study of the marine environment, governmental coordination, and enhancement of state marine resource management. All groups include members from state resource management agencies, while certain groups take additional members from state legislatures, academia, non-governmental organizations, federal agencies, and the general public.

Funding for new state ocean policy activities is a crucial issue for any new state program, and at present only three states currently have clearly identified financial resources for continued activities. While Oregon, California, and New York have funding in place to assist their state policy development activities, similar funding in other states is dependent on periodic discretionary budgetary allowances from the Governor or legislature, while other activities are currently unfunded. It remains to be seen what future developments might result in certain entities becoming a part of state law and receiving a dedicated long-term funding source.

Some states have reviewed marine scientific research planning efforts as part of their new ocean policy development, including California and Florida. These plans are aimed at better guiding research in the state's marine environment, with the eventual goal

of aiding state management of resources. Certain states have developed broader ocean management plans, which include not only scientific research guidelines but also general management principles, activities restricted in state waters, and ocean zoning protocols for offshore development, among other topics.

An important goal of many states is interaction with the federal government and the agencies that work on ocean and coastal issues. Only two states discussed have defined avenues for federal interaction: Alaska through its ocean policy cabinet activities with federal agencies; and Oregon with its federal liaison committee. However, the lack of an explicit mechanism such as these does not imply that state interaction with the federal government is not taking place. Quite the opposite, all state activities mentioned have had and will continue to have ongoing policy discussions with the federal government, but all have different approaches for ensuring that interaction. While some have chosen to make it a distinct part of their operating procedures, others have chosen to interact informally or on an issue-by-issue basis. Certain states may propose to create a formal mechanism to interact with the federal government as their policy programs develop, and overall state to federal policy discussions will remain a high priority for state governments.

Finally, many of the latest ocean policy initiatives around the US have created policy reports and released broad recommendations for their state ocean and coastal policies. Of the nine states discussed, only New York, Alaska, and Oregon have not released a comprehensive ocean policy report or plan in recent years. While New York has yet to release such a plan, the recently passed legislation that created the new ocean policy council in that state calls for the creation of one to be presented to the Governor and legislature in 2008. Alaska has forgone the creation of a policy report and instead focused efforts on acting upon the most urgent ocean and coastal policy issues in the state, relating to fisheries and offshore energy, among others. Oregon is the only state that had an ocean policy review body in place prior to 2003; hence their most recent activities follow a long timeline of policy development in the state. As a result, Oregon continues to update reports of its activities and provide input to the state ocean resources management plan, but has not released a new comprehensive ocean policy report in

recent years.

Table 1. Review of State Ocean Policy Outputs

State Ocean Policy Output	Policy Organization	Dedicated Funding	Scientific Research Plan	Ocean Management Plan	Defined Avenue for Federal Interaction	Policy Report and Recommendations
State						
MA	X			X		X
NJ						X
NY	X	X				
FL	X		X			X
HI	X			X	X	X
AK	X				X	
CA	X	X	X	X		X
OR	X	X		X	X	
WA	X					X

b. Review of Significant Factors Contributing to State Action

When reviewing all of the states analyzed in the previous summaries, certain patterns begin to emerge as to the factors that contributed significantly to the latest state ocean policy activities. Certain factors seem to be common among almost all the states, while others are only apparent in certain instances. Table 2 summarizes the contributing factors in each state and the relative importance of that factor for each state.

A strong driving force that was common to all of the states analyzed, was the role of internal determinants and the high importance of ocean and coastal affairs to each state. Whether stated in legislative language, executive orders, policy reports, or elsewhere, all of the states made it clear that the value of their ocean waters and coastal areas was immense. The economic values based on industry and commerce, the aesthetic values based on scenery or wildlife, or simply the overall value of the entire marine environment to the state and its citizens played a central role to all of the states with ocean policy activities discussed here. And while this was common to all of the states in this study, it was based on factors internal to each state based on its own social, economic, or physical attributes. The internal determinant factors of each state, and the pride with which each state held these qualities, was the most significant factor that led to many of these new ocean policy activities materializing.

As discussed at the outset of the discussion of the states, it must be noted that national policy developments diffused into the ocean policy activities of all the states highlighted, thus providing a constant source of national policy influence. While Oregon and Massachusetts were clearly active in their ocean policy efforts before the work of the US Commission on Ocean Policy and the Pew Oceans Commission, all of the other state activities either coincided with the release of the reports, or followed them shortly. It cannot be overstated that the work and findings of these two national blue-ribbon panels provided the rarest of opportunities in the United States' history to review almost all facets of ocean and coastal policy. Nine states took advantage of this opportunity and initiated novel and innovative ocean policy review activities as a result. Without the work of these two commissions, which happened to take place at almost the same time, it

is doubtful that many of the states discussed previously would have new policy programs in place, and extremely unlikely that so many would have begun during the same period. Hence, it can be stated that the work of the US Commission on Ocean Policy and the Pew Oceans Commission were a strong encouraging factor for states to innovate and create new approaches for their ocean policies.

Alaska and Oregon clearly initiated their ocean policy review and coordination activities as a way to prepare the state for action in case of federal activities (fishery management reform and oil and gas development, respectively). The continued role of the federal government, whether through additional governance proposals or partnerships between federal and state agencies, warrants monitoring for future governmental interplay developments.

Policy entrepreneurs appeared to be very active in the new ocean activities of many of the states highlighted. Whether serving on one of the two ocean policy commissions, being a highly placed state decision-maker, or working within state government agency activities, a number of entrepreneurs have played an invaluable role in serving to elevate the role of ocean and coastal affairs and spurring state governments into action. The creation of many new policy initiatives can be directly traced to the experience of these ocean policy entrepreneurs, and their encouragement in promoting a novel approach for the state to address a number of new policy areas. Without the activities of these entrepreneurs, the ocean policy activities of states would likely be less in number, and would surely be less in-depth and active as they are today.

Many of the states discussed seemed to view themselves as a leader in ocean affairs in the US, each referring to previous activities of the state and its role in providing a source of new and innovative sources of policy solutions. California, Florida, Massachusetts, Oregon, and Alaska were all very proud to show, through policy statements or statute language, that they have long been considered a leader in state ocean and coastal management, based on both the physical attributes of the state and often the coastal focus of the state and its citizens. As a result of this view of themselves as leaders in innovative solutions, these states were further encouraged to act and create new approaches to ocean policy. While done at different stages, ranging from Oregon leading

a locally-driven approach a decade ago to Florida's recent focus on marine science, each of these states saw their place in national ocean affairs as a leading one, and acted accordingly.

A less prevalent encouraging factor, but one nonetheless emphasized in many state activities, was a state's view on the role of government, and what its duties should be in relation to ocean affairs. Oregon and Massachusetts, both active before the work of two commission reports, both saw state government as a primary player in ocean management action. Oregon saw a clear role for state government in promoting a bottom-up approach to its ocean affairs, eventually leading to the creation of a permanent locally-driven ocean policy advisory council. Massachusetts also saw a clear role for the state in managing its marine environment and proposing novel policy solutions, leading to Governor Romney's ocean management initiative and many novel policy solutions based on state action. While Alaska initiated its ocean policy cabinet after the work of the ocean commissions, its state government viewed itself as needing a strong coordinated position with which to interact with federal policy developments, clearly emphasizing the role of the state government in protecting the state's sovereign rights. All the states discussed previously value the role of state government in ocean affairs, a fact that cannot be ignored simply based on the fact that the states are active, but these three states demonstrated a different level of emphasis on the role of state government in this policy area.

Finally, the issue of regional policy diffusion was less clear in the examination of the states with new ocean policy activities. While regional diffusion likely affected certain states, possibly through a fear of 'being left behind' by nearby states or worry about the activity of a neighboring state, no state would include such preoccupation in their findings or discussion materials. As a result, while this factor was surely at work in encouraging a state to act, it cannot be analyzed in the same manner as the other factors discussed here.

Table 2. Review of Significant Encouraging Factors for State Ocean Policy Activity

Encouraging Factor:	Internal Determinants	National Policy Attention (USCOP and PEW)	Policy Entrepreneurs	Federal Interaction	View of Self as Innovation Leader	Attitudes towards Role of Government	Regional Diffusion
<u>State</u>	1°: primary factor; 2°: secondary factor; 0: not apparent.						
MA	1°	2°	1°	2°	1°	1°	0
NJ	1°	1°	1°	2°	2°	2°	0
NY	1°	1°	1°	2°	2°	2°	0
FL	1°	1°	2°	2°	1°	2°	0
HI	1°	1°	2°	2°	2°	2°	0
AK	1°	1°	2°	1°	1°	1°	0
CA	1°	1°	1°	2°	1°	2°	0
OR	1°	2°	2°	1°	1°	1°	0
WA	1°	1°	1°	2°	2°	2°	0

c. Foundation for Analysis of Future State, Regional, and Federal Ocean Governance Proposals

Based on the previous section's summary of the factors that most contributed to state ocean initiatives in the nine states analyzed, a foundation for examining future ocean governance proposals at the regional and federal level can be constructed. Specifically, the factors that most contributed to state action must be recognized by any proposal from the federal government, or any proposal for regional ocean governance. Fully appreciating these factors and the role they have played in encouraging recent state ocean policy development will allow future ocean governance arrangements to better coordinate with state activities and build on existing efforts toward successful long-term management at multiple levels of government.

Foremost in all state activities is the role of internal determinants and the unique factors within each state that significantly contributed to a new approach to ocean policy. Any future federal proposals for ocean governance that involves the states must review the factors within each state that have been identified as the most important in regards to ocean and coastal development. In the states examined here, these internal factors ranged from increased knowledge of the marine environment to enhanced protection of marine resources, but each state has policy issues it places a high priority on. Future ocean governance need to respect the priorities that have already been established in each state's ocean and coastal policies, and build new policy proposals around these priorities in order to better integrate with existing state efforts and not disregard state work already accomplished. The best way to achieve this is to review the products of these state activities, whether new ocean policy reports and recommendations, background information about ongoing efforts, and direct contact with individuals working with an individual state.

A second contributing factor in the states that must be built upon by any future governance proposals is the national attention provided by the USCOP and PEW reports and the momentum that has been provided by the state activity. This rare combination of two in-depth reviews of national ocean policy has encouraged the new policy activities in a number of states, including the specific recommendations found in many of the state

ocean policy plans. While states will continue to expand their future efforts to include additional topics for policy development relating to their state, at present the findings and recommendations of USCOP and PEW provide a common framework for state action that should be built upon by the next stages of ocean governance development at the federal and regional levels. It is logical to assume that many federal and regional proposals will likely use the USCOP and PEW as guiding principles, but states have already begun to interpret these principles and act in their own way, and this action needs to be investigated and appreciated by any future governance action that may involve the states.

Policy entrepreneurs played a key role in five of the nine states discussed in this examination, and the entrepreneurial activities undertaken by these individuals must be fostered through additional governance activities that may involve their respective states. The policy entrepreneurs mentioned in Chapter Three should be primary contacts for any entity developing ocean governance proposals that may involve the states, whether federal or regional. The expertise and experience of these individuals provide the most valuable insight into what has motivated action in a given state, how that action has proceeded since inception, and what goals the state may have for future efforts. Not only should these policy entrepreneurs be consulted in developing new policy proposals, but they should also be actively involved in any governance entities that may materialize, whether a regional ocean governance body, a national ocean policy committee, or something similar.

Less explicitly identified through review of state activity is the role for state and federal interaction on ocean policy issues. While few states with ocean policy initiatives underway have clearly identified a conduit for federal and state interaction, it is nonetheless a reality of ocean and coastal management in the US that state and federal governments will need to interact on certain issues, whether jurisdictional, budgetary, or otherwise. In those states where interaction mechanisms have been clearly defined, the methods states have laid out for working with federal entities should be developed and built upon, rather than replaced. In states where it is still unclear what mechanism is most appropriate for policy discussions between federal and state governments, any

federal governance proposals should include a defined mechanism that builds on state policies while respecting state authorities. Federal agencies will have a lot to offer to state governments in developing their ocean and coastal policies, but the federal government must also recognize the goals of each state and define a way in which it can integrate with state efforts and collaborate in an effective manner to reach common goals.

Four of the nine states reviewed were directly encouraged to develop new approaches to ocean policy based on their view of themselves as a national leader in innovation. This view of a leader in innovation is one these states value highly, and as a result should not be overlooked by governance proposals from outside groups. From the outset of any ocean governance proposal that involves one or more of these states, the states should be actively consulted to gain input on how best to structure novel approaches to policy programs and use the experience of these states to enhance policy development. Not only will this serve to provide more successful innovative approaches to ocean governance, but will also encourage involvement and investment by states who will continue to see themselves as leaders in policy innovation.

Attitudes towards the role of government played a smaller role in contributing to state action, but should be noted nonetheless. Analysis of how a state government feels politically about its role in ocean and coastal affairs, as discussed in Chapters Two and Three, will aid in aligning ocean governance proposals with states that may welcome them. Those states inclined for more state government involvement will likely pursue national and regional ocean governance proposals that leave a high level of responsibility to the states. Conversely, those states that believe their level of government is not as strong a player in ocean and coastal governance will likely look to federal or regional entities to play a stronger role in any potential governance agreements.

Finally, regional diffusion did not appear to play a role in any ocean policy activities of the states analyzed here. Although many states have been active in developing new policy programs, no state programs indicated that the activity of any other state, whether neighboring or nationwide, had a direct effect on the action taken in their state. This echoes the importance of the role of internal factors in encouraging activity, while also indicating that neighboring states cannot necessarily be approached in

a similar manner under the assumption that they will react similarly. Any regional governance developments, for example, will likely involve multiple state governments and build upon any existing ocean policy activity already underway in each state. However, while regional in nature, such a proposal must approach each state as an individual entity and focus on the efforts therein in order to successfully integrate the activity in multiple states. Governance proposals cannot base their guiding principles or policy goals on those of a single state, and then presume that other states involved will necessarily fall in line. Instead, potential governance plans must first look at the policy action already taken in each state and construct a framework that will effectively pursue the goals of all states involved while still achieving the broader governance goals originally envisioned. The fact that no states examined cited the action of another state in their own state activities strongly suggests that any proposal for a specific state based on the action of another will prove successful.

d. Next Steps

While this examination has attempted to review a number of the latest state ocean policy initiatives around the US and potential links to regional and federal ocean governance, future developments will reveal the nature in which the interaction between the states and these broader ocean management activities materialize.

The latest session of the US Congress saw the introduction of two ocean policy bills aimed at reshaping much of the ocean governance structure in this country.⁴² While neither of these bills were passed into law, if they are reintroduced in the next session of Congress a clear role for the states will need to be fashioned. This analysis is useful in examining the states and determining how best to define the role for state government in federal proposals.

In addition, regional ocean governance is a concept that is gaining momentum in US ocean and coastal management (Russell 2005, JOCI 2006). The states will play a central role in any regional agreement, as multiple state governments will need to partner in order for a regional governance mechanism to be successful. The National Oceanic

and Atmospheric Administration (NOAA) is the lead agency in federal ocean management, and has also begun to investigate regional and ecosystem-based management proposals.⁴³ The states' role in these federal agency developments will also need to be examined.

Overall, the states will be key players in the next steps of ocean and coastal management in the US. This examination has analyzed what has driven state ocean policy activity in recent years and laid the groundwork for shaping future ocean governance proposals that will successfully build on the states' efforts.

⁴² S. 1224 (2005) and H.R. 2939 (2005)

⁴³ See: Advancing NOAA Priorities Through Regional Collaboration (2006).

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Appendix A. Detailed State Ocean Policy Initiative Information

a. Washington State

- The tasks of the budget proviso creating the Washington State Ocean Policy Work Group include:
 - By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation.
 - By December 31, 2006, the governor's office shall provide a report:
 - Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability;
 - recommending improvements in coordination among state agencies and other jurisdictions;
 - recommending measures to protect and manage ocean resources;
 - recommending measures to finance ocean protection, management, and development programs;
 - and recommending legislation regarding ocean resources or policy.
- The six initial policy subcommittees of the OPWG during 2005 were:
 - governance;
 - research priorities;
 - sustainable fisheries;
 - aquaculture;
 - economic development;
 - and coastal energy.
- The five final policy subcommittees of the OPWG during 2006 were:
 - governance;
 - ocean observation, research, and education;
 - marine resource stewardship;
 - coastal vulnerabilities from marine sources;

- and sustainable and resilient coastal communities.

b. Oregon

- The state Ocean Resources Management Plan included nine policy areas that provide the framework for Oregon’s ocean management planning:
 - ocean resources conservation;
 - ocean fisheries;
 - marine birds and mammals;
 - intertidal plants and animals;
 - recreation and cultural resources;
 - marine water and air quality;
 - oil and gas;
 - oil spills;
 - and marine minerals.
- Within each of these areas, the ocean plan lists guiding principles, state policies, areas and species of special significance or protection, and guidelines for providing state input to the federal government on ocean-related matters.
- The Oregon Territorial Sea Plan was originally organized into the three phases: reviewing the state's management framework; establishing guidelines for state management activities and use of ocean resources; and applying management practices to the rocky shore environment. The Territorial Sea Plan has been updated multiple times since its official adoption in 1994, with a chapter on uses of the seafloor added in 2000, and an updated review of ocean management goals in policies added in 2001.⁴⁴
- The OPAC non-voting membership includes:
 - Dept. of Environmental Quality;
 - Dept. of Fish and Wildlife;
 - Dept. of Geology and Mineral Industries;

⁴⁴ More information on the Oregon Territorial Sea Plan available at:
http://www.oregon.gov/LCD/OCMP/Ocean_TSP.shtml

- Dept. of Land Conservation and Development;
- Dept. of State Lands, Parks and Recreation;
- Dept. of Agriculture;
- Oregon State University Sea Grant College
- Coastwide organization representing a majority of small ports and local governments.
- OPAC voting membership includes two members each representing:
 - commercial ocean fisheries;
 - charter, sport or recreation fisheries;
 - and the general public, at least one of whom shall be a resident of a coastal county.
- There is a single representative each for:
 - ports, marine navigation or transportation;
 - coastal nonfishing recreation;
 - a coastal conservation or environmental organization;
 - Oregon Indian tribes, appointed after consultation with the Commission on Indian Services;
 - and a statewide conservation or environmental organization.
- In addition to the OPAC as a whole, state law also established a permanent Scientific and Technical Advisory Committee (STAC) for the OPAC, to be chaired by the director of the Oregon Sea Grant College program or other similarly qualified member of OPAC, while also allowing establishment of any additional committees as needed.
- The OPAC Executive Committee is made up of the Chair of the Committee, the Vice Chair, the STAC Chair, the representative of the Governor's Office, and council staff, which meets in between full OPAC meetings to develop agendas and discuss the council's administrative needs. The Federal Liaison Committee is comprised of representatives from NOAA Fisheries, US Coast Guard, the Minerals Management Service, the US Army Corps of Engineers, and the Federal Energy Regulatory Commission.

c. California

- In California's Ocean Action Strategy, there were a total of 11 action items listed, varying from general priorities such as demanding improvements in national ocean policy, to more specific items such as completing the California Coastal Sediment Management Plan. All of the immediate action items focused around activities that already had some momentum in the state, through being identified as a high policy priority (eliminating adverse impacts of offshore oil and gas) or already having funding dedicated to the effort (building on \$21M funds allocated for a coastal currents monitoring system).
- The broad theme action recommendations in the strategy range from identification of ocean research and outreach priorities for the state, to the pursuit of long-term funding sources for ecosystem-based approaches to management at all levels of government at work in California. The lists of action items, both short- and long-term, are listed in condensed for in the Executive Summary of California's Action Strategy, and the body of the text goes into each recommendation in more depth.
- The language of SB 1319 outlines the specific tasks of the OPC:
 - Coordinate ocean and coastal-related state agencies for improved management and protection of state ocean areas;
 - Better coordinate scientific data sharing between state agencies;
 - Identify changes needed in state and federal law to pursue state ocean policy goals, and actions needed to achieve them;
- The Ocean Protection Fund can be used for grants or loans to groups in the state, as long as their activities pursue a listed set of goals:
 - reducing threats to the state ocean environment and species;
 - fostering sustainable fisheries;
 - improving water quality;
 - increased public access to the coast consistent with long-term protection;
 - improved management of ocean ecosystems;
 - providing monitoring and scientific data for state management efforts;
 - protection of ocean resources through monitoring systems;

- marine resource protection through the purchase of vessels, permits, harvest rights, licenses, or other rights to reduce threats to the ecosystem;
 - and development of treatment methods for biological pathogens.
- The California Ocean and Coastal Information, Research and Outreach Strategy had three central goals of sharing information, establishing research and monitoring needs, and improving state ocean-related outreach efforts. The plan contained six specific action items for the council in these areas, including seeking federal support for state scientific research and pursuing incorporation of marine-related education requirements into state curriculum. The plan also sets the policies for the OPC when deciding to fund scientific research projects, along with defining an organizational scheme for the state's needs regarding ocean and coastal research and information activities, and concludes with a list of areas in which public outreach efforts should be focused.
- At its January 2006 meeting, the OPC approved a total of \$12mil for five programs in the state, with \$10mil in water quality grants for the state Water Resources Control Board, \$1.2mil for sea floor mapping off the coast, and additional funds for specific projects in Morro Bay, San Francisco Bay, and a statewide plan for aquatic invasive species.
- The draft 5-year strategic plan listed five tools by which the OPC would carry out its activities: ecosystem-based management; governance; research; education; and technologies. The goals of the council were also listed, under the themes of living resource management, habitat management and protection, water quality and ecosystem health, physical ocean processes, and economic uses of the coast.

d. Alaska

- The Alaska Ocean Policy Cabinet is made up of the commissioners of the Department of Fish and Game, the Department of Natural Resources, the Department of Environmental Conservation, and the Department of Commerce, Community, and Economic Development. The Governor's Director of State and Federal Relations as well as the Advisor on Fisheries

Policy are also part of the cabinet.

- Initiated by the federal North Pacific Fishery Management Council, the Aleutian Islands Ecosystem Forum has worked since late 2005 to provide a forum for federal agencies, the fishery management council, tribal and local governments, and the state government of Alaska to work together on marine policy issues and progress towards an ecosystem-approach to management. The state Ocean Policy Cabinet provides the ideal vehicle for the state to present its views to the forum on all relevant ocean policy issues in a clear and unified manner.

e. Hawaii

Table 3: Membership of Hawaii Ocean and Coastal Council

State Agency Members, all ex-officio (7)	State Members (2)	Local Government Members (4)
Dept. of Land and Natural Resources (Chair)	State Planning Office (houses state Coastal Zone Mgmt. Program)	City and County of Honolulu
Dept. of Defense	Hawaii Institute of Marine Biology, University of Hawaii	County of Maui
Dept. of Business, Economic Development, and Tourism	Federal Government Members (9)	County of Kauai
Dept. of Tourism	NOAA - Pacific Services Center	County of Hawaii
Dept. of Health	Dept. of Agriculture – Natural Resources Conservation Service	
Dept. of Transportation	NOAA Fisheries	
Dept. of Agriculture	NOAA – National Marine Sanctuaries	
Additional State Members, ex-officio (3)	US Geological Survey	
President, University of Hawaii (ex-officio)	Environmental Protection Agency	
Chair, Marine and Coastal Zone Advisory Council (ex-officio)	Western Pacific Fishery Management Council	
Chair, University of Hawaii Sea Grant	US Coast Guard	
	US Army Corps of Engineers	

- Governor Lingle's Executive Order No. 5 stated that the council is intended to provide the opportunity to learn from other coastal states in the US, aided by a strong partnership between the HOCC and the Coastal States Organization. Further specifics for the HOCC included the requirement to meet no less than twice a year, with a majority of members of the council constituting a quorum for business and action. The council was required to submit a report of its activities to the Governor and Legislature annually, with the council terminating at the conclusion of the 2006 Regular Session of the Legislature.
- The HOCC initiated its formal meetings in July 2005 to begin a review of the ORMP and provide its recommendations on updating the plan.⁴⁵ The council had six meetings between July and October, 2005, at which various topics were discussed, including what overarching goals the ORMP should pursue, what specific recommendations would facilitate achievement of those goals, and what parties must be involved in the initiation and implementation of specific actions. The council also expanded its membership to involve additional non-governmental groups to provide more in-depth discussion on relevant themes and recommendations for the ORMP update. These two community organizations, the Association of Hawaiian Civic Clubs and the Polynesian Voyaging Society, allowed for more detailed input from the local perspective, and provided a more well-rounded perspective on the ORMP that included views from both governmental entities and the Hawaiian public at large.
- The HOCC presented the report with all recommendations to the state Office of Planning on October 3, 2005, and the report was used in the initial planning review of the ORMP update. It should be noted that the HOCC was not the sole means of input to the Office of Planning regarding the update to the state ocean plan. There was additional input gathered from other non-profit and

⁴⁵ A review of the HOCC's meetings is available at:
http://www.hawaii.gov/dbedt/czm/czm_initiatives/orm.html#HOCC

industry organizations, additional community meetings held, as and ORMP review workshops. The draft ORMP update was released in September 2006,⁴⁶ with the report scheduled to be finalized by late 2006 or early 2007.

f. Florida

- The Florida Ocean and Coastal Resources Council (FOCRC) membership includes 15 voting members and 3 ex-officio. The council is co-chaired by the Secretary and Executive Director of the State Department of Agriculture and Consumer Services, and both are ex-officio members along with the Commissioner of the same department. Voting membership is appointed by the Secretary of the Department of Environmental Protection, the Executive Director of the Fish and Wildlife Conservation Commission, and the Commissioner of the Department of Agriculture and Consumer Services, each appointing five members.
- The Department of Environmental Protection is responsible for appointing five scientists, one each specializing in wetlands, estuaries, open oceans, aquatic systems, and coastal geology. The Fish and Wildlife Commission is also responsible for appointing five scientific experts, one each focused on resource management, habitat management, fishery habitats, marine birds, and marine biotechnology. The final five members are appointed by the Department of Agriculture and Consumer Services, and must be from certain disciplines, including sportfishing, ecotourism, ports, academia, maritime law, and environmental groups, among others. Scientific appointees serve a term of 4 years, and non-governmental group appointees serve 2-year terms.
- The first Scientific Research Plan, for FY 2006-2007, was submitted to the Legislature on February 1, 2006, and included scientific research recommendations in 12 areas, including habitat mapping, water quality, public health, and invasive species, among others.⁴⁷ The research plan includes

⁴⁶ Available at: http://www.hawaii.gov/dbedt/czm/czm_initiatives/orm_pdf/Draft_ORMP.pdf

⁴⁷ Available at: http://www.floridaoceanscouncil.org/meetings/files/Research_Plan_FY06-07.pdf

extensive background on many marine and coastal issues, how state management of marine and coastal resources benefits from specific research activities, and a prioritized list of the top fifty-one specific research needs.

- In requesting input on management priorities from various state agencies, the FOCRC established a useful format for summarizing a large number of management needs in a succinct manner. This format included listing the priority under five headings: single sentence summary; brief explanation of the need (<300 words); additional background, if needed (<500 words); whether the need was submitted the previous year; and where the need applies geographically within the state. By establishing a concise and uniform submission process, the council is able to more easily summarize a large amount of information related to management for evaluation in its research priority planning.
- The Ocean and Coastal Economies of Florida report includes economic data with projected ocean and coastal economic outcomes through the year 2015, along with detailed recommendations for a more detailed Phase II report. The Phase I report was completed in June 2006, and presently there is no indication of if or when a Phase II report will be completed.

g. New Jersey

- The six themes of “New Jersey's Coast 2005”:
 - Ensuring the future of New Jersey's seafood industry;
 - Stronger protections for water quality and habitat;
 - Stronger controls for offshore development;
 - Stronger controls for onshore development;
 - Protecting and enhancing shore recreation;
 - Preserving the shore's landscape and character;
- Specific recommendations:
 1. Dept. of Environmental Protection (DEP) and the Office of Maritime Resources will work with the commercial fishing industry to ensure that marinas and shore facilities

- serving the commercial fishing industry are not crowded out by new development.
2. DEP will act to restore water quality impairments affecting shellfishing areas.
 3. DEP will partner with Cumberland County's economic enterprise zone to restore 500 acres of oyster production in Delaware Bay.
 4. DEP will restore 50-100 acres of hard clam habitat using the shellfish habitat mitigation fund.
 5. N.J. Department of Environmental Protection (DEP) will strengthen standards for ocean dischargers, to avoid impacts to water quality. DEP will require implementation of measures that will prevent catastrophic sewage spills through maintenance and upgrading of aging infrastructure.
 6. DEP will target \$30 million in grants to accelerate projects that improve coastal water quality.
 7. Following public input and adequate data collection, DEP will begin restoration of Wreck Pond (the major source of beach closings) no later than September 2005.
 8. DEP will begin reconstruction of the Deal Lake Flume no later than September 2005.
 9. DEP will partner with other state agencies, non-profit groups, trade organizations and marina owners to activate the "New Jersey Clean Marina" program.
 10. New Jersey will work with anglers, environmentalists, and the New Jersey congressional delegation to establish a "Clean Ocean Zone" to protect water quality in the New York/New Jersey Bight by eliminating and preventing pollution.
 11. Governor Codey's Blue Ribbon Panel on Offshore Wind Development will ensure a public process when finalizing recommendations to the Governor on whether offshore wind energy is appropriate for New Jersey.
 12. New Jersey will strengthen coastal zone restrictions regarding offshore oil and gas development and will petition the federal government to accept these new restrictions under federal law.
 13. DEP will use its acquisition and restoration funding for sensitive coastal areas, linking natural areas along the shore and strengthening habitat protection.
 14. DEP will work to ensure that development areas along the shore steer clear of threatened and endangered species habitat, wetlands, water resource and recharge areas, and other critical environmental features and do not exceed the capacity of coastal resources to support growth.
 15. DEP will acquire, clean, and sink three additional ships in 2005 to enhance New Jersey's premier system of artificial reefs.
 16. DEP and N.J. Casino Reinvestment Development Authority (CRDA) will provide \$40,000 and technical assistance to the Surfrider Foundation and the Surfers

Environmental Alliance to design and construct a new reef that will restore and enhance surfing opportunities along the shore.

17. DEP will provide families with Internet mapping of public access points along the oceanfront, will maintain and promote public access points along the oceanfront and bays, and will work with the Attorney General's office to protect the public's right of access to and along the shore.
 18. New Jersey will partner with marinas to achieve a net gain of 1500 public and private boat slips.
 19. DEP will fund the construction of new public boat ramps in 2005 to serve fishermen in the Oyster Creek and Cape May areas.
 20. DEP will prioritize permitting for Hancey's Pond and other local lagoon dredging projects.
 21. DEP and the Office of Maritime Resources within the N.J. Department of Transportation will assist communities in developing regional dredged material management plans.
 22. DEP will update the state's Dredging Manual to incorporate lessons learned since development of the manual in 1997 to ensure that navigational dredging needs continue to be met using environmentally sound methods and to improve sediment quality data.
 23. DEP, N.J. Department of Community Affairs (DCA) and CRDA will collaborate on new rules and design standards to protect the historic resources and character of Jersey Shore communities.
 24. DEP, DCA and CRDA will pilot a program to acquire development rights to preserve family-run marinas and shore attractions that are under significant development pressure.
 25. DEP will work with the Marine Trades Association and marina owners, on regulatory and program reform that will ensure the economic viability of marinas and other maritime businesses along New Jersey's coast.
- Housed at the state's Dept. of Environmental Protection, the Clean Marine program educates both marina operators and boaters on ways to minimize pollution into coastal waters. If they choose to do so, marinas can also apply to become certified as a "clean marina," which requires a site visit by the state to ensure a number of requirements have been met. If approved, the state distributes a press release announcing the "clean marina" certification, and the marina is

allowed to advertise itself using the official title.

h. New York

- Membership of the New York Ocean and Great Lakes Ecosystem Protection Council: The Commissioner of the State Department of Environmental Conservation will serve as the chair, and the deputy Secretary of State for Coastal Resources will serve as the Executive Director. Additional state agencies are represented by the Commissioners of the state departments of Agriculture and Markets, Economic Development, Environmental Conservation, General Services, Parks, Recreation and Historic Preservation. The President of the New York State Energy Research and Development Authority, a public benefit corporation, and the Chancellor of the State University of New York are also members of the Council.

i. Massachusetts

- The first step of the Governor's initiative was the formation of a state Ocean Management Task Force. Announced by the state's Environmental Affairs Secretary in June 2003, the task force was chaired by Dr. Susan Tierney, a former Secretary of Environmental Affairs for the state herself, and was composed of 22 additional members from state agencies, local government, and numerous public representatives from such areas as marine industry, environmental groups, and academia. In addition, the task force had 26 ex officio members from additional state agencies, federal agencies, the state legislature and US Congress.
- Specifically, the task force had four specific charges:⁴⁸
 - Development of statewide principles for ocean management;
 - Evaluate existing legal framework and policy approaches, and recommend changes;
 - Evaluate the information sources for ocean management, including

48 Available at: <http://www.mass.gov/czm/oceanmanagement/taskforce/omitaskforcecharge.htm>

scientific and socioeconomic data, and recommend needed changes;

- Make recommendations specific to:
 - ensured coordination of state and federal ocean management efforts;
 - equitable representation of statewide ocean interests;
 - staff and oversight needs to develop new ocean management plans;
- The early initiative workshops included presentations on ocean use patterns in different areas of the state, a characterization of the state's marine biological resources, and ideas about where new management efforts could enhance state management. The second day of the workshop focused on the policy and legal issues surrounding ocean management for the state, and provided detailed summaries of federal activities in Massachusetts and state laws that guided current management practices. The workshop concluded with three presentations on ocean management models already in use elsewhere: the Oregon Ocean Policy Advisory Council, Eastern Scotian Shelf Integrated Management planning process in Canada, and the ocean zoning taking place Florida Keys National Marine Sanctuary.
- Senate Bill 2653 lists the five primary areas that the ocean management plan shall focus on, while allowing for additional topics to be added at a later time. The initial list includes: a baseline assessment of the state's marine resources and ocean use patterns; establishment of a public ocean outreach program; identification of specific management measures for the state's marine areas (explicitly excluding all commercial fishery and recreational boating activities); implementation of a marine scientific strategy; and the creation of a defined time frame for initiation and review of the management plan.
- The bill includes the creation of a new ocean management commission, to report to the Secretary of Environmental Affairs and aid in the creation and propagation of the management plan. The commission would have 16 members, four from the state legislature appointed by majority and minority leadership, the head of the state's coastal zone management program and state marine fisheries division, and Governor appointed representatives from the state's fishing industry, marine

industry, environmental organizations, local government, and regional planning agencies. The commission would be charged with electing its own chair annually, and to hold public meetings relating to the ocean management plan to provide guidance to the Secretary of Environmental Affairs. The bill requires that the Secretary shall not propose a management plan that is inconsistent with the recommendations of the commission.

- To further aid the creation and maintenance of an ocean management plan, and respond to the requirement for establishing a scientific baseline for management activities, SB 2653 would create a ocean science advisory council. This council would be chaired by the Secretary, with nine additional members. Three members each would come from academia, non-profit organizations, and government agencies.
- The bill also lays out certain actions in the marine environment that may and may not be included in any state ocean management plan. Activities prohibited include construction of offshore electric generators, dumping of wastes, or commercial advertising in ocean sanctuary areas. Waste incineration at sea, resource extraction from the seabed except for navigation or protection purposes, and mooring any structure in the Cape Cod ocean sanctuary are also prohibited by the bill's language.⁴⁹ Examples of allowed activities include beach nourishment, infrastructure for electricity distribution and telecommunications service, aquaculture facilities, and temporary scientific and education facilities.

⁴⁹ Certain exceptions to prohibited activities are allowed, please see full text of bill for full summary, available at: <http://www.mass.gov/legis/bills/senate/st02/st02653.htm>