



Program on Ocean Governance (POG)

[Oceans Act of 2000](#)

[Act Overview](#)

[Major Issues](#)

[Seminar on Ocean Governance](#)

[Related Links](#)

[Resource List](#)

There is general agreement that the United States has outgrown its existing national marine policy and that a new approach integrating the multiple uses of the ocean with preservation and conservation interests is in order. Increasing population growth, advances in technology, shifting political agendas, and a heightened environmental consciousness have led to the need to reassess current U.S. ocean governance, an issue that has not been reviewed at the national level for over thirty years. With the passage of the Oceans Act of 2000, the Presidential Commission on Ocean Policy was established to analyze the state of the nation's current marine policy and to develop a strategy for future ocean governance based upon their findings.

In response to the passage of the Oceans Act of 2000, The University of Washington's School of Marine Affairs is launching the Project on Ocean Governance (POG). This two-year effort will monitor trends in national and regional ocean governance and will provide a forum for interested parties to discuss topics pertaining to the nation's oceans and coasts. These efforts will be undertaken through a variety of events designed to elicit public awareness of marine issues and will seek to promote the concept of ocean stewardship. POG is made possible through a gift from the William and Flora Hewlett Endowment for Marine and Environmental Studies.

Marc Hershman

Professor, School of Marine Affairs

Member of the Presidential Commission on Ocean Policy



Oceans Act of 2000

106th CONGRESS

2d Session

S. 2327

AN ACT To establish a Commission on Ocean Policy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Oceans Act of 2000'.

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote--

1. the protection of life and property against natural and manmade hazards;
2. responsible stewardship, including use, of fishery resources and other ocean and coastal resources;
3. the protection of the marine environment and prevention of marine pollution;
4. the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;
5. the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;
6. the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;
7. close cooperation among all government agencies and departments and the private sector to ensure--
 - A. coherent and consistent regulation and management of ocean and coastal activities;
 - B. availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;
 - C. cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and
 - D. enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at

- the State and local level; and
8. the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

- a. ESTABLISHMENT- There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.
- b. MEMBERSHIP-
 1. APPOINTMENT- The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.
 2. NOMINATIONS- The President shall appoint the members of the Commission, within 90 days after the effective date of this Act , including individuals nominated as follows:
 - A. 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.
 - B. 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.
 - C. 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.
 - D. 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.
 3. CHAIRMAN- The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for--
 - A. the assignment of duties and responsibilities among staff personnel and their continuing supervision; and
 - B. the use and expenditure of funds available to the Commission.
 4. VACANCIES- Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.
- c. RESOURCES- In carrying out its functions under this section, the Commission--
 1. is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act , and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;
 2. may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and
 3. in consultation with the Ocean Studies Board of the National Research Council of the

National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

- d. STAFFING- The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.
- e. Meetings-
 1. ADMINISTRATION- All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:
 - A. All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.
 - B. Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.
 2. INITIAL MEETING- The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.
 3. REQUIRED PUBLIC MEETINGS- The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:
 - A. The Northeast (including the Great Lakes).
 - B. The Southeast (including the Caribbean).
 - C. The Southwest (including Hawaii and the Pacific Territories).
 - D. The Northwest.
 - E. The Gulf of Mexico.
- f. Report-
 1. IN GENERAL- Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.
 2. REQUIRED MATTER- The final report of the Commission shall include the following assessment, reviews, and recommendations:
 - A. An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.
 - B. A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.
 - C. A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.
 - D. A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.
 - E. A review of and recommendations concerning the relationship between

- Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.
- F. A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.
- G. A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.
- H. Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.
 - I. A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.
- 3. CONSIDERATION OF FACTORS- In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.
- 4. LIMITATIONS- The recommendations of the Commission shall not be specific to the lands and waters within a single State.
- g. PUBLIC AND COASTAL STATE REVIEW-
 - 1. NOTICE- Before submitting the final report to the Congress, the Commission shall--
 - A. publish in the Federal Register a notice that a draft report is available for public review; and
 - B. provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.
 - 2. INCLUSION OF GOVERNORS' COMMENTS- The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.
- h. ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW- Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).
- i. TERMINATION- The Commission shall cease to exist 30 days after the date on which it submits its final report.
- j. AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section a total of \$6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

- a. NATIONAL OCEAN POLICY- Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.
- b. COOPERATION AND CONSULTATION- In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities,

including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

In this Act :

1. MARINE ENVIRONMENT- The term `marine environment' includes--
 - A. the oceans , including coastal and offshore waters;
 - B. the continental shelf; and
 - C. the Great Lakes.
2. OCEAN AND COASTAL RESOURCE- The term 'ocean and coastal resource' means any living or non-living natural, historic, or cultural resource found in the marine environment.
3. COMMISSION- The term `Commission' means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

Passed the Senate June 26, 2000.

Signed by President Clinton, 8/7/2000

Oceans Act of 2000 | [Act Overview](#) | [Major Issues](#) | [Seminar on Ocean Governance](#)
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Overview of the Oceans Act of 2000

History of the Oceans Act

- 1997 National Research Council
Striking a Balance: Improving Stewardship of Marine Areas
- 1998 U.S. Federal Agencies with ocean-related programs
Year of the Ocean: Discussion Papers

H. John Heinz III Center
Our Ocean Future: Themes and Issues Concerning the Nation's Stake in the Oceans

U.S. Departments of Commerce and Navy
National Ocean Conference: Oceans of Commerce, Oceans of Life
- 1999 U.S. Department of Commerce
Turning to the Sea: America's Ocean Future
- 2000 OGSB-Biliana Cicin-Sain and Robert Knecht
The Future of U.S. Ocean Policy: Choices for the New Century

Oceans Act of 2000 passes

Review of Oceans Act of 2000

Goal

Establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote:

- Protection against hazards
- Responsible stewardship
- Environmental protection and pollution prevention
- Commerce, conflict reduction and sustainable use
- Research including climate change
- Advancement of education and training
- Technological innovation
- Public and private sector cooperation
- Preservation of leadership role
- Foreign cooperation

Members

- 16 individuals knowledgeable in ocean and coastal activities appointed by the President
- 12 of 16 selected from Congressional list
- Balanced by area of expertise and geography from:
 - State and local governments
 - Ocean-related industries
 - Academic and technical institutes
 - Public interest organizations

Additional Input

- Federal Agency assistance
- Multidisciplinary science advisory panel of experts

Process

- \$6,000,000 authorized; \$4,500,000 appropriated
- First meeting 30 days after Commission announced (meeting: September 17-18, 2001)
- 6 regional hearings required
- 18 months to compile report for President and Congress

Scope of Final Report

The final report of the Commission will include reviewing and assessing:

- Facilities
- Federal activities
- Cumulative effects of Federal laws and regulations on activities and resources
- Supply and demand of U.S. ocean and coastal resources
- Recommendations concerning public and private collaboration in planning and implementation
- Coastal and marine related technologies and markets
- State and Federal efforts to attain effectiveness and integration
- Recommendations for modification to U.S. laws, regulations, and executive agencies
- Effectiveness and adequacy of existing Federal interagency ocean policy coordination and recommendations for improvement

Presidential Response

The President has 120 days to submit to Congress a statement of proposals to implement or respond to the Commission's recommendations.

Results of First Meeting

- Tentative regional meetings dates and locations:
 - January: South Carolina and Virginia
 - February/March: Gulf Coast
 - March/April: California and Hawaii
 - April/May: Pacific Northwest
 - May/June: New England
 - July/August: Alaska
 - To be announced: Great Lakes
- Next meeting November 13-14 in D.C.
- Finalist interviews for the Executive Director on October 5, 2001
- Established four sub-committees:
 - Research, Education and Marine Operations
 - Stewardship
 - Governance

- Investment and Development
- Elected Chairman-Admiral James D. Watkins, President Emeritus at C.O.R.E., who will work with each of the sub-committees

Research, Education, and Marine Operations

- Tentative topics:
 - Expansion of human knowledge of the marine environment
 - The ocean's role in climate change including health impacts
 - Marine operations and observations
 - Ocean education (K-12 and higher)
 - Marine research including academia
 - Ocean and coastal exploration
- Commissioners:
 - Chairman James M. Coleman of Louisiana
Professor at the Coastal Studies Institute at Louisiana State University
 - Robert Ballard of Connecticut
Explorer-in-Residence at National Geographic
 - Ed Rasmuson
Chairman of the Board of the National Bank of Alaska, President of the Rasmuson Foundation
 - Ted A. Beattie of Illinois
President and C.E.O. of the Shedd Aquarium

Stewardship

- Tentative Topics:
 - Stewardship of ocean and coastal resources:
 - Fisheries
 - Marine protected species
 - Marine protected areas
 - Coral reefs
 - Protection of marine environment and prevention of marine pollution
 - Water quality
 - Marine debris
- Commissioners:
 - Chairman Paul A. Sandifer of South Carolina
Director of the South Carolina Department of Natural Resources
 - Paul L. Kelly of Texas
Sr. VP of Rowen Companies
 - Paul G. Gaffney of Washington, D.C.
President of the National Defense University in Washington, D.C.
 - Ann D'Amato of California
Chief of Staff for City Attorney in Los Angeles
 - Frank Muller-Karger
Professor at the College of Marine Science at the University of South Florida

Governance

- Tentative Topics:
 - Federal activities
 - State and Federal integration efforts
 - Cumulative effect on Federal laws
 - Relationships between Federal, state, and local government and the private sector
 - Modifications to Federal laws and/or the structure of Federal agencies
 - The effectiveness of existing Federal interagency policy coordination
 - Law of the Sea and other international issues
 - Protection of life and property

- Close cooperation among government agencies
- U.S. leadership in ocean and coastal activities
- Commissioners:
 - Chairman William D. Ruckelshaus of Washington State
Strategic Director of Madrona Venture Group
 - Marc J. Hershman of Washington State
Director of the School of Marine Affairs, University of Washington
 - Lawrence Dickerson of Texas
President, C.E.O., and Director of Diamond Offshore Drilling, Inc.
 - Lillian Borrone of New Jersey
Director of the Port Authority of N.Y. and N. J. (retired 2000)
 - Andrew A. Rosenberg of New Hampshire
Dean of College of Life Sciences and Agriculture at the University of New Hampshire
 - Christopher Koch of Virginia
World Shipping Council C.E.O. and President

Investment and Development

- Tentative Topics
 - Enhancement of maritime commerce
 - Supply and demand for ocean and coastal resources
 - Tourism
 - Non-living resources
 - Energy
 - Biotechnology
 - Aquaculture
 - Opportunities for the investment in new products and technologies
 - Investments in technologies to promote energy and food security
 - Facilities (people, vessels, computer, satellites)
 - Opportunities for the investment in new products and technologies
- This sub-committee will be formed at a later date.

For more information on the Presidential Commission on Ocean Policy established by the U.S. Oceans Act of 2000, visit: www.oceancommission.gov.

[Oceans Act of 2000](#) | [Act Overview](#) | [Major Issues](#) | [Seminar on Ocean Governance](#)
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Major Issues of National Ocean Policy 2001

Highlights of Major Issues by Source

The following was created as a reference tool to facilitate discussion on the future of US ocean policy. The sources of material were chosen for their relevance to prospective national marine policy topics that should be addressed by the Commission on National Ocean Policy. Selected issues were derived from these publications and grouped into one of two categories that appear in a table format: marine governance or marine resources and uses. Due to the complexity and overlapping nature of these topics, the issues are generalized and grouped to improve reference. A more detailed description of each source follows the tables.

List of Sources

1. Center for Marine Conservation. 1998. *An Agenda for the Oceans*. Washington, D.C. pp. 3.
2. Center for the Study of Marine Policy, National Ocean Service, NOAA, Ocean Governance Study Group. 1998. *The Stratton Roundtable: Proceedings*. Washington, D.C.
3. Cicin-Sain, Biliiana and Robert W. Knecht. 2000. *The Future of U.S. Ocean Policy: Choices for the New Century*. Washington, D.C.: Island Press. pp. 325.
4. Conserving America's Oceans: A Blueprint-<http://www.cmc-ocean.org/bp2001.pdf>.
5. H. John Heinz III Center for Science, Economics and the Environment. 1998. *Our Ocean Future: Themes and Issues Concerning the Nation's Stake in the Oceans Developed for Discussion During 1998, The Year of the Ocean*. Washington, D.C. pp. 1-50.
6. House Oceans Caucus. 2001. <http://www.house.gov/curtweldon/oceans/oceans/hocjune.htm>.
7. Miles, Edward L. 1999. The Concept of Ocean Governance: Evolution Toward the 21st Century and the Principle of Sustainable Ocean Use. *Coastal Management*. 27(1): 1-30. Massachusetts: Taylor and Francis. pp. 6-7.
8. National Ocean Service, NOAA, Center for the Study of Marine Policy at the University of Delaware, The Ocean Governance Study Group. 1999. *Trends and Future Challenges for U.S. National Ocean and Coastal Policy: Workshop Materials*. Washington, D.C.
9. National Research Council. 1997. *Striking a Balance: Improving Stewardship of Marine Areas*. Washington, D.C.: National Academy Press. pp. 118-120.
10. Scheiber, Harry N., ed. 1998. *Emerging Issues in National Ocean and Coastal Policy*. Ocean Governance Policy Group. California.
11. U.S. Department of Commerce and U.S. Department of the Navy. 1998. *National Ocean Conference: Oceans of Commerce, Oceans of Life*. Monterey, California: U.S. GPO. Forward.
12. U.S. Department of Commerce. 1999. *Turning to the Sea: America's Ocean Future*. Washington, D.C.: U.S. GPO. pp. 8-62.
13. U.S. Federal Agencies with Ocean-related Programs. 1998. *Year of the Ocean: Discussion Papers*. Washington, D.C. Internet reference: <http://www.yoto98.noaa.gov/>.
14. Vallega, Adalberto. 2001. *Sustainable Ocean Governance: A geographical perspective*. New York: Routledge.

Issues	Sources													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Creation of National Marine Council/Task Force			☑	☑					☑					
Creation of Regional Marine Councils									☑					
EEZ Management		☑	☑				☑							
Federal and State Cooperation		☑	☑			☑			☑	☑				
International Leadership- UNLOSC	☑		☑					☑		☑	☑	☑	☑	☑
National Strategy-resource allocation, facilities, security, economic efficiency	☑	☑	☑		☑	☑	☑		☑	☑			☑	
Zoning Plan						☑			☑					☑

Table II: Issues of Marine Resources and Uses

Issues	Sources													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Aquaculture			☑	☑	☑			☑				☑		☑
Climate change and global warming							☑	☑			☑		☑	☑
Education-institutions	☑			☑								☑	☑	
Fisheries restoration	☑	☑	☑	☑	☑		☑	☑		☑	☑	☑		☑
Habitat protection, restoration, ecosystem management-erosion, coral reefs, estuaries, MPAs, etc.	☑	☑	☑	☑	☑			☑			☑	☑	☑	☑
Hazards		☑	☑	☑				☑					☑	
Integrated coastal management-coastal community issues		☑	☑		☑		☑	☑		☑		☑		☑
Marine protected and endangered species		☑	☑	☑				☑		☑		☑		
Offshore oil and gas development			☑	☑	☑			☑			☑	☑	☑	☑
Ports and waterways-transportation, safety, globally competitive		☑	☑		☑		☑	☑			☑	☑	☑	☑
Recreation and tourism		☑	☑				☑	☑				☑	☑	☑
Science and technology-biotechnology, research, exploration, access to military data		☑	☑	☑	☑	☑		☑		☑	☑	☑	☑	☑

Submerged land use-hydrothermal vents, mining, gas hydrates				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Underwater cultural heritage		<input checked="" type="checkbox"/>										<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality and pollution-dumping, discharge, runoff, etc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Description of Sources

1. An Agenda for the Oceans

Center for Marine Conservation. 1998. *An Agenda for the Oceans*. Washington, D.C.

A 24 page color brochure encouraging action in the following marine areas:

- o Fashion A U.S. Ocean Policy For the 21st Century
- o Revitalize America's Marine Fisheries
- o Clean America's Ocean Waters
- o Invest in the Future of America's Oceans
- o Strengthen and Expand MPAs
- o Save America's Coral Reefs
- o Lead International Efforts to Protect the Oceans
- o Protect Endangered Marine Wildlife
- o Explore America's Marine Wildlife and Ocean Waters
- o Promote Ocean Stewardship and Education

2. The Stratton Roundtable: Proceedings

Center for the Study of Marine Policy, National Ocean Service, NOAA, Ocean Governance Study Group. 1998. *The Stratton Roundtable: Proceedings*. Washington, D.C.

A collection of 12 short papers pertaining to lessons learned from the Stratton Commission's review of national ocean policy. Relevant papers include:

- A. Issues for A New Ocean Policy Commission: The Changing Regime of the High Seas by Lewis M. Alexander, pp. 29-30.
 - Environmental Protection and Preservation
 - Conservation and Management of Living Marine Resources
 - Protection of the Underwater Cultural Heritage
 - Marine Scientific Research
- B. The Stratton Commission: An Historical Perspective of Policy Studies in Ocean Governance, 1969 and 1998 by Harry N. Scheiber, pp. 31-37.
 - Effective government coordination
 - Ecosystem design
- C. The Stratton Commission and Future Development of US Management Policy for Its EEZ by Roger E. McManus, pp. 41-46.
- D. The Need to Re-Consider US Coastal Policy, by Jock H. Archer and Richard Delaney, pp. 47-48.
- E. Our Ocean Future by Charles A. Bookman, pp. 49-51.
 - Integrated management-infrastructure, institutions
 - Managing the coasts for economic and environmental prosperity
 - Protecting and restoring fisheries and other living marine resources
 - Advancing and applying ocean science and technology

- Dredging
- Waterborne commerce
- Saltwater recreational fishing
- Fishing catch and effort
- Beach closures
- Health risks
- Eutrophication
- Agriculture
- Point and nonpoint sources
- Fish kills
- Shellfish
- Contamination of the marine environment
- Superfund sites
- Toxic releases
- Oil spills and response
- Hazards
- Population
- Urban land area
- Housing
- Manufacturing
- Income
- Water use

3. Summary of Needed Changes in National Ocean Policy

Cicin-Sain, Biliiana and Robert W. Knecht. 2000. *The Future of U.S. Ocean Policy: Choices for the New Century*. Washington, D.C.: Island Press. pp. 325.

A book of 328 pages detailing a "comprehensive overview of key issues and concerns that are essential to formulating and implementing ocean policy. It provides an in-depth analysis of the evolution of U.S. ocean policy and a timely discussion of the most important ocean and coastal issues facing the nation. The book assesses the current status of ocean policy, examines national and international trends, and considers choices for policymakers in the 21st century."

Major Overarching Issues

- The need for a national strategy for the sustainable development of the U.S. ocean-an EEZ plan.
- The need for an effective policy and program coordination mechanism at the federal level-a national ocean council.
- The need to strengthen and enhance the partnership between the federal government and the thirty-five coastal states and territories.

Important Ocean Issues Demanding Policy Attention

- Restoring the abundance of America's fisheries.
- Returning coastal and estuarine waters to a swimmable and fishable condition.
- Making ports and waterways globally competitive.
- Maintaining recreational beaches in the face of increasing erosion.
- Revising coastal planning and emergency management programs, including flood insurance, to encourage a measured retreat from hazardous coastal areas.
- Reforming the federal offshore oil and gas programs in a way that is satisfactory to the affected interests.
- Formulating a credible and workable plan for encouraging the development of marine aquaculture.
- Promoting the development of promising new ocean-related technology such as marine biotechnology.

- Regaining U.S. leadership in ocean affairs at the international level by, among other things, accession to the Law of the Sea Convention and the Convention on Biological Diversity.

4. Conserving America's Oceans: A Blueprint

www.cmc-ocean.org/bp2001.pdf

Issue papers from a collaboration of eleven organizations that outline actions the Bush Administration can take, both in the first 100 days and in the future, to ensure that America's oceans are productive and healthy for future generations.

A. Promote ocean governance

- Appoint adept resource managers and conservationists to key positions in NOAA that will ensure that decision-making follows scientifically sound precautionary principals.
- Make appointments including strong marine conservationists for the Commission on Ocean Policy within the first 30 days for the Administration and facilitate the Commission's work.
- Establish a Cabinet-level Oceans Task Force early in the Administration to resolve national marine policy needs.
- Establish a federally coordinated ocean exploration and research program that addresses ocean conservation and highlights education and outreach.

B. Conserve and restore fish populations

- Fully implement the existing provisions of the Magnuson-Stevens Act and strengthen the law through reauthorization, emphasizing the precautionary approach, and the need to balance fishery management bodies with adequate representation of the public interest.
- Renew efforts to secure ratification and begin the implementation of key international agreements, such as the UN Straddling Stocks Agreement, the new Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, and the FAOP Code of Conduct for Responsible Fisheries.
- Establish "no take" marine reserves to ensure the recovery of depleted fish stocks and provide future stability.

C. Clean America's ocean waters

- Reauthorize the CZMA with strong non-point source pollution provisions and adequate funding for state non-point programs.
- Strengthen the CWA with an enforceable national program to prevent polluted runoff from cities, suburbs, farms, and mining and timber operations, including setting water quality standard for nutrients.
- Develop, implement, and enforce new regulations and standards for cruise ship wastewater discharges, and reduce the second largest cause of marine species endangerment-invasive species.
- Set marine water quality standards and prevent ocean discharges into special ocean and coastal sites.

D. Recover and protect endangered marine wildlife

- Use existing laws, such as the MMPA and the ESA to recover and protect marine wildlife and their habitats.
- Reauthorize the MMPA.
- Develop a national policy and action plan to mitigate the impacts of noise on marine mammals.
- Lead the effort to improve and fully implement international agreements to protect endangered and threatened marine wildlife, including marine mammals and sea turtles.

E. Protect critical coastal and marine ecosystems

- Create an effective national system of U.S. marine protected areas.
- Minimize development on barrier islands and other critical habitats.

- Improve and expand protection of U.S. coral reefs.
- Take steps to ensure that existing undeveloped oil and gas leases off California, Florida, North Carolina, and Alaska are never developed.

F. Emerging Issues

- Develop a policy and regulations to control environmental impacts of biotechnology prospecting.
- Develop regulations to control environmental impacts of development of new sources of energy in the marine environment, including gas hydrates.
- Develop an aquaculture policy to address the significant problems of escapement, pollution, and habitat modifications, as well as aquaculture's potential benefits.
- Prohibit the ocean dumping of carbon dioxide produced through human activities.

5. Our Ocean Future

H. John Heinz III Center for Science, Economics and the Environment. 1998. *Our Ocean Future: Themes and Issues Concerning the Nation's Stake in the Oceans Developed for Discussion During 1998, The Year of the Ocean.* Washington, D.C.

A 57 page paper discussing three main keys to ocean understanding: the challenge of sustainable coasts, protecting and restoring fisheries, science and technology.

A. Managing the Coasts for Economic and Environmental Prosperity

- Stresses on the Coastal Environment
 - Nutrients, Chemicals, and Debris
 - Transportation-Related Stresses
 - Development-Related Stresses

B. Enhancing and Sustaining Coastal Environmental Quality

- Marine Protected Areas

6. Shoreline Management
7. Offshore Oil and Gas Development
8. Future of U.S. Ports
9. Governance and Management
10. Protecting and Restoring Fisheries and Other Living Marine Resources
 - Overfishing
 - Overcapitalization
 - Bycatch
 - Habitat Protection
 - Aquaculture
 - Interjurisdictional Fisheries
 - Ecosystem Management
11. Advancing and Applying Ocean Science and Technology
 - International Dimensions of Ocean Science and Technology
 - Needs for New Facilities and Institutions
 - Human and Fiscal Resources

● House Oceans Caucus

<http://www.house.gov/curtweldon/oceans/oceans/hocjune.htm>

Proposal: Assess the challenges and opportunities for developing an effective and coordinated governance framework to guide U.S. ocean and coastal management for the 21st century. Assess the current U.S. ocean governance process and explore possible opportunities to improve coordination and implementation of U.S. policies and plans regarding ocean resources. Effort would review past recommendations from wide variety of sources and focus on possible legislative and other actions.

Several areas are of special concern and could be used as specific examples:

- Improved technology has opened up new possibilities for exploration and exploitation of marine resources. However, a variety of issues concerning ownership, patents, royalties, etc., are not clear, particularly where the eventual bioproduct is a byproduct from ocean resources collected from the U.S. EEZ. Bioprospecting and exploration of ocean resources raises a number of issues of ocean governance that could be addresses as an example for broader discussion.
- Placement of aquaculture facilities, marine protected areas, and fisheries areas in U.S. ocean areas: How to coordinate allocation of these uses in an overall framework of "zoning" of U.S. coastal and ocean areas? A coordinated approach to zoning ocean uses is needed to avoid costly conflicts or negative environmental impacts.

- **The Concept of Ocean Governance**

Miles, Edward L. 1999. *The Concept of Ocean Governance: Evolution Toward the 21st Century and the Principle of Sustainable Ocean Use. Coastal Management. 27(1): 1-30. Massachusetts: Taylor and Francis, pp. 6-7.*

"There is an urgent need to breathe life into the notion of 'sustainability' to make it into a fundamental norm of the new world ocean regime. This article explores what such an effort would require in terms of norms, institutional arrangements, and substantive policies."

- EEZ
- Fisheries management system
- Pollution
- Land-use planning
- Industrial and agriculture activities
- Waste disposal
- Pollution from ships
- Ports and shipping
- Off-shore mineral resources
- Artificial islands, installations, and structures
- Tourism and recreation
- Population
- Global climate change
- Living resources

- **Trends and Future Challenges for U.S. National Ocean and Coastal Policy: Workshop Materials**
National Ocean Service, NOAA, Center for the Study of Marine Policy at the University of Delaware, The Ocean Governance Study Group. 1999. *Trends and Future Challenges for U.S. National Ocean and Coastal Policy: Workshop Materials.* Washington, D.C.

A collection of 20 short papers addressing trends and challenges in national ocean and coastal policy.

- Thinking About the Future of US Ocean and Coastal Policy by Biliana Cicin-Sain, Robert W. Knecht, and Nancy Foster, pp. 1.
- Ocean and Coastal Futures: The Global Context by Allen Hammond, pp. 5.
- Global Trends in Fisheries and Aquaculture by Richard Grainger, pp. 9.
- The Coastal Population Explosion, by Don Hinrichsen, pp. 15.
- Coastal Megacities and Seal Level Rise, by Rosemary Hinkel, pp. 19.
- Trends in US Coastal Regions, 1970-1998, by Charles Bookman, Tom Culliton, and Maureen Warren, pp. 25.
- New Approaches to Environmental Management: Lessons from the Chesapeake Bay, by Donald F. Boesch, pp. 29.
- Perspectives on Marine Water Quality, by Tim Eichenberg, pp. 33.

- Conserving Ocean Biodiversity: Trends and Challenges, Thomas Hourigan, pp. 37.
- Global Trends in Marine Protected Areas, by Tundi Agardy, pp. 43.
- Changing Ship Technology and Port Infrastructure Implications, by Rod Vulovic, pp. 49.
- Deepwater Offshore Oil Development: Opportunities and Future Challenges, by Paul W. Kelly, pp. 55.
- Assessing the Economic Benefits of America's Coastal Regions, by Howard Marlowe, pp. 59.
- Marine Aquaculture in the United States: Current and Future Policy and Management Challenges, by Richard Devoe, pp. 63.
- Aquaculture in the US EEX: Legal and Regulatory Concerns, by Alison Rieser and Susan Bunsick, pp. 73.
- The Potential for the Marine Biotechnology Industry, by Shirley Pomponi, pp. 79.
- Challenges Facing the US Commercial Fishing Industry, by Pietro Parrvano, addendum.
- Building Capacity for Ocean Management: Recent Developments in US West Coast States, by Marc J. Hershman, pp. 85.
- Coastal States' Challenges, by Sarah Cooksey, pp. 91.
- Development of a Comprehensive Ocean Policy for Florida, by James F. Murley and Laura Cantral, pp. 93.

- **Sustainable Ocean Governance**

National Research Council. 1997. *Striking a Balance: Improving Stewardship of Marine Areas*. Washington, D.C.: National Academy Press.

Book of 177 pages which "is a clarion call for a more coherent approach to the management of the nation's marine resources. In this report, a committee of experts proposes principles, goals, and a management framework for improved marine area governance, including new governance structures at the federal and regional levels and the adoption of innovative processes in existing programs and regulatory systems."

Improving Governance

- A National Marine Council should be established to define national objectives in the marine environment and to coordinate the activities of federal agencies, state agencies, and interested parties in the private sector.
- Regional councils authorized by the National Marine Council should be created where there are serious conflicts or high resources values and existing programs are not available or not effective. Regional councils can provide technical assistance on marine management issues, facilitate the use of scientific and monitoring information, develop alternative process for resolving disputes, facilitate participation by local interest in governance decisions, and pursue contractual arrangements with stakeholders and other participants to achieve management goals.
- Federal officials, working with their state counterparts should attempt to maximize existing programs, especially where there are urgent problems and existing programs could be reconfigured relatively easily to provide some, or all, of the benefits associated with regional councils.

Improving Management

- Management tools should be explored and adapted as needed to improve marine governance, both by the proposed regional marine councils and by existing marine management programs. Management tools include zoning, enhanced systems of liability or compensation for economic and environmental damage, user charges and marketable use rights, and negotiating the mitigation of activities that are potentially harmful to other resource users and values.
- In appropriate situations, limiting access by creating alternative rights, such as community access rights, controlled access, or individual use rights, should be considered.
- Management agencies should make every effort to estimate the value of non-marketable marine services, such as recreation and ecosystem stability, and should reflect those values in management decisions and decision-making.
- The federal government should ensure compliance with legal requirements by improving surveillance,

strengthening sanctions, and involving all elements of the marine community in more transparent rule-making and enforcement in marine areas.

- A wide range of financing mechanisms that are now used on land should be considered for the marine environment. These include performance bonds, use or resource-based taxes, grants and loans, special assessment districts, recovery of costs for government services, tax-increment financing.
- Existing federal and state coastal and marine programs should examine and, where appropriate, adopt new governance mechanisms and management tools that foster coordination and cooperation.

• Emerging Issues in National Ocean and Coastal Policy

Scheiber, Harry N., ed. 1998. *Emerging Issues in National Ocean and Coastal Policy*. Ocean Governance Policy Group. California.

A collection of 12 short papers on a variety of marine management topics.

- The Interplay of Natural Systems and Political Jurisdictions: The Challenge of Large Marine Ecosystems, by Lawrence Juda, pp. 3.
- The Precautionary Principle as Applied to Marine Acoustic Activities, by Emily A. Gardner, pp. 9.
- The Precautionary Principle: An Emerging Theme in Environmental Policymaking, by Rob Wilder, pp. 15.
- Sea Turtles and Trade, by Tim Eichenberg, pp. 19.
- The Recent WTO Decision on Sea Turtles and Its Impact on International Environmental Law, by Richard J. McLaughlin, pp. 2.
- Vessel Monitoring Systems: A New Technology For the Transition to Sustainable Fisheries, Christopher J. Carr, pp. 31.
- Emerging Challenges for US Marine Biotechnology, by Robert W. Knecht, Biliانا Cicin-San, and Dosoo Jang, pp. 35.
- Biotechnology, Marine Genetic Resources, and the Dualistic Heritage of Ocean Law Doctrines, by Harry N. Scheiber, pp. 39.
- Alaska Fisheries Management: A Case Study of Power and Politics, by James E. Wilen, pp. 45.
- The Coastal Zone Management Act and the States, by Joseph A. Uravitch, pp. 49.
- New Directions for Ocean Policy, by Jon M. Van Dyke, pp. 51.
- Looking Back and Thinking Ahead about United States Oceans Policy, Comments of John Briscoe, pp. 53.

• Ocean Initiatives for the 21st Century

U.S. Department of Commerce and U.S. Department of the Navy. 1998. *National Ocean Conference: Oceans of Commerce, Oceans of Life*. Monterey, California: U.S. GPO.

A glossy 240 page publication covering the National Ocean Conference of 1998 including information on the following new efforts announced by the Clinton administration:

- Building Sustainable Fisheries
- Creating Ports for the 21st Century
- Joining the United Nations Convention on the Law of the Sea
- Protecting Coral Reefs
- Protecting Our Oceans from Offshore Oil Drilling
- Exploring the Last U.S. Frontier
- Protecting Our Beaches, Coastal Waters, and Health
- Monitoring Climate and Global Warming
- Providing Public Access to Military Data and Technology

• Turning to the Sea: America's Ocean Future

U.S. Department of Commerce. 1999. *Turning to the Sea: America's Ocean Future*. Washington, D.C.: U.S. GPO.

A concise overview of current American ocean and coastal issues falling under four headings: sustaining the economic benefits of the oceans, strengthening global security, protecting marine resources, and discovering the oceans.

A. Sustaining the Economic Benefits of the Oceans

- Marine Transportation
- Safe Navigation
- Coastal Tourism
- Coastal Communities
- Domestic Fisheries
- International Fisheries
- Aquaculture
- Biotechnology
- Offshore Oil and Gas

B. Strengthening Global Security

- The Law of the Sea Convention
- Freedom of Navigation
- Maritime Law Enforcement

C. Protecting Marine Resources

- Submerged Heritage Resources
- Coral Reefs
- Estuaries
- Marine Protected Species
- Marine Protected Areas
- Ocean and Coastal Habitats
- Water Quality
- Non-indigenous Species
- Marine Debris

D. Discovering the Oceans

- Ocean Education
- Ocean Observations
- Ocean Research
- Ocean and Coastal Exploration

● *Year of the Ocean: Discussion Papers*

**U.S. Federal Agencies with Ocean-related Programs. 1998. *Year of the Ocean: Discussion Papers*. Washington, D.C.
Internet reference: <http://www.yoto98.noaa.gov/>.**

Twelve chapters covering marine issues from the perspective of the United States government including:

- The US Marine Transportation System
- The Oceans and National Security
- Ensuring the Sustainability of Ocean Living Resources
- Ocean Energy and Minerals: Resources for the Future
- Perspectives on Marine Environmental Quality Today
- Coastal Tourism and Recreation
- Impacts of Global Climate Changes-With Emphasis on US Coastal Areas
- Mitigating the Impacts of Coastal Hazards
- Opportunities and Challenges for Marine Science, Technology, and Research

- A Survey of International Agreements
 - Marine Education USA: An Overview
 - The Legendary Ocean: The Unexplored Frontier
- ***Sustainable Ocean Governance: A geographical perspective***

Vallega, Adalberto. 2001. *Sustainable Ocean Governance: A geographical perspective*. New York: Routledge.

A topical book of 274 pages that "examines ocean governance from a perspective which has taken shape as a result of efforts made in the international arena. The text focuses on the cardinal aspects and issues of ocean governance and studies ecological, economic and legal management dimensions in their proper context."

- Science and policy facing the ocean, pp. 1.
- The ocean ecosystem: the abiotic component, pp. 21.
- The ocean ecosystem as the focus of governance, pp. 40.
- Legal and jurisdictional frameworks, pp. 59.
- The role of ocean resources, pp. 82.
- Coastal management: the evolving approach, pp. 115.
- Sustainable development in coastal areas, pp. 136.
- Integrated coastal management programs, pp. 164.
- The regional scale of ocean management, pp. 190.
- The ocean from a global perspective, pp. 211.

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Seminar on US Ocean Governance

On November 16, 2001, Commissioners Marc Hershman and Bill Ruckelshaus moderated an informal seminar on US ocean governance issues on the University of Washington campus. Faculty from the University of Washington, Oregon State University, and the University of Oregon interested in the future of domestic ocean policy presented their ideas on an assortment of marine governance topics. To facilitate the presentation of these ideas to those that were not present, the faculty members provided brief memos outlining their particular points. Ideas submitted by faculty members for the commission's consideration are included on this web site.

[Coastal Zone Management and Ocean Governance](#)

James W. Good: Director and Professor, Marine Resource Management, [College of Oceanic & Atmospheric Sciences](#)-Oregon State University

[Coastal Recreation and Tourism](#)

Marc L. Miller: Professor, School of Marine Affairs; Adjunct Professor, Department of Anthropology; Adjunct Professor, School of Fisheries-University of Washington; Professor; (Courtesy) Department of Sociology-University of Oregon

Nina P. Hadley: Tidal Delta Consulting

Jan Auyong: Oregon Sea Grant-Oregon State University

[Place-based Collaborative Decision Processes Involving Stakeholders: An Example from San Juan County, WA](#)

Terri Klinger: Assistant Professor, School of Marine Affairs-University of Washington

[Principles of Ecosystem Management and Marine Area Governance](#)

Thomas M. Leschine: Associate Professor, School of Marine Affairs, Adjunct Associate Professor, School of Fisheries-University of Washington

[Transition to Ecosystem-Based Fisheries Management](#)

David L. Fluharty: Associate Professor, School of Marine Affairs-University of Washington

[Limited Entry and Share-based Fisheries Management](#)

Daniel D. Huppert: Associate Professor, School of Marine Affairs; Adjunct Associate Professor,

School of Fisheries; Adjunct Associate Professor, Department of Economics-University of Washington

[Integrating Marine Transportation System Goals into a National Ocean Policy](#)

Craig H. Allen: Associate Professor, School of Law; Adjunct Associate Professor, School of Marine Affairs-University of Washington

[International Leadership by the US in Marine Affairs](#)

William Burke: Professor of Law Emeritus-University of Washington

[The US Marine Policy Toward the III World](#)

Vladimir M. Kaczynski: Associate Professor, School of Marine Affairs; Adjunct Associate Professor, Jackson School of International Studies- University of Washington

[US Policy Toward Maritime Russia: Reflections and Recommendations](#)

Vladimir M. Kaczynski: Associate Professor, School of Marine Affairs; Adjunct Associate Professor, Jackson School of International Studies- University of Washington

[Assorted Issues in Marine Affairs](#)

Edward Wenk, Jr.: Professor Emeritus of Civil Engineering-University of Washington

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Resource List

Center for Marine Conservation. 1998. *An Agenda for the Oceans*. Washington, D.C.

A 24 page color brochure encouraging action in the following marine areas: ocean policy for the 21st century, fisheries, clean ocean waters, MPAs, coral reefs, international efforts, endangered marine wildlife, exploration, stewardship, and education.

Center for Marine Conservation. 2000. *Ocean Governance*. Washington, D.C.

<http://www.cmc-ocean.org>

Quarterly newsletter self-billed as the "news for those interested in the development of a comprehensive, coherent National Ocean Policy."

Center for the Study of Marine Policy, National Ocean Service, NOAA, Ocean Governance Study Group. 1998. *The Stratton Roundtable: Proceedings*. Washington, D.C.

A collection of 12 short papers pertaining to lessons learned from the Stratton Commission's review of national ocean policy.

Cicin-Sain, Billiana and Robert W. Knecht. 2000. *The Future of U.S. Ocean Policy: Choices for the New Century*. Washington, D.C.: Island Press.

A book of 328 pages detailing a "comprehensive overview of key issues and concerns that are essential to formulating and implementing ocean policy. It provides an in-depth analysis of the evolution of U.S. ocean policy and a timely discussion of the most important ocean and coastal issues facing the nation. The book assesses the current status of ocean policy, examines national and international trends, and considers choices for policymakers in the 21st century."

H. John Heinz III Center for Science, Economics and the Environment. 1998. *Our Ocean Future: Themes and Issues Concerning the Nation's Stake in the Oceans Developed for Discussion During 1998, The Year of the Ocean*. Washington, D.C.

A 57 page paper discussing three main keys to ocean understanding: the challenge of sustainable coasts, protecting and restoring fisheries, science and technology.

Miles, Edward L. 1994. *Ocean Policy Development in the 1990's: The Uses and Limitations of the Diplomatic Arena*. Keynote address to the first SEAPOL Tri-Regional Conference on Current Issues in Ocean Law, Policy, and Management: Southeast Asia, Northwest Pacific, and Southwest Pacific. Bangkok.

A 26 page paper outlining the role of the diplomatic arena in ocean policy developments of the 1990's.

Miles, Edward L. 1999. *The Concept of Ocean Governance: Evolution Toward the 21st Century and the Principle of Sustainable Ocean Use*. *Coastal Management*. 27(1): 1-30. Massachusetts: Taylor and Francis.

"There is an urgent need to breathe life into the notion of 'sustainability' to make it into a fundamental norm of the new world ocean regime. This article explores what such an effort would require in terms of norms, institutional arrangements, and substantive policies."

National Ocean Service, NOAA, Center for the Study of Marine Policy at the University of Delaware, The Ocean Governance Study Group. 1999. *Trends and Future Challenges for U.S. National Ocean and Coastal Policy: Workshop Materials*. Washington, D.C.

A collection of 20 short papers addressing trends and challenges in national ocean and coastal policy.

National Research Council. 1997. *Striking a Balance: Improving Stewardship of Marine Areas*. Washington, D.C.: National Academy Press.

Book of 177 pages which "is a clarion call for a more coherent approach to the management of the nation's marine resources. In this report, a committee of experts proposes principles, goals, and a management framework for improved marine area governance, including new governance structures at the federal and regional levels and the adoption of innovative processes in existing programs and regulatory systems."

Ocean Governance Study Group. 2000. *Ocean and Coastal Policy Network News*. Delaware. <http://www.udel.edu/CMS/csmp/O&CP-News>.

This newsletter aims to provide a forum for the exchange of news and viewpoints on U.S. national ocean and coastal policy. The newsletter is a joint effort of the Center for the Study of Marine Policy, the National Ocean Service, NOAA, the Ocean Governance Study Group, and the Delaware Sea Grant College Program.

Scheiber, Harry N., ed. 1998. *Emerging Issues in National Ocean and Coastal Policy*. Ocean Governance Policy Group. California.

A collection of 12 short papers on a variety of marine management topics.

U.S. Department of Commerce. 1999. *Turning to the Sea: America's Ocean Future*. Washington, D.C.: U.S. GPO.

A concise overview of current American ocean and coastal of the oceans, strengthening global security, protecting marine resources, and discovering the oceans.

U.S. Department of Commerce and U.S. Department of the Navy. 1998. *National Ocean Conference: Oceans of Commerce, Oceans of Life*. Monterey, California: U.S. GPO.

A glossy 240 page publication covering the National Ocean Conference of 1998 including information on the following new efforts announced by the Clinton administration: building sustainable fisheries, creating ports for the 21st century, joining UNCLOS, protecting coral reefs, protecting oceans from offshore oil drilling, exploration, protecting beaches, coastal waters, and health, monitoring climate and global warming, and providing public access to military data and technology. A two-part video covering the launch of the Conference provides insight on the key players of this movement from California.

U.S. Federal Agencies with Ocean-related Programs. 1998. *Year of the Ocean: Discussion Papers*. Washington, D.C.

<http://www.yoto98.noaa.gov>

Twelve chapters covering marine issues from the perspective of the United States government including: transportation, security, living resources, energy and minerals, marine environmental quality, tourism and recreation, climate change, coastal hazards, marine science, technology, research, international agreements, education, and exploration.

Vallega, Adalberto. 2001. *Sustainable Ocean Governance: A geographical perspective*. New York: Routledge.

A topical book of 274 pages that "examines ocean governance from a perspective which has taken shape as a result of efforts made in the international arena. The text focuses on the cardinal aspects and issues of ocean governance and studies ecological, economic and legal management dimensions in their proper context."

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Coastal Zone Management and Ocean Governance

Issue 1

What are the necessary and appropriate roles of states in a national ocean governance regime? To what extent are the federal CZMA and approved state coastal management programs (CMPs) vehicles for carrying out those roles?

Background

- States have clear authority and responsibilities for 3-nm territorial sea governance under the Submerged Lands Act
- States with approved CMPs have federal consistency authority beyond the TS for certain federal activities, based on state coastal policy
- All states and territories bordering marine waters have federally-approved CMPs in place
- State CMPs have been relatively successful in affecting *horizontal governmental integration* at the state level, and through use of federal consistency authority, in affecting *vertical governmental integration* with respect to coastal activities within state coastal zones
- There are many "coastal zone issues" of state concern that express themselves across the land-water interface-fisheries management, nonpoint source pollution control, erosion hazard mitigation, oil and gas development, marine recreation and tourism, and cables, to name a few of the most important (Table 1)
- States (and by extension local governments) have major roles in addressing these issues within state coastal zones, including the nearshore ocean, although there is often separate, overlapping or delegated federal authority and oversight.
- Given the above points, it is clear that any national ocean governance regime must be a full partnership with states-*how to best affect that partnership is the issue.*

Suggestions For Discussion

- Amend the CZMA to provide for explicit state roles in whatever national/regional ocean governance regime the Commission decides is feasible and advisable.
- Consider funding state participation in national/regional ocean governance through enhanced state-federal revenue sharing or tax on ocean resources exploitation.
- Examine the successes and failures of the federal consistency process for lessons that can be applied to intergovernmental integration requirements of a national ocean governance regime.

Issue 2

It is becoming increasingly clear that climatic variability on interannual, interdecadal, and longer time scales is an important driver for many of the critical coastal and ocean issues for the 21st century, yet our present coastal and ocean governance regimes are mostly insensitive to these climate changes.

Background

- Interannual and interdecadal climate variability impacts are beginning to be described and refined by the scientific community and climate impact groups, e.g., here at UW, yet management regimes are not sufficiently adaptive to incorporate this new information into policy and decision making.
- Long term, directional climate change and its likely impacts, e.g., accelerated sea level rise, still has not significantly influenced coastal policy, particularly along ocean shorelines, where one recent Heinz Center study projected losses of 1500 homes annually due to erosion of U.S. coastlines, resulting in \$530 million annually in property loss, of which FEMA will reimburse approximately \$80 million.

Suggestion For Discussion

- Incorporate climate variability and change and their projected regional impacts into the discussion of ocean governance regimes, perhaps in the contexts of sustainable development/resource use and adaptive management.



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Coastal Recreation and Tourism

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Issue

Coastal recreation and tourism should be identified by the Presidential Commission on Ocean Policy as a complex governance topic that merits separate and sustained multidisciplinary attention.

Recreation and tourism conducted in the US coastal zone is of great economic and social importance. Personal and environmental security issues further influence patterns of coastal recreation and recreation.

At the same time, patterns of coastal recreation and tourism significantly influence--both positively and negatively--the biological, ecological, and physical condition of environments. While federal programs and policies addressing coastal recreation and tourism management, planning, and education have great merit, they are too frequently uncoordinated and weakly funded. Overall, the problems and opportunities presented by coastal recreation and tourism have been recognized more by the general public than by the federal government.

The challenge for the federal government is to engage in *coastal recreation and tourism governance* that responsibly addresses societal needs and aspirations without sacrificing environmental quality and cultural values.

Background

The vast majority of Americans reside in areas within 100 miles of the ocean and the Great Lakes. Most of these citizens have had opportunities to enjoy the multiple recreational and touristic amenities found along the Nation's beaches, harbors, islands, and estuaries. Many other Americans--together with a great number of international visitors--travel for recreational, educational, and business reasons to these same destinations. Taken together, these activities reflect and create a complex economic demand for services and products. The result is that coastal recreation and tourism in the US has emerged as an enormously potent force jointly affecting

society and the environment.

Because the natural and cultural features along the coasts are so highly prized, the US coastline is increasingly characterized by congestion and competition. This has, in turn, resulted in *multiple-value problems* and *multiple-use conflicts*. Coastal dependent and other industries strive to develop at the same time diverse publics seek fulfillment through a variety of forms of leisure, recreation, tourism, recreation, and play.

The Federal Presence

Coastal recreation and tourism activities are federally regulated in accordance with statutes that concern the National Park Service, the Fish and Wildlife Service, the National Marine Fisheries Service, the National Ocean Service, the Environmental Protection Agency, the US Forest Service, among other entities. As a result, federal authority and expertise have contributed to the establishment and management of parks and forests; marine sanctuaries, marine protected areas, fishery reserves, and the like.

In recent years, coastal recreation and tourism in the US has begun to command the same attention of federal policymakers that fisheries, marine pollution, and Law of the Sea topics have attracted in the past. Several publications make this point:

- *US Department of Commerce. 1998. "Coastal Tourism and Recreation," Year of the Ocean: Discussion Papers. (March). Washington, DC., pp. F-1 to F-33.*
- *Environmental Protection Agency. 2001. A Method for Quantifying Environmental Indicators of Selected Leisure Activities in the US. Washington, DC.*
- *Leeworthy, V.R. 2001. Preliminary Estimates from Version 1-6: Coastal Recreation Participation (National Survey on Recreation and the Environment 2000). Silver Springs, MD: US Department of Commerce.*

Recommendations

The challenge for federal governance is to design, implement, and enforce institutional structures and cooperative arrangements that allow for the governance of coastal recreation and tourism. These solutions must allow for a balancing of economic growth, environmental protection, and human welfare objectives. This response of federal governance should explicitly provide for mechanisms that foster:

1. Multidisciplinary Science and Research

- identification of pressing coastal recreation and tourism issues (*e.g.*, environmental quality, resource conservation, economic prosperity, transportation, community and cultural continuity, and sociological quality of life personal security for recreationalists and tourists, as well as those who reside in destinations visited)
- identification of involved and affected constituencies, stakeholders, and interest groups (*e.g.*, in the public, private, and activist/nongovernmental spheres)
- identification of federal agencies and entities with recreation and tourism authority and also non-federal entities (*e.g.*, elements of state and local government, port authorities) with other pertinent mandates

2. Institutional and Policy Development

- (re)design of legislative and regulatory tools
- (re)design of regulatory agencies and entities
- design of policies

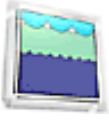
3. Multidisciplinary Planning

- design of integrative planning philosophies
- design of integrative planning frameworks

4. Environmental Education

- design of educational strategies and tools

- design of outreach and advisory strategies and tools
- design of program evaluation methodologies



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Search:

Place-based Collaborative Decision Processes Involving Stakeholders: An Example from San Juan County, WA

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San Juan County (WA) has implemented a process by which citizen-stakeholders contribute to decisions made by the county government regarding marine resource issues.

Elements of the process include:

- Formation of an advisory committee consisting of representative stakeholders (e.g., local industry and commerce; landowners; NGOs, tribes; scientific community)
- Provision for the advisory committee to receive and respond to citizen comment
- Provision for the advisory committee, with the approval of the county commissioners, to submit grant proposals, conduct research, and take action on marine resource issues
- Provision for collaborative actions with other local governments, tribes, and NGOs

Representative actions taken by the committee include:

- Designation of voluntary MPAs for bottomfish recovery
- Identification of forage fish habitat for improved shoreline management
- Protection of nearshore water quality through land-use planning and watershed protection
- Consideration of endangered species issues

Demonstrated outcomes of this process include:

- Increased public participation in decision making at the local level
- Increased communication and collaboration among competing local interests
- Increased sense of stewardship among residents
- Increased data collection and dissemination, with application to local planning
- Increased collaborative agreements with neighboring local governments and tribes

Shortcomings of this process:

- Lack of regulatory authority over marine resources
- Insufficient expertise and funding to address many local resource problems
- Efficacy of process highly dependent on public participation

Caution: This process constitutes an effective overlay but not substitute for state and federal regulation of marine resources.



[School of Marine Affairs](#) > [Research](#) > [Program on Ocean Governance \(POG\)](#) > [Seminar on US Ocean Governance](#) > Principles of Ecosystem Management and Marine Area Governance

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Principles of Ecosystem Management and Marine Area Governance

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The Problem

- Bringing a more ecosystem-oriented approach to marine area governance remains an elusive goal.
- The diminished presence of the U.S. coastal management program has left a legacy of local and regional management institutions that rely on permitting and enforcement as principal management tools.
- A result is management that--
 - is reactive rather than proactive;
 - places little emphasis on environmental monitoring and other means to improve understanding of human impacts on marine systems;
 - has little sense of the overall environmental worth of individual actions;
 - is seen by the public as burdensome rather than an opportunity to promote sustainability or other community values through marine resource policies.

Findings from Recent Studies

- Studies of marine area and watershed management governance reveal instances where quasi-governmental, public-private partnership, or volunteer organizations at local or regional levels appear capable of avoiding many of the above problems.
- Successful institutions show characteristics identified in "government reinvention" studies, notably entrepreneurial rather than bureaucratic approaches to problem solving.
- The ability of these institutions to avoid the difficulties of their more traditional cousins varies, but the availability of competitive grants (e.g., for salmon recovery) seems to catalyze activity.
- Examples of note include river basin and watershed management councils (e.g., Cedar River Council, Skagit Watershed Council, Chehalis Basin Partnership) and marine resources committees (Island County Marine Resources Committee).

Recommendation

- The Congress could act to extend the Murray-Metcalf model to other marine regions, and also create a companion competitive funding mechanism that similarly operates at regional scales, but extends coverage across the nation.

Additional Background

Bipartisan legislation jointly sponsored by U.S. Senator Patty Murray and U.S. Representative Jack Metcalf led in 1998 to the creation of the Murray-Metcalf Northwest Straits Citizen Advisory Commission.

Seven companion citizen advisory groups were also created, the marine resources committees. While the coverage of this system is limited to Northern Puget Sound, the overall approach emphasizes both citizen-initiated action and an integrative ecosystem view of this important marine region over its traditional jurisdictional boundaries. The marine resources committees are more local in their orientations than the Northwest Straits Commission.

The Washington State Legislature created the Salmon Recovery Funding (SRF) Board in 1999 to assist in dealing with the impacts of salmonid listings under the Endangered Species Act (ESA). Non-profit organizations, cities, counties, tribal governments, private landowners, conservation districts, state agencies (if partnering with an eligible entity) and special purpose districts (such as water, sewer, and flood control districts) all are eligible for funding from the Board. Because the SRF Board only considers projects recommended by citizen-based watershed committees established in accordance with state law (RCW 70.46), that is, on a single, prioritized habitat project list, a strong spirit of competitiveness has emerged among those vying for funding.

One result of the active engagement of citizens through the Northern Puget Sound marine resources committees has been that the basis for funding projects through the SRF has been broadened to include estuarine/nearshore marine systems as well as salmon-bearing streams. In Washington State these mechanisms emerged independently, one a federal initiative, the other state-driven. The interrelations between the two evolved independently as well.

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Transition to Ecosystem-Based Fisheries Management

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I have prepared a series of talking points that touch on three main topics that address developing and implementing ecosystem-based fishery management plans. First, I review some of the intent and rationale of the NMFS Ecosystem Principles Advisory Panel's *Report to Congress on Ecosystem-Based Fisheries Management*. Next, I discuss status of implementation of ecosystem-based fishery management with a focus on impediments to achieving that goal. Third, I conclude with a recommendation for transition to ecosystem-based fishery management.

I believe it is time that we translate ecosystem-based management from an abstract concept into practical management measures. In so doing it is very important to recognize a common goal, i.e., to maintain ecosystem health and sustainability. A healthy ecosystem is good for fisheries and good for the environment and contributes to quality of life.

I regard the benefits to be derived from ecosystem-based fishery management to be a perpetual, but limited, supply of fish for commercial and recreational use and an ecosystem that sustains biodiversity and habitats as well as other non-monetary conceptions of the environment. In the most simplistic sense, a conservative yield of fish from a healthy ecosystem is most likely greater than the yields currently extracted from stressed and overfished ecosystems. Even within the natural variability of ecosystem regimes there is greater resilience to effects of fishing and other uses under healthy versus stressed ecosystems. Experience over the last 25 years under the MSFCMA in fisheries off Alaska demonstrates this point, however, fishery management there is still working hard to more fully incorporate ecosystem concerns. What achieves success in fishery management in terms of sustained yield may still have effects on other ecosystem components. Fishery management is increasingly being called to address these other interactions..

Ecosystem-Based Fisheries

I consciously use the term "ecosystem-based" fishery management instead of "ecosystem management." Ecosystem-based fishery management means using what is known about the ecosystem in the management of fisheries. Ecosystem management is much broader in scope and less defined in terms of management - especially for the marine environment. I am very aware of the inadequacies of fisheries and ecosystem data. I advise that precautionary policies be adopted where there is high uncertainty. My main concern is the failure to use what we know about ecosystems and the way they function. At the same time fisheries managers, using fisheries dependent and independent data, do have a good understanding of how the fisheries work in an ecosystem context. Thus, ecosystem-based fishery management is using ecological knowledge to advise the policies under data limited conditions. It is extremely important to avoid making perfect knowledge of the ecosystem the enemy of using the good knowledge we have.

A second precept is that ecosystem-based fishery management is not a substitute for full implementation

of the fishery management requirements under the MSFCMA and especially the amendments in the Sustainable Fisheries Act of 1996. The SFA challenges fisheries managers to end overfishing, rebuild overfished stocks, address Essential Fish Habitat and fishing effects, account for and reduce bycatch, etc. If these basic fishery management functions are not carried out, there is no hope for an ecosystem-based approach being implemented. Ecosystem-based fishery management is not a panacea and it has prerequisites.

While much of the emphasis on ecosystems relates to biological and social processes, the socio-economic and institutional dimensions of fisheries management are, in some respects more important especially with regard to managing human activities like fisheries. Without the right kinds of incentives to conserve, fishing interests tend to ratchet up levels of fishing and fishing capacity to compete with each other and this tends to result in a downward spiral of fish stocks and eventually overfishing. Much discussion has been focused on the combined economic and political pressures to overfish under current management. The necessary measures to start ecosystem-based management are largely economic and social dealing with allocating fishing rights and responsibilities. Transition to healthy ecosystems demands making tough decisions to protect resources and allocate fishing rights and responsibilities, as well as having adequate funding and people committed to making the system work. The strategy for implementing ecosystem-based fishery management depends heavily on economic and social as well as ecological understanding to inform the choice of measures

I recommend the development of Fishery Ecosystem Plans [FEP] for each of the US ecosystems under fishery management. These FEPs provide directions for management into which the regular Fishery Management Plans could be assessed. Cumulative effects of fishing for all species must be considered to the best of our knowledge while FMPs focus on species or groupings of like species..

While it should be possible to institute ecosystem-based management in the United States without additional legislation, it is necessary 1) to make clear the intent of Congress, 2) to develop an enforceable pathway to implementation and 3) to provide a vehicle for funding and oversight.

Impediments to Implementing Ecosystem-Based Fishery Management

While there are scientific and other questions about how to move forward with ecosystem-based fishery management, I believe the largest set of issues concerns the backlog of implementation of basic environmental and administrative measures as well as the MSFCMA measures.

Repeated lawsuits have demonstrated that the National Environmental Policy Act [developing of EIS, SEIS] is not fully implemented in the current fishery management context in both its procedural and substantive aspects. NMFS is making compliance a top priority based on the statements of its leadership. This is a major task and one that in many cases is overdue. The NMFS is now where the USFS was in the mid-1970s with respect to NEPA compliance.

A second package of issues is very actively raised by Endangered Species Act and Marine Mammal Protection Act challenges with respect to Steller sea lions. This illustrates the point that conservative scientifically based fisheries management may not take into account the broader ecosystem issues that would be done in an ecosystem-based approach.

SFA was passed with its many requirements to upgrade fishery management. Implementation of Essential Fish Habitat provisions is a major stretch for the agency and for the NPFMC in particular. However, as was quickly pointed out in litigation, the fishing effects identification and mitigation components of EFH were performed inadequately.

The foregoing EFH discussion raises a very important point where policy direction is needed. The EFH and HAPC mechanisms can move the development of Marine Protected Areas ahead in the fishery management process.. More and more interest is being expressed in the use of MPAs in fisheries management [NRC 2001 *Marine Protected Areas: A Tool for Sustaining Marine Ecosystems*]. Time and area closures and gear restrictions have long been part of fishery management and many measures taken have

been significant. These types of areas are familiar to fishing interests and are one of the many types of MPAs recognized by the IUCN and in the MPA Executive Order of May 25, 2001. However, there is a large amount of pressure to discount any MPA that is not a "fully-protected", i.e., "no-take" zone in terms of fisheries. Clarifying the role of NMFS in developing MPA measures under the EFH/HAPC process could be very beneficial.

Implementing the full force of the MSFCMA has proved problematic and the experience from SFA amendments should be instructive as we contemplate the more integrative step of ecosystem-based fishery management. More importantly many of the actions are building the information base and understanding that is needed to take the next steps toward ecosystem-based fisheries management. And they point to how ecosystem-based fisheries management could be useful in providing a strategic focus for what now seems like a series of disparate actions.

Conclusion/Recommendation

The United States is a leader in the development of theoretical and empirical studies of fisheries ecosystems. It should take the lead on implementation of fisheries management that uses this knowledge.

One way to start this iterative and adaptive process is to require that regional fishery management councils prepare Fishery Ecosystem Plans for each ecosystem under their jurisdiction.

The Fishery Ecosystem Plan is a logical extension of fishery management plans under the regional council process that would require councils to fully consider ecosystem trends and dynamics in relationship to the fisheries managed. The NMFS Ecosystem Principles Panel has provided an outline of key elements for how such a FEP could be constructed and put into use. As with any new approach, it makes sense to phase-in the FEP concept by a process that allows experimentation and innovation at the regional level. Congress last year and this year has before it proposals for implementing the ecosystem-based fisheries management recommendations using Fishery Ecosystem Plans as part of Fishery Management Plans.

Adequate funding is critical for success. However, the most critical component of producing meaningful change is to understand what is needed to encourage the development of ecosystem-based fishery management. With time, financial support and legislative incentives, I believe US fisheries management can deliver on its promise to produce healthy and sustainable marine ecosystems from which all of the natural service benefits can be supplied. Already there are signs of progress but it takes a lot of pressure, consistently applied over substantial time to turn a large ship.



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Limited Entry and Share-based Fisheries Management

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The task of successful ocean fisheries management requires establishing fishery harvest rules that simultaneously (a) sustain the commercial seafood supply and recreational fishing opportunities, (b) conserve the exploited fish stocks, (c) utilize scarce public and private resources efficiently, and (d) protect key elements of marine ecosystems. The rules are usually expressed as an annual total allowable catch (TAC) for each species harvested and a long list of permitted and prohibited acts. The TACs are reckoned to balance mortality caused by fishing with natural growth potential of the fished populations. The list of rules often includes prohibition or restriction on fishing gear used (number of hooks, size of gill net, use of turtle exclusion devices in shrimp trawls), prohibition of fishing in certain areas seasonally or entirely (including MPAs and no-trawl zones), limits on the numbers of people or firms allowed to participate in a fishery (license limitation or individual harvest shares), and prohibition on retaining fish of certain species, size or sex. In the US, fisheries regulations are typically worked out in consultation with regional interests and agencies through State Fish and Game Commissions or, for resources beyond 3 miles from shore in the Exclusive Economic Zone, the Regional Fishery Management Councils.

One of the problems faced by the Councils and other fishery management authorities is the historically weak development of social conventions and law concerning fishing rights. While the Fishery Conservation and Management Act of 1976 clearly established Federal ownership of the fishery resources in the Exclusive Economic Zone, further enumeration and assignment of rights to take this public property for private use has evolved slowly and fitfully. Lack of well-specified individual harvest rights encourages fishing firms to compete for larger shares of the TAC by fishing earlier, faster, harder and at greater expense and risk. This in turn exacerbates the dangers of fishing, when commercial fishing is already the most dangerous profession, and it encourages vast and unnecessary investment in fishing and fish processing capacity. One astute observer (Francis Christy, 1997) calculated that US ocean fisheries waste \$2.9 billion per year in excessive costs, largely as a result of our poorly formulated rules for sharing harvest rights.

The most promising avenue for avoiding this waste of resource is the sub-division and allocation of harvest rights to individuals. Given a specific harvest right, the individual (whether a family firm or a big corporation) has an economic incentive to harvest the fish at a low cost while also responding to needs of the fish consumers and markets. Experience with individual fishing quotas in the Alaska sablefish and halibut fishery bears out this promise. Fishermen have transformed their approach to fishing by reducing the direct competition for harvest shares and by altering the timing and placement of fish harvests to meet market demand. The value of the harvest has increased and the cost of operations decreased, yielding much higher economic returns from the fishery overall. This is reflected in the billion or so dollars of wealth created in the marketable harvest rights.

But many people are concerned about the equity of allocating exclusive rights to harvest public-owned fish stocks and about the possible disturbances caused to fishing communities as the industry restructures

under the new institutions. These concerns were perhaps responsible for the political pressures in Congress, leading to the Sustainable Fisheries Act of 1996 which prohibited the development and implementation of new individual fishing quota programs until October 1, 2000. It also called for the repeal of any new individual fishing quota programs approved by the Secretary of Commerce after January 4, 1995. The Congress extended the moratorium during the appropriations process in 2000.

During the moratorium, and at the behest of Congress, the National Academy of Sciences reviewed the problems and promises of individual fishing quotas (IFQs) and published their recommendation to lift the moratorium and to allow the Regional Councils to develop appropriate measures within the context of regional fisheries. It is time to follow this advice. The Councils have demonstrated that they are capable of developing rules for IFQs that address a variety of social and economic concerns raised by industry and the public. The proper place for deliberating and deciding these rules is not the Congress, but is rather the regional decision making bodies with direct knowledge of the circumstances in the fisheries.

Other options for allocating harvest shares include license limitation and fishing cooperatives. The license limitation approach simply places a limit on the number of firms authorized to participate in a particular fishery - a measure that has been used extensively in salmon fishing, crab fishing, and groundfish fishing in Alaska and off the Pacific coast. Where annual TACs cannot be reliably established before the fishing season, license limitation may be a good second-best alternative to individual quota shares. A fishing cooperative is typically a voluntary organization of fishing firms which allocates and coordinates some portion of the TAC. For example, the Pacific Whiting Conservation Cooperative consists of three firms that manage the portion of the whiting TAC that is allocated to the factory trawler fleet by the Pacific Fishery Management Council. These can be established voluntarily and without Federal government assistance, but the formation of such an organization becomes difficult when numerous firms must be included and especially when the group of firms has no statutory claim to a share of the TAC. Cooperatives can be encouraged and shaped by Federal rules that define which groups of fishing firms are eligible for what shares of the TAC and under what conditions. The Alaska Pollock Cooperatives organized in 1999-2000 are examples of this option. However the cooperatives are formed, the explicit allocation of harvest rights to firms within the cooperatives create incentives to harvest more efficiently and at a reasonable pace.

So, in the spirit of decentralized democracy, good resource management, and economic efficiency the Councils should be permitted to explore a number of approaches to allocating fishing rights, including those known as license limitation, individual fishing quotas, and fishing cooperatives. This requires only that the moratorium on individual harvest shares be lifted and that no burdensome procedural rules be placed upon the regional participants in fishery management.

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Search:

Integrating Marine Transportation System Goals into a National Ocean Policy

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First, I first want to congratulate the members of the Commission as they begin their important undertaking and to thank the Governance Working Group for providing me with this opportunity to alert the Group to the issues surrounding a key sector in the nation's ocean and coastal system.

National Value of the MTS

The U.S. Marine Transportation System (MTS) consists of the nation's waterways, ports and their intermodal connections, vessels and system users. The MTS supports the U.S. economy and national security by providing a means of all-weather transportation for the movement of goods and people. It is the most flexible, most cost-effective and safest mode of domestic and international freight transportation, providing competitive access to suppliers and markets in an increasingly global economy. The MTS enables the swift mobilization and supply of American's military, both through military assets and through the sealift logistical support provided by the private commercial U.S. flag merchant fleet. It also provides recreational value to millions of boaters, fishers and cruise passengers. At the same time, the MTS creates actual and potential multiple-use conflicts and poses a risk to public safety and the marine environment. Accordingly, in formulating a national ocean policy the Commission should give careful consideration to the needs of the MTS and the demands it places on the larger ocean and coastal system.

Status of MTS Planning and Integration in the U.S.

Recognizing the vital role of the MTS in trade, national security and recreation, Congress, in 1998, directed the Secretary of Transportation, in consultation with NOAA, the U.S. Army Corps of Engineers, and other interested federal agencies, to establish a task force to assess the adequacy of the nation's MTS to "operate in a safe, efficient, secure, and environmentally sound manner" in the 21st century. The MTS study culminated in Secretary Rodney Slater's September 1999 Report to Congress, which began by analyzing the present status of the nation's MTS. The Report highlights a number of trends, needs and critical issues. The Report identified concerns over:

- Rapid growth in demand on the nation's MTS, including the demands imposed by ever-larger vessels, which must navigate safely and discharge/load their cargoes efficiently.
- The adequacy of our locks and dams and navigation channel depths and widths, together with the closely related problems of navigation project funding and the environmental consequences of dredge spoil disposal.
- Port and vessel safety and security in an era of rapidly increasing cargo, passenger and recreational waterway uses, and the growing threat of maritime crime and terrorism.

Desired Status of MTS Planning and Integration

Part V of the MTS Report provides a blueprint to achieve the "Desired State of the U.S. Marine Transportation System in 2020." It advocates adoption and execution of a policy designed to promote development of the world's most technologically advanced, safe, secure, efficient, accessible, globally competitive, responsive and environmentally responsible system for moving goods and people. Part VI of the Report then provides a strategic plan for reaching the desired state. Highlights of Parts V and VI include recommendations to promote and facilitate:

- Clearly defined, coordinated and consistent federal leadership in the nation's Marine Transportation System.
- Better horizontal and vertical integration among international, federal, state and local government agencies and other components of the MTS. Support of "Harbor Safety Committees" is one suggested tool for achieving cross-sectoral regional and local integration.
- Port and vessel security measures adequate to reduce and eventually eliminate the increased threats from terrorism and maritime crime.
- Full integration of environmental quality objectives and national security needs into MTS planning and execution.
- A comprehensive, forward-looking and equitable approach to MTS funding.

Proposal to the Commission

The MTS initiative offers the Presidential Commission on Ocean Policy an invaluable opportunity to take advantage of a virtual treasure chest of hard work and well-considered national policy recommendations. The Commission should take care to avoid the common failing in several other nation's ocean policy regimes, which describe the maritime transport sector, but fail to integrate it meaningfully into the overall ocean policy. I therefore urge the Commission to acknowledge, integrate and build upon the MTS vision embraced in the 1999 Report; to ensure that the national ocean policy proposal presented by the Commission fully incorporates this vital sector of the U.S. and helps it reach its full potential.

I once again thank the Commission's Ocean Governance Working Group for this opportunity to address the importance of our nation's Marine Transportation System and the prominent role it should play in our nation's ocean policy.



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International Leadership by the US in Marine Affairs

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Following are some comments on the Governance Working Group Issues dated October 8, 2001.

Item 6 is labeled "international leadership by the US in marine affairs including ratification of the Law of the Sea Convention." I assume this statement is prospective in nature. It would be difficult to make the general case that the US has exercised leadership in international marine affairs for the past two decades. This is particularly obvious in the handling of the question of ratification of the Law of the Sea Convention, although to be fair the dominant failure since 1988 is to be seen in the abysmal record of the Senate, not the Executive Branch under the first President Bush and President Clinton.

The signs so far in the present Bush Administration give no reason for optimism that its policy of unilateralism in significant international affairs will make an exception for the LOS treaty. Since, however, the tragedy of September 11 and subsequent events make it abundantly clear that unilateralism is a bankrupt approach to contemporary problems, perhaps there is reason for a glimmer of hope that the Administration and the Senate will take the opportunity to signal a commitment to international cooperation by accepting the LOS treaty.

However this may be, there is now no sufficient reason for the failure of the US to accept the LOS treaty. On the other hand, there are several significant concrete benefits to be realized by immediate Senate action to consent to ratification of this treaty.

A primary gain for the US is that acceptance of the Convention allows for US participation in the several institutions created by the treaty. Of these, perhaps the most important is the Commission on the Limits of the Continental Shelf, the area of major importance for establishing a secure regime for the exploitation of the fuel and other non-living resources of the region. The treaty provides the only recognized means for gaining authority over the area, including not only the method for making decisions but also the criteria to be employed. There is no customary law on this question, therefore any US action would necessarily be unilateral. The US has a strong interest in the Commission since we will wish to extend our continental shelf limit beyond 200 miles in the Bering Sea.

Participation in the work of the International Seabed Authority is also of direct interest to the US. While conventional seabed minerals, such as manganese nodules, are not likely to be important for some years or decades, other nonliving (and perhaps some non-conventional living organisms) resources may be important enough to justify membership in the ISA.

Other institutions of direct interest are the several dispute settlement mechanisms established by the treaty. The International Tribunal for the Law of the Sea is the most prominent of these but not necessarily the most important. Several arbitral tribunals are established and it may benefit the US to have our nationals serve on such bodies, which they cannot do without US membership in the treaty. We are similarly precluded from membership in ITLOS.

Acceptance of UNCLOS is also useful to the US for the substantive principles and concepts it contains. The most noticeable recent demonstration of this point arose from the aerial incident between the US and China in early 2001 involving overflight of the Chinese EEZ by a US surveillance plane. The US position on the lawfulness of this overflight would have been considerably strengthened if we had been able to invoke Article 58 of the LOS Convention which was by design worded to cover just such incidents. China, of course, already accepted the LOS Convention, as have 136 other nations.

Last, but not least, US membership in the LOS treaty provides the opportunity to influence the evolution of this agreement through its interpretation by State practice. Being on the outside, looking in, inhibits that possibility.



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The US Marine Policy Toward the III World

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Introductory Remarks

The marine policy of the United States toward developing countries must be seen as an integral part of the overall cultural, political and economic relations with the III World and the West's responsibility to address main root causes of the increasing gap between rich and poor countries. The III World socio-economic problems are the result of high rate of human population growth; economic policies that fail to solve social problems and conserve the environment and its resources, insufficient scientific knowledge, and weakness in institutional and legal systems.

Narrowing the gap and improving the lives of people in the III World may now be perceived as being in the best interest of the United States.

The consequences for the United States, however, of good or bad economic performance among poor countries go beyond direct economic returns. As a general outcome, economic failure abroad raises the risk of state failure as well. When foreign state malfunctions, in the sense that they fail to provide basic public goods for their populations, their societies are likely to experience steeply escalating problems that spill over to the rest of the world, including the United States. Failed states are seedbeds of violence, terrorism, international criminality, mass migration and refugee movements, drug trafficking, and disease.

Poor economic performance abroad has the potential to translate into state failure that, in turn, jeopardizes significant U.S. interests. If the United States wants to spend less time responding to failed states, it will have to spend more time helping them achieve economic success to avert state failure. The United States has certain, although limited, economic policy instruments at its disposal to help prevent state failure abroad. Foreign assistance and better designed initiatives to increase developing countries' capabilities to better use their coastal and ocean resources can play, in certain contexts, an important role in the overall US effort to change these trends. Unfortunately, the United States has not used it well for decades.

1. Strategic Significance of Inequities

At the time when the United States and many other industrialized countries enjoyed significant economic growth during last two decades, many III World counties including these located in Sub-Saharan Africa suffered an outright decline in welfare. Is there a "strategic significance" to global inequities in income levels and economic growth, and, if so, which policy might the United States pursue to address those strategic concerns? The similar question may posed in regard to our ocean policy toward developing countries having in mind continuing deterioration of their marine and coastal environments and declining possibilities to produce food of aquatic origin for their growing populations. In many poor countries, in spite of great potential of their coastal resources,

technological, economic and managerial capabilities to use them do not exist or in order to gain badly needed hard currency they export their seafood thus feeding rich industrialized markets. As a result deficits of food and malnutrition is deepening in the III World. Coastal lands in these countries are increasingly cleared of mangroves, invaded by urban sprawl and suffer of increased water and land pollution. Expanding aquaculture in many Latin American and Asian countries is serving industrial countries' markets that are indifferent what is the origin and social cost of imported seafood even if its production is affecting natural ecosystems in these countries.

The United States interests in successful economic growth abroad are multifaceted. Some of these interest are economic: the economic success or failure of developing countries determines the gains from trade and investment that the United States reaps in its economic relations with those countries.

2. Types of Economic Failure in Developing Countries

2.1. Poverty

Poor countries are paradoxically too poor to achieve sustained economic growth. To attract foreign investment and technology so needed to assure growth there are minimum standards of health, education, and infrastructures, including ports, shipyards, processing and storage facilities, roads and utilities. In many impoverished countries (Sub-Saharan Africa, Indochina region, Bangladesh, Haiti, and other III World countries) these conditions cannot be met.

2.2. State Bankruptcy

This situation occurs when the state cannot service its current foreign debts. Bankrupt states cannot provide basic public services (health, education, courts, police, surveillance, and enforcement of their sustainable exploitation rates), maintain troop loyalties, use state revenues to buy off political opposition figures, or make budget transfers to keep allied parties or region within a governing coalition.

2.3. Liquidity Crisis

It is a sudden reversal of capital flows - usually short-term private-sector loans - that leads to an increase contraction of the economy despite long-term solvency and generally adequate economic conditions. These crises affected Mexico (1995), Indonesia, Korea and Thailand in 1997 and in certain cases (Indonesia) provoked dramatic regime change and internal violence.

2.4. Transition Crisis

Systemic transitions in many developing countries destabilize societies in many ways. Transition from communism in Easter Europe and Russia, recovery from war (especially from defeat), transition from colonial rule to state sovereignty, from authoritarian rule to democracy, and succession struggles after the collapse of a long-standing regime (fall of Suharto after 32 years in power) are good examples. The CIA study found that the most dangerous political condition leading to future state failure was a state in transition. "Partial" democracies are more likely to fail than authoritarian or fully democratic regimes.

3. Impacts Of State Failure On Us Strategic Interests

3.1. National Security

Nearly in all cases of US military interventions abroad since 1960 have taken place in a developing countries that previously experienced a case of state failure. In many cases, the linkages from economic collapse to state failure to U.S. military engagements could not be clearer in such cases as Vietnam, Haiti, Panama, Lebanon, Somalia, Yugoslavia, Colombia and presently Afghanistan. Security considerations include piracy, terrorist attacks and arms proliferation.

3.2. Economic Losses

The United States has huge economic stakes in developing world that are jeopardized by the state failure. The market value of US foreign direct investment is (Dept. of Commerce data) is US\$ 2.1 trillion of which 500 billion in developing countries. About 41% of US exports go to the III World countries (1999) and its quickly growing. Business operations are heavily affected by host-country instability, poverty, and even disease.

3.3. International Crime and Drug Smuggling

The state failure is both the cause and consequence of international criminality, including money laundering and international drug trafficking. Failed states are easy prey for criminal groups, pirates and mafias (Indonesia, Columbia, Russia, Afghanistan).

3.4. Environmental Degradation

Tropical deforestation, overfishing, soil erosion, loss of biodiversity and long-term climate change - is caused in part by population pressures in poor agrarian regions that lead to clear cutting of forests, pollution and illegal occupation of lands. Environmental regulations in failed states are generally not enforceable or are easily corrupted (Brazil, Ecuador, Mexico, China, Russia, Indonesia, South Africa, Columbia).

3.5. Infectious Diseases

Many poorest countries, especially societies with state failure, are subject to horrific conditions of disease. The disease is both a cause and consequence of economic and political failures. Collapsed states lack the financial and institutional means to deliver vital public health services. Disease burden and spread of multi-drug resistant strains across international borders are cause of destabilization in whole regions.

4. Marine Policy Challenges For The United States

There is an absence of policy framework for translating the US strategic interests in foreign economic performance into foreign policy actions and addressing preventable or remediable cases of foreign economic failure. These actions must include the United States' marine policy initiatives.

The US foreign assistance has mostly targeted countries not in a poverty trap and poorly timed (usually too late). To address poverty trap a large-scale and sustained income transfers from the US and other rich countries targeted on the crises in health, education and basic infrastructure will be highly advisable.

Industrialized countries did nothing significant to help the poorest of the poor in Africa break out of the poverty trap. However, there is an urgent need to address the poverty, state bankruptcy and other maladies affecting societies and economies of the III World.

State bankruptcy can be dealt with outright cancellation of external debt. In case of illiquidity the

postponement or timeout on debt servicing might be appropriate. Continuing hemorrhaging of debt service payments during liquidity crisis can cause an extremely sharp collapse of economic output (East Asia in 1998 - as an example).

The crisis of transition can be solved by providing help in crucial moments that are expected to prevent the collapse or attract political forces to the reform program. Foreign assistance should build signals of the long-term durability of the new government.

The United States has rarely wielded foreign assistance as an effective instrument of the U.S. foreign policy. The U.S. spends now 0.1% of GNP in foreign assistance and only 0.02 % in assistance for poorest countries. The consequences of this stringency are undermining the long-term vital interests of the United States. There is an urgent need to rebuild our national capacity to support economic development abroad in particularly helping sub-Saharan Africa to escape for poverty trap, that lead to a downward spiral of disease, falling living standards, and increased conflict during past 20 years.

The new approach in the US marine policy toward the developing countries should consider, between others, the following challenges:

a. ***Food Security***

Despite of seriousness of food security threats in poor countries, little was done in increasing their capabilities to improve the use of their coastal living resources for the benefit of the local populations. The US marine policy should include this issue as an important agenda item for the nearest future.

b. ***Marine and Coastal Environmental Deterioration***

Through trade and transfer of capital the United States contributes to the accelerated deterioration of the coastal and ocean resources in the capital recipient and exporting developing countries (timber from Amazonian forests, crabs from the Russian Far East waters, shrimp from Ecuadorian or Thai aquaculture ponds). The US imports of environmental products are not restricted (with few exceptions like tuna-dolphin interactions) by the damage this trade is generating in exporting countries. We take from other ecosystems by the importation of products and raw materials from developing countries. While we have stopped many damaging practices that affect our own environment at home, we are benefiting from the continuation of those same practices carried out by American and foreign companies overseas. In short we are either buying or degrading other people's environments and then consuming them for ourselves. Our new marine policy should address and prevent these negative tendencies.

c. ***Marine Resources as an Engine of Growth***

Marine and fresh water resources in developing countries have a great potential as an engine of economic growth, employment and as a source of food for the local populations. In spite of declining agricultural and industrial growth and increasing number of poor in Africa, there are grounds for at least some cautious optimism. One main reason is that among the leadership and governments of the African continent and outside agencies that support them (The World Bank, UNDP, International Monetary Fund, African Development Bank and others), there is growing awareness of this potential. US should support projects leading to increased coastal countries' capabilities to take advantage of their marine and coastal resources.

d. ***Population Growth and Resource Depletion***

Rapid growth of population and migration to the coastal areas throughout all the Sub-Saharan region are associated with increased demand for seafood, space and other coastal resources. This contributes to depletion of the ocean and coastal living resources caused by intensifying fishing (particularly by the foreign fleets), disappearance of the mangrove forests, urban pollution, poor sanitation, and declining quality of water. If not addressed by governments and civic society at large, such environmental deterioration takes place wherever human beings congregate in large numbers, suggesting that problems will become even more of a challenge in the future as urbanization continues and coastal urban areas grow in population and size. Important marine policy objective is to design precautionary measures that coastal states of Africa must take to prevent these negative trends.

e. *Transformation of the International Fishery Cooperation Policy Toward the III World*

The United States marine policy should support substantial transformation of the West's policy toward poor developing coastal states such as those situated in Sub-Saharan Africa. It should promote joint sub-regional initiatives in this regard to the international cooperation in fisheries and improvement of the investment climate that is needed for foreign companies to integrate their typically offshore activity with the coastal states' economies. These policy reforms should be combined with the change of orientation from pure business approach in fisheries relations with the coastal developing countries to more active participation in reform programs in the coastal states. There is a need for increased responsibility of foreign operators in protection and sustainability of exploited marine living resources in the coastal waters of the developing countries.



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Assorted Issues in Marine Affairs

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The opportunity for suggestions to the Presidential Commission on Ocean Policy is deeply appreciated. Below, are sketched a number of issues that can be elaborated upon if desired.

1. **The Marine Resources and Engineering Development Act of 1966 (P.L. 89-454) should be amended and reactivated.**

It is still on the books but has been ignored since about 1973. From 1966 to 1973 it served as the cornerstone to national policy to study and utilize the oceans under U.S. leadership for the benefit of all mankind.

Cited as appendix 7 in "The Politics of the Oceans," the original legislation:

- i. defined the nation's stake in the oceans,
- ii. recognized a diversity of functions so spread throughout the government that only the President could be band leader,
- iii. provided for advice and assistance through an interim cabinet-level council chaired by the Vice President, with a staff and presidentially appointed director, and
- iv. called for an annual report by the President to the Congress.

During the life of the Council, five annual reports were transmitted by the President, outlining over 20 policy initiatives. Budgets were increased and marine affairs of the nation invigorated by a presidential imprimatur to earn the era an appellation as the "golden age."

I recommend that the Commission:

- o Amend the objectives and scope of the Act especially to add components of environmental protection and resource conservation,
 - o Recreate a Council at a level of assistant secretaries instead of cabinet officers and chaired by the Administrator of NOAA, and
 - o Require annual reports by the President, expecting their preparations by the Council.
2. **Clarify the role of NOAA** as the lead agency for government-wide, civilian functions and revitalize internal arrangements so as not to perpetuate obsolete structure.
3. **Strengthen foreign policy provisions of the Act** to reflect leadership of the U.S. in the world community, to enhance world order, to move towards stronger protection against terrorism, to reflect humanitarian concerns such as utilizing fishery bycatch to meet protein deficiencies of many children, and to protect marine resources against pollution and witless exploitation.
4. **Introduce new policy instruments to foster cooperation between the public and private sectors, and to**

reflect social responsibility of corporations.

5. **Improve protection of ports and harbors** against terrorist acts that could include surreptitious introduction of nuclear materials.

Best wishes on a significant journey. If further explanation is desired, please don't hesitate to inquire.



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