

U.S. COMMISSION ON
OCEAN POLICY



**SUMMARY OF CHANGES TO THE PRELIMINARY REPORT
AS APPROVED BY THE FULL COMMISSION**

**U.S. Commission on Ocean Policy's 16th Public Meeting
Washington, D.C.
July 22, 2004**

At its 16th public meeting, the U.S. Commission on Ocean Policy unanimously approved its Draft Final Report. The Report includes a number of modifications to recommendations and text in the Commission's Preliminary Report, which was released on April 20, 2004. This document is a selective summary of significant changes proposed by Governors and Tribal Leaders, non-gubernatorial stakeholders, and other experts and advisers, as well as technical corrections provided from federal agencies, that have been incorporated in the Draft Final Report.

Response to the Preliminary Report

The Commission received comments totaling more than 600 pages from 37 Governors and five Tribal Leaders. Suggestions from over 800 public commenters, including experts in a wide-variety of ocean and coastal related fields, were also received. Over 177,000 copies of the full Preliminary Report have been downloaded from the Commission's website. Each comment received has been reviewed and considered in the development of the Draft Final Report. A brief discussion of Governors', Tribal Leaders', and Stakeholders' comments is included at the end of this document with links to more extensive summaries on the Commission website.

Changes Contained in the Draft Final Report:

The Draft Final Report includes a number of significant changes, both general and specific, made in response to the comments.

General Changes

- The report has been revised to further emphasize the important role of states, and to clarify that the Commission favors a balanced, not a "top down" approach of shared responsibility to ocean and coastal issues.
- The report clarifies the Commission's intent to embrace all coastal areas and decision makers, including the Great Lakes, U.S. territories, and tribes.
- Many sections of the report have been revised to address the issue of climate change and its impacts on the oceans and coasts.

- The importance of cultural heritage in connection with the ocean has been more fully recognized and addressed.
- Discussions about the funding needed to implement recommendations have been consolidated into an expanded Chapter 30.

Part I Our Oceans: A National Asset

Part I of the report reviews the value of and impacts on ocean and coastal resources; the development of ocean policy over the last several decades; and establishes the vision and guiding principles this Commission believes should guide the future of ocean policy. No major changes were made.

Part II Blueprint for Change: A New Ocean Policy Framework

Part II outlines a new ocean governance framework. At the national level, this includes a National Ocean Council, an Assistant to the President, and a President's Council of Advisors on Ocean Policy. At the regional level, the report calls for greater federal coordination and the creation of voluntary, flexible regional ocean councils representing regional, state, territorial, tribal and local interests. This Part also calls for more coordinated management in federal waters and the strengthening of the federal agency structure through a phased approach.

Several important changes were made to this Part. Foremost among them, Chapter 5, Advancing a Regional Approach, was substantially rewritten to address state perception that the proposed regional process was too "top-down" and inflexible. The chapter now emphasizes that regional ocean councils are intended to lessen bureaucratic roadblocks by achieving greater coordination, and should be guided by state and local needs, building on existing regional entities where appropriate.

The regional research section was modified to recommend that the Governors, not Congress, establish these programs and select an appropriate entity to ensure that useful information products are developed and distributed to decision makers.

The text in Chapter 6 on management in federal waters was modified to acknowledge that states and territories have a significant interest in activities in federal waters off their shores and should be participants in discussions about a coordinated offshore management regime.

The discussion of marine protected areas was revised to clarify that the ocean councils and other stakeholders at regional, state, and local levels should be heavily involved in the design, planning, and evaluation of MPAs, although responsibility for implementation will remain with the responsible agencies.

Part III Ocean Stewardship: The Importance of Education and Public Awareness

Part III of the report calls for strengthening the nation's ocean awareness by building a collaborative ocean education network, incorporating ocean education into the classroom, investing in higher education, including efforts to promote diversity, and expanding and coordinating programs to increase public awareness of ocean issues.

The Part now clarifies the need for input from state education authorities in developing a national vision and strategy for ocean education. The key role that marine labs, museums, tourism providers, industry, and others can play is noted. The need to strengthen ocean education programs and opportunities for minority students is emphasized and a new recommendation has been added to enhance the role of the National Sea Grant College Program in coastal and ocean education.

Part IV Living on the Edge: Economic Growth and Conservation along the Coast

Part IV addresses a variety of coastal issues, including the management of coasts and their watersheds, protection against natural hazards, conservation of coastal habitat, management of sediments and shorelines, and support for marine commerce and transportation. A few changes have been made to these segments.

The report now places additional emphasis on watershed management, recommending the creation of a clearinghouse for watershed best management practices; the coordination of grant and program funds to support such initiatives; and greater support of watershed management by the National Ocean Council and regional ocean councils. In addition, the recommendations call on the Department of Agriculture to direct more of its considerable conservation program funds to the conservation and restoration of coastal habitat. Finally, text was added concerning the effects of upland activities on coastal sediment; recommendations were revised to specify that the Army Corps of Engineers should manage sediment using a regional, ecosystem based approach; and a proposal was made that Congress should require monitoring and study of the impacts caused by past Corps projects.

Part V Clear Waters Ahead: Coastal and Ocean Water Quality

Part V addresses water quality issues including coastal water pollution, vessel pollution, marine debris, invasive species, and the creation of a national monitoring network.

Opinion on the recommendation to merge NOAA's CZARA 6217 nonpoint source pollution program into EPA's Clean Water Act 319 program was divided. The Commission has revised the recommendation to specify that the National Ocean Council should review these programs, assess options for improving the implementation of enforceable best management practices and eliminating counterproductive financial disincentives, and make recommendations to Congress on enhancing nonpoint source pollution control efforts, including the possible consolidation of the NOAA and EPA programs.

Responding to comments on the need to expand the discussion about inter-regional and international transport of air pollution, the report now recommends that EPA and states develop

and implement strategies to reduce sources of atmospheric deposition impacting water bodies, building upon plans such as the EPA Air-Water Interface Work Plan and intensifying cooperative international efforts.

The monitoring chapter has been revised to clarify that the nationwide monitoring network is intended to accommodate regional differences and to look beyond traditional water quality parameters to include sediment contaminant levels, atmospheric deposition, and biological conditions.

Finally, the invasive species chapter has been modified to place greater emphasis on using existing legal authorities to prohibit the importation of known or potential invasive species and address the spread of invasive species between ports within the United States. The vessel pollution chapter clarifies that pollution reduction efforts should be balanced between incentives and regulatory measures.

Part VI Ocean Vitality: Enhancing the Use and Protection of Ocean Resources

This Part addresses fisheries management and marine aquaculture, marine mammals and endangered marine species, coral reef protection, and offshore energy and other mineral resources. The Part also addresses the links between the oceans and human health, and how to maximize the oceans' beneficial uses and reduce the negative impacts of marine microorganisms.

The Commission clarified several fisheries management issues, noting that Dedicated Access Privileges should be developed only after adequate public discussion, and that recreational saltwater fishing licenses are necessary for effective data gathering and should utilize existing programs where available.

The section on bycatch has been expanded, with additional text on its impacts on endangered species, such as sea turtles and sea birds, more explanatory language on the use of onboard observers, and a new recommendation to expand conservation engineering programs. The chapter on marine mammals and endangered marine species was also revised to add more information on sea turtles and sea birds and existing conservation recommendations have been modified to encompass these species. The discussion of coral reefs was revised to recognize the importance of state and territorial management and to assign responsibility for cold water corals to NOAA.

Lastly, a new section was added to the Oceans and Human Health chapter discussing how ocean and coastal management activities directly or indirectly affect human health, focusing on seafood safety and maintaining beach quality. A new recommendation in this section focuses on coordinating, implementing and improving existing programs related to contaminated seafood and coastal waters.

Part VII Science-based Decisions: Advancing Our Understanding of the Oceans

Part VII addresses the importance of increasing scientific knowledge, including basic and applied research, establishing an Integrated Ocean Observing System, enhancing ocean infrastructure and technology, and modernizing ocean data and information systems.

A new box has been created that summarizes important research areas—basic and applied, ocean and coastal—as discussed throughout the report.

A section was added that highlights the role of the National Sea Grant program in addressing issues of local, state, and regional concern and recommends a significant expansion of the National Sea Grant College Program. Another new section and recommendation calls for reestablishment of the Congressional Office of Technology Assessment.

The chapter on the Integrated Ocean Observing System was modified to clarify the need for NOAA, NASA and Ocean.US to jointly plan space-based Earth observation missions; specifies which functions should be transferred to NOAA and which should remain at NASA; and calls on NOAA to ensure smooth and sustained consolidation of satellite observations. The chapter on enhancing ocean infrastructure and technology was expanded to address non-science technology and infrastructure needs, such as those related to enforcement, management, and education.

Part VIII The Global Ocean: U.S. Participation in International Policy

Part VIII discusses the need for global approaches to ocean issues.

The chapter has been modified to recognize and support the role of international regional organizations and initiatives, such as those in the Great Lakes, Arctic, Pacific Islands, and Caribbean regions, in addressing ocean issues on a regional ecosystem basis. The chapter now notes the impacts of international trade agreements on ocean and coastal policies, and suggests that such agreements be consistent with U.S. ocean policy.

Part IX Moving Ahead: Implementing a New National Ocean Policy

Chapter 30 discusses the cost involved in implementing the Commission's recommendations and a proposal for funding such new efforts.

All discussions of funding are consolidated into Chapter 30, which also includes cost estimates for every recommendation. The total cost to implement the new ocean policy starts at \$1.5 billion in the first year, and rises to \$3.9 billion in the out years.

The chapter has been modified and expanded to respond to concerns that the Ocean Policy Trust Fund might act as an incentive for additional offshore activities by making clear the Commission's intent – that the Trust Fund and the sources of its revenue are not designed to either promote or discourage offshore uses authorized under existing or future laws or policies. The process for coordinated offshore activities under a comprehensive management regime – outlined in Chapter 6 – would underpin decisions about permitted activities in federal waters and be independent of the Trust Fund. Congress will determine the structure of the Fund and its relationship with existing and future laws and authorities.

Summary of Governors', Tribal Leaders', and Stakeholders' Comments

Recognizing the importance of a “bottom-up” approach to ocean and coastal management, the critical role of non-federal stakeholders in efforts to move toward regional ecosystem-based management, and the impact upland activities have on the nation’s watersheds, coasts and oceans, the Commission decided early on to embrace the participation of and comments from all stakeholders, not just those from coastal states as required under the Oceans Act of 2000.

On balance, the Governors’ comments on the Preliminary Report were generally quite favorable and supportive of the major themes and recommendations contained in the report. They provided valuable insights and perspectives on issues and concerns at the state and regional levels, and included examples of successful programs that could serve as models nationwide.

A summary of the Governors’ and Tribal Leaders’ recommendations is available on the Commission’s website at:

http://www.oceancommission.gov/newsnotices/summary_govcomments.pdf.

The full text of the Governors’ and Tribal Leaders’ comments is also available on the Commission’s website:

http://www.oceancommission.gov/documents/gov_comments/welcome.html

The vast majority of public commenters thanked the Commission for its hard work, praised the report as comprehensive and balanced, and voiced their support for implementation of the recommendations. While many were supportive of the report’s major themes and recommendations, a significant number of commenters highlighted areas of particular concern.

A two-page summary of the public comments is available on the Commission website at:

http://www.oceancommission.gov/newsnotices/summary_publiccomments.pdf

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