

# U.S. COMMISSION ON OCEAN POLICY



## MINUTES

**Third Meeting of the Commission on Ocean Policy  
College of Charleston, Charleston, SC  
January 15-16, 2002**

### **Commissioners in Attendance**

**Honorable James D. Watkins, (Admiral, USN (Ret.)) - Chair**

**Dr. Robert D. Ballard**

**Mrs. Lillian Borrone**

**Mr. Ted A. Beattie**

**Dr. James M. Coleman**

**Ms. Ann D'Amato**

**Mr. Lawrence Dickerson**

**Vice Admiral Paul G. Gaffney II, USN**

**Professor Marc Hershman**

**Mr. Christopher Koch**

**Mr. Paul L. Kelly**

**Dr. Frank Muller-Karger**

**Mr. Edward B. Rasmuson**

**Dr. Andrew A. Rosenberg**

**Honorable William D. Ruckelshaus**

**Dr. Paul A. Sandifer**

### **Meeting Attendees**

A list of meeting attendees, including affiliation where provided, is included in Appendix 1.

### **TUESDAY, JANUARY 15, 2002**

#### **Welcome**

The Chair called the meeting to order at 8:30 a.m. and introduced Senator Ernest F. Hollings (D – South Carolina) and Mr. Henry Stallworth, Director of Natural Resources Policy for South Carolina (representing Governor James H. Hodges, South Carolina), who provided welcoming remarks.

Senator Hollings commented on the outstanding composition of the Commission membership and was encouraged by the regional meeting approach the Commission is taking to gather information. He asked the Commissioners not to compromise on their recommendations. Mr. Stallworth expressed his hope that the Commissioners will look at the past while keeping their eyes on the future.

Admiral Watkins commended Dr. Sandifer for his role in organizing the meeting. He commented on the Annapolis, MD site visit in which some Commissioners participated, noting the truly regional character of the meeting.

### **State Governors Panel**

**Ms. Sarah Cooksey**, Administrator, Delaware Coastal Management Program, Representing the State of Delaware

**Mr. Henry Stallworth**, Director of Natural Resources Policy for South Carolina, Representing the State of South Carolina

Following their presentations, the panelists commented on a number of issues raised by the Commission. The question was asked of how to implement a national ocean policy within the existing governance structure, including how to bring multiple interests together and what specific recommendations should be made to foster partnerships and integration. Ms. Cooksey responded that the simplest way to accomplish this is through an oversight authority – a “super” council – to provide leadership, but with the involvement of the States at the implementation level. Mr. Stallworth noted that bureaucracies and Congressional committees have a tendency to look inward. He suggested that at the local level various interests should be co-located to increase interactions.

It was noted that both presenters commented on the need for consistency across federal mandates, but without dictating to states. The question of how to achieve federal consistency without developing a “one size does not fit all” problem was raised. Mr. Stallworth commented that if the Commission can set a series of goals, it is the responsibility of executives to implement the goals by legislative direction or otherwise. Ms. Cooksey suggested using coastal zone management as a model to set ocean regulations that are appropriate for specific areas.

The panelists were asked their view of the problems with the current fisheries management structure. Ms. Cooksey responded that more research is needed, noting the need to recognize when action should be taken and supporting that action with research. She stated that she would provide a more detailed response in writing.

Admiral Watkins commented on the need for research priorities to fill the void seen in fisheries management. He noted, however, that criticism arises if the information comes only from the research community. He stated that there is a need for input from the user community, as well, and commented that requirements need to be generated at the local level and moved up through the system.

Commissioners commented on the appropriateness of expanding the coastal zone management apparatus to increase the capacity for using federal research to develop a more comprehensive fabric at the state level. Ms. Cooksey reiterated her view that the Coastal Zone Management Act should be used as a model and expanded upon. She stated that once a collaborative process is developed there needs to be a way to put it in place.

The non-point source pollution aspects of the Farm Bill were mentioned, and the Commission asked if the states are on record as to whether they support the bill. Mr. Stallworth responded that the southeastern states have had difficulty forming a single position. Ms. Cooksey replied that she would provide an answer later, but asserted that farmers are true stewards of the land.

The Commissioners asked what actions states are presently taking on non-point source and point source pollution. Ms. Cooksey commented that Tributary Teams representing many sectors are developing plans for each tributary in the Delaware Inland Bays. She discussed water pollution education initiatives and noted that Best Management Practices are being put into use on farms. In response to a follow-up question on whether existing federal policy is the appropriate way to address this issue, Ms. Cooksey stated that at the time the policy was developed, it was appropriate. Mr. Stallworth commented on the need for the ability to do research and that the challenge is to make the goals visible at the highest levels.

Ms. Cooksey was asked how her office deals with regulatory conflicts and whether Delaware state delegates are taking action on other states that are adding to the nitrogen load. She responded that there is a group examining the contribution of other states to the nitrogen load and noted that her office uses the federal consistency process to resolve conflict. She commented that state and federal offices do work together to reach consensus, but it can take some time. In response to a follow-up question on whether the conflict resolution mechanism needs to be modified, Ms. Cooksey commented in the affirmative, noting that federal agencies should communicate more and that the Commission should ask the same question of federal representatives.

It was noted that the species management structure Ms. Cooksey suggested in her statement seems to be the same structure causing problems with horseshoe crabs. She responded that the model is similar, but noted that states have to resolve multiple user conflicts and consider all issues that are impacted, while fishery management councils tend to look only at the fish. She stated that states need input from many users to address many issues.

In response to a question on whether states want jurisdiction offshore beyond the 3-mile zone, Ms. Cooksey commented that the states have said no, noting that they have enough to do within the 3 miles under their jurisdiction. Dr. Sandifer stated his desire to carefully examine the legal issue involved and noted that states already work with federal agencies on many issues outside the 3-mile zone.

## **Commission Business**

### Approval of Minutes of November 13-14, 2001 Meeting

The minutes of the November 13-14, 2001 meeting (see Appendix 2) were approved without changes, but subject to review by the panelists at that meeting who will be given an opportunity to recommend edits. Once finalized, the minutes will be posted on the Commission web site.

### Approval of Commission Regional Meetings Schedule

The regional meeting schedule was approved as modified at the November 13-14, 2001 Commission meeting.

### Approval of Science Advisory Panel Charter

The Commissioners discussed the draft Science Advisory Panel (SAP) Charter (see Appendix 3) and noted issues and concerns that were raised during earlier discussions by the Commission Working Groups. Mr. Ruckelshaus, Chair of the Governance Working Group, stated that there was some concern within the group that the SAP charter allow federal employees to be members. The Governance Working Group also had concerns that economists or other social scientists be represented on the SAP. Admiral Watkins commented that the Commission staff worked with Congress to determine the intent of the Oceans Act regarding the SAP. He noted that it was clear there was no intent to restrict social scientists from Panel membership and that the Panel could include any advisor the Commission deemed important to its work. Admiral Watkins commented on his belief that the Commission will need representatives from these other areas. Dr. Sandifer suggested, and the Commission agreed, that the word “scientific” be struck from the Charter where it is used to describe the special task advisors. Dr. Rosenberg expressed his concern that federal scientists not be restricted from the SAP. He stated his belief that there is a difference between asking a federal scientist to provide additional expertise as needed and asking him or her to serve on the Panel, with the former being insufficient. He continued, stating that it would be useful to involve a federal scientist since the Commission is addressing federal laws and regulations. He suggested striking the line from the Charter that explicitly excludes federal representation on the SAP.

Admiral Watkins explained the reasoning for the Charter wording, commenting that there is a good working mechanism in place through the Council on Environmental Quality to bring federal experts together. Since this mechanism is effective, the goal was to fill all the vacancies on the Panel by non-federal representatives. He also noted the desire to avoid any conflict that may arise should one agency have representation on the SAP while the others do not. Dr. Coleman added that because the Commission recommendations have not yet been developed, effort should be taken to avoid any potential conflicts as a result of the impact the recommendations may have on the agencies.

### **Coastal Urbanization/Land Use Change and Effects on the Ocean**

**Mr. Jeffery S. Allen** - Director, SC Water Resources Center at the Strom Thurmond Institute, Clemson University - Demographics and land use change in the South Carolina coastal zone

**Mr. Dana Beach** - Executive Director, South Carolina Coastal Conservation League - Coastal development issues in the Southeast

**Dr. Michael Orbach** - Director, Duke University Marine Laboratory - Impacts of coastal development and tourism in the Southeast

Once the panelists had provided their formal statements, they addressed specific issues raised by the Commission. On the topic of how significant the second home factor is in land use, Mr. Beach commented that the growth model described in his presentation looks at existing population centers as cores for growth. He noted that second home development still accounts for a small percentage of land use in Charleston and tends to follow an infrastructure of amenities, which is more difficult to model. He stated, however, that he believes the model does provide a good indicator of second home growth. Dr. Orbach added that as the number of second homes increases, displacement of lower income and traditional populations increases and issues of access to the public trust areas of the coast arise.

The question was raised as to how the benefits of planned, responsible growth balance against the damage of agriculture. Mr. Beach commented that this is an important question which varies from place to place. He pointed out that most of the southeast is covered by forest and experiences a sharper decrease in environmental conditions than, for example, the northeast. He stated that in the southeast, productive land is replaced with hard to manage land and almost impossible to manage pollution.

In response to a follow-up question on what would be needed to enhance the capacity for responsiveness at the state level, Dr. Orbach commented on the need for a different model, which requires a different perspective. He stated that the human population is designing the coast, and it is a design problem in the sense of planning. He also noted the need for as much involvement from as many different interests as possible. To determine what the design problems are, there needs to be a structure to bring all these interests together often. Mr. Beach commented that the regional scale is the level at which to organize such a structure because this is the level at which citizens identify as their home. He raised three questions to consider: 1) what are the risks in not changing the current situation; 2) what are the options for making change; and 3) what mechanism(s) should be used to implement the selected option(s).

The panelists were asked their opinion of the highest priority for new federal investment to mitigate land use problems. Mr. Beach noted three: 1) the paucity of knowledge on historical growth patterns, of which technology can now provide a better interpretation, and the need to get this information to the public; 2) regional linkages with federal programs, e.g. development of regional plans and federal consistency with these plans; and 3) the need to develop quantitative standards and goals that regions can seek to achieve. Dr. Orbach also provided three priorities: 1) put money into science and education; 2) provide enough time and the proper forum to discuss the problem; and 3) stimulate public/private partnerships and

develop incentives for these partnerships. Dr. Allen noted that land use and growth decisions are local decisions, but the effects can be regional and national. He commented that he would like to see scientists work with individuals at a regional and local level on growth decisions.

The question was raised as to whether the current federal structure, both agencies and laws, hinders information flow, and, if so, what changes are needed to enhance information flow. Dr. Orbach commented on the need for a more robust system, the roots of which already exist, and the need for education to be more of a priority. He commented that the Commission should look at a major structural reorganization, including addressing such questions as what is the proper home for NOAA; is the Office of Wetlands, Oceans and Watersheds properly housed in the Environmental Protection agency; and how can information flow be consolidated.

The Commission expressed interest in Dr. Orbach's comments on distributing information to the citizenry and asked whether citizen-based groups are used in the southeast. Dr. Orbach replied that they are, but noted the need to go beyond periodic use of citizen groups. He stated that coastal and ocean issues need to be in front of people all the time and formatted in a way people understand. He commented that this requires skills most scientists do not have and stated that there is a need for a concept of an environmental professional different than the existing concept.

The Commission asked Mr. Beach whether the growth model he discussed had been presented to the South Carolina state government and, if so, the government's response. Mr. Beach replied that there have been discussions of smart growth bills, but they have not progressed. He attributed this to a possible lack of understanding of the risks and benefits. He noted that better designs on the coast can be made without getting into regulations, but it is a charged issue.

Linkages in the evolutionary growth process and the impact of growth in the areas of energy, environmental, and transportation decisions were discussed. The panelists were asked to outline problem areas, opportunities, and areas of focus in writing at a later date. Mr. Beach commented that the Clean Air Act and the Transportation Bill are the closest to what is needed. Dr. Orbach replied that the current marine protected area initiative would be good if it contained land-sea boundary linkages. He stated that there are a lot of agencies doing good work, but it is not coordinated.

The Commission mentioned the displacement of minority and/or traditional populations from coastal areas and asked what it should consider when addressing this issue. Dr. Orbach replied that only so much control can be exerted over displacement, but the question of access to public trust areas has a number of answers.

When asked whether the Commission should consider a higher level mechanism to work with states to identify and protect critical habitat, the panelists answered in the affirmative. Mr. Beach noted the North Carolina Clean Water Act Trust Fund as a good example.

Commissioners requested that additional information be submitted in writing at a later date on a range of topics including a description of solutions and recommendations for addressing the displacement problem, the role of U.S. in addressing issues of land use on a global scale, whether increasing fuel use in the southeast will result in a greater number of energy power plants and pipelines in the southeast, and how the current government structure influences information flow to citizens.

### **Coastal Urbanization/Land Use Change and Effects on the Ocean, continued**

**Dr. Donald F. Boesch** – President, University of Maryland Center for Environmental Science - Non-point source pollution and effects of urbanization on estuaries and the coastal ocean

**Dr. Gary Kleppel** – Principal Investigator, Department of Biological Sciences, University at Albany, SUNY - Land Use-Coastal Ecosystem Study

**Dr. Biliana Cicin-Sain** – Director, Center for the Study of Marine Policy, University of Delaware - Perspective on Ocean and Coastal Governance

Following their formal presentations, panelists addressed questions raised by the Commission. The panelists were asked to identify communities that are examples of coastal zone management success stories and for recommendations of individuals to testify before the Commission on this topic. Dr. Cicin-Sain commented that it is important to explore what would work in each region based on different regional problems, politics, history, etc. She noted that it would be useful to put forth specific questions on specific issues in order to evaluate how issues vary among the regions and whether a national solution or regional approach is needed. Dr. Kleppel expressed his agreement and added that a regional solution rather than a national approach would probably be more accepted in the regions. Dr. Boesch urged the Commission to work with existing networks to decrease redundancy in issues covered by the regional meetings. The panelists were asked to provide additional information in writing at a later date.

When asked whether the Land Use – Coastal Ecosystem Study grant has been reviewed by a public body, Dr. Kleppel replied that there is a continuous review process by a user panel. He noted that the study is going into its second field year, with two years remaining. The Commission requested that the user panel’s review report be provided for information.

The lack of the term “atmosphere” in Dr. Cicin-Sain’s discussion of a more integrated ocean management structure was noted. Dr. Cicin-Sain responded that she had not considered, in practical terms, where different units would be positioned. Regarding the National Ocean Council proposed in her formal statement, Dr. Cicin-Sain commented that it would report to the highest level, either the Vice President or the President. When asked how the council would fit into the Congressional committee structure, with respect to both authorization and appropriation, she replied that there needs to be a change in the current congressional organization. She noted that while major change is difficult; the council would at least serve as a vehicle to approach Congress.

As regional ocean governance plans are developed and as the federal government tries to set goals and see that the goals are met, the Commission asked what the default will be if a regional plan does not meet the set goals. Dr. Cicin-Sain noted that there should be federal role if states or regions fail to develop a plan and commented on the need for a mechanism to address this at the national and regional level. Dr. Boesch added that the federal role is significant, especially with respect to air resources. He noted that there is an opportunity to restructure farm policies to increase benefits and stated that one of the many positive aspects of the Chesapeake Bay Program is that there is engagement at the highest level, including state governors, the mayor of Washington, D.C., and the Administrator of the Environmental Protection Agency.

When asked if there is a better model for ensuring the federal role and maintaining the regional role, Dr. Kleppel responded that the best solution would be accomplished through education rather than regulations alone.

### **Management of Living Marine Resources**

**Dr. William Hogarth** – Assistant Administrator for Fisheries, NOAA - Federal perspective on Living Marine Resources Management

**Mr. Robert K. Mahood** - Executive Director, South Atlantic Fishery Management Council - Regional Council Perspective

**Ms. Susan Shipman** - Director, Coastal Resources Division, Georgia Department of Natural Resources and Chair, Atlantic States Marine Fisheries Commission - State Perspective

Following their formal statements, the panelists addressed specific issues raised by the Commission. When asked how involved the Science and Statistics Committee is in the South Atlantic Fishery Management Council, Mr. Mahood responded that it is very involved in every step and includes social scientists who provide input on how decisions impact the public. He noted, however, that the best science available may not always be adequate and emphasized that different councils operate differently.

It was noted that the Commission has heard reports of chronic under-funding for fisheries science and comments were made on the possibility of separating science from other functions. Dr. Hogarth replied that the National Marine Fisheries Services does try to keep science separate from litigation and added that science needs to be linked to the management functions.

In response to a request for suggestions to streamline the efforts of all fishery management councils, Dr. Hogarth commented that the National Environmental Policy Act process and the associated economic analyses make the implementation of fishery management council recommendations more difficult. He stated that it is unacceptable that it takes 2 years to prepare and take action on a management plan when changes are seen in fisheries. The process needs to be timely. He added that ways of integrating the Endangered Species Act and the Magnuson-Stevens Act should be examined.



Dr. Hogarth was asked how the National Oceanic and Atmospheric Administration (NOAA) can justify doing basic science in a mission-oriented agency. He replied that basic science goes toward improving mission science and improving technology. He noted that all facets of science are needed.

On the topic of developing state/federal interactions, the panelists were asked what has to evolve to break through barriers to such interactions. Ms. Shipman commented that the Atlantic States Marine Fisheries Commission is guided by its charter, which mirrors the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) but is not as prescriptive. She noted the need to determine what makes the most sense for each group to manage and divide the duties in that manner. Mr. Mahood commented on the need to examine all the regions because of variations in the way different groups operate and differences in management philosophies in the various regions of the country. He noted that he views the council as an extension of states authority but pointed out that federal authority is needed to address certain issues. Dr. Hogarth remarked that the existing process needs to be streamlined to make it work.

It was noted that fisheries agencies have environmental responsibilities, as well, and the question was raised as to whether it would make sense to address the reallocation question along with broader environmental issues. Mr. Mahood replied that one council weakness is that it has no control inside the 3-mile zone other than in cooperation with state counterparts. He stated that councils need to have input on essential fish habitat. Dr. Hogarth noted the need for integrated programs and the growing emphasis on fishery ecosystem management. Ms. Shipman expressed her agreement and commented on the need for a holistic approach. She also pointed out the need to factor the impact of protecting habitat on allocation issues.

The point was made that the Magnuson-Stevens Act applies to all fishery management councils, so the panelists were asked if they could identify characteristics of what leads to success and what leads to problems in fishery management. Mr. Mahood replied that most fisheries in the South Atlantic are limited access, and because management philosophies differ among the regions, it would be hard for him to speak for other councils. Dr. Hogarth commented that the council make-up and the members' willingness to affect fellow fishers play a role, and, as a result, some councils tackle problems and some let the Department of Commerce face them. Ms. Shipman added that the simplicity or complexity of the fisheries is a factor, as is the advisory panel process. She stated that open dialogue seems to bring the best results.

When asked what portions of the Atlantic Coastal Fisheries Cooperative Management Act could be used as model to modify the Magnuson-Stevens Act, Ms. Shipman noted that the former is less prescriptive and does not micromanage, which lends flexibility. She commented that with the Atlantic Coastal Fisheries Act, there is an ultimate target with a time limit, but states are allowed to determine how to reach the target.

The Commissioners requested that additional information be provided in writing on issues including an identification of the science void in fishery management and additional details on suggestions to streamline the efforts of the management councils.

## **Management of Living Marine Resources, continued**

**Mr. Jerry Schill** – President, North Carolina Fisheries Association - Commercial Perspective

**Mr. William Dodds** - Coastal Conservation Association, South Carolina - Recreational Perspective

**Dr. George Sedberry** - SC Department of Natural Resources - The MARMAP program: essential long-term data series for fisheries management

**Ms. Mary Hope Katsouros** – Senior Vice President, The H. John Heinz III Center - Perspective on Fisheries Governance

Once the panelists had presented their formal statements, they answered questions on specific topics raised by the Commission. On the topic of fisheries lawsuits, the Commission asked about the trend in the rulings and what the major issues are. Mr. Schill responded that judges tend not to rule on the side of science because they are not familiar with science. He stated that the technicality the Commission needs to address is the provision in the Magnuson-Stevens Act that allows only a 30-day window from the time a Federal Register notice is published for suits to be filed. He commented that the government tends to think a positive end justifies the means and that the government should modify this thinking and abide by the law.

The question was raised as to whether there is documentation that the U.S. imports fish that U.S. fishers are restricted from catching. Mr. Schill responded that this mostly applies to swordfish. He stated that when U.S. fishers cannot catch swordfish, the market is filled by imports.

The Commission asked if there is dialogue with fishers on what recovery methods have the least impact on them. Dr. Sedberry responded that in federal waters of the southeastern Atlantic coast, recovery and other management plan are established by the South Atlantic Fishery Management Council, which has several representatives from the sportfishing and commercial fishing community. He noted also that their input is gathered in many steps along the way in development of fishery management plans. When asked if that is an effective process, he commented that fisheries continued to decline in the 1980s and 1990s and regulations had to become very stringent in order to see any turnaround.

The question was raised as to whether states have plans to monitor ecosystems so they know what to measure in order to determine what regulations are needed. Dr. Sedberry replied that there are monitoring programs in state waters, but some states do not do much monitoring in federal waters because of a lack of resources. He noted that it is important to involve fishers in developing these monitoring plans and programs so they have confidence in the outcome. The Commission requested that he provide additional information on ecosystem monitoring in writing.

In response to a question on whether the Heinz Center has studied how much budget growth is needed, Ms. Katsouros noted that the National Marine Fisheries Service (NMFS) needs to

be modernized and should start a dialogue with users. She added that there is a need to provide NMFS with the tools required to do its job.

Comments were made on simplifying the federal management system, and the Commission asked for any guidance on how this might be done. Mr. Dodds responded that the layers of federal management need to be sorted out and the number reduced.

When asked if her suggestion of making one agency responsible for living marine resources meant all living marine resources, not just fish, Ms. Katsouros responded that including all living marine resources would be ideal. She noted that this would require many small steps and that if such a single agency were established now, it would cover fisheries and endangered species. On the question of where fishery management councils would fit into the single agency structure, Ms. Katsouros replied that the councils could be made multi-use so they consider uses other than fishing and become more interested in the whole system. She also noted the need to explain to stakeholders the importance of fisheries science.

It was noted that the Commission has heard the debate that marine protected areas (MPAs) are the wrong mechanism and that there is a need to scientifically establish whether they will be effective. The panelists were asked to make a recommendation on how to determine if MPAs are the proper tool. Dr. Sedberry replied that no-take zones are a drastic measure and will not be accepted by fishers and others who make their living on the ocean unless it can be shown that they are effective. He stated that care needs to be taken when determining where MPAs are placed and that many issues need to be considered when making placement decisions. He also noted the need to monitor the areas to determine their impact not just on fish stocks but on fishers, as well. He added that the first step in gaining local buy-in of the areas is to make the process community-based. He noted that the community-based approach has worked in other parts of the world. Finally, he suggested that the proper research must be done to make placement and establishment of the areas science-based.

The question was raised as to whether there has been an effort to develop artificial reefs in the region. Dr. Sedberry responded in the affirmative, noting the use of cars, old ships, and similar materials, as well as specifically-designed reef structures. When asked about the economic success of these projects, he commented that while more study is required, initial results have been positive.

## **Education Panel**

**Ms. Paula Keener-Chavis** - Director, Charleston County Math and Science Hub, Past President, National Marine Educators Association – Delivery of Marine Education

**Dr. Matt Gilligan** – Professor, Marine Science Program, Savannah State University - Minority participation in ocean science education

**Mr. Robert H. Bacon** – Program Leader, South Carolina Sea Grant Extension Program, SC Sea Grant Consortium and Clemson University - Public education related to coastal hazards. Case study: the 113 Calhoun Street Project

Once the panelists had presented their formal statements, they answered questions posed by the Commission. The issue of closing the link between researchers and education was discussed. Several questions were raised, including why math and science literacy is declining; how to increase motivation on education issues; and why oceans cannot be used as the medium through which science is taught. Ms. Keener-Chavis responded that one-time workshops do not work. A systemic approach with a sustained effort that brings all stakeholders to the table is need. She also commented on the need for effective, sustained professional development to educate teachers on how to use scientific information in the classroom and how the ocean can be used to teach science. When asked whether the Center for Ocean Science Education Excellence (COSEE) will attempt to do this, Ms. Keener-Chavis replied that the southeast region proposal will. In response to additional questions on COSEE, Ms. Keener-Chavis noted that funding is an issue, but the National Science Foundation, which is providing funds for COSEE, plans to increase funding over the next 10 years.

With the coastal population increasing, the Commission asked what kind of program can be put in place to educate a coastal population that does not have a history with and knowledge of coastal issues. Ms. Keener-Chavis recommended that coastal residents be informed about how the ocean impacts their daily lives in the areas of medicine, economics, and others. Dr. Gilligan added insight from his students, one of which pointed out that there is no requirement to learn ocean science while there are requirements to learn other subjects. Ms. Keener-Chavis noted that approximately 90% of the South Carolina science standards can be taught through ocean science. Mr. Bacon commented that he does receive requests from coastal residents for information on how to protect their homes from hurricane damage, and he works with residents to educate them on hurricane preparedness.

The Commission commented on the interdisciplinary nature of the ocean making it ideal for teaching science. It was noted that the Commission has not yet invited the Department of Education and the National Science Teachers Association to testify to ask them these same questions.

In response to a question regarding resistance in the southeastern region to using the oceans to teach science, Ms. Keener-Chavis commented that meeting the teaching standards is the key issue in the teaching community. With regard to the research community, she noted that it is difficult to convince researchers of the need to explore in addition to doing research.

The Commission noted that getting science into the management processes is critical, but it has been pointed out that most scientists are not good at this interaction. The question was posed as to whether an extension program should be part of the Commission's human resource theme, e.g. developing a new category of professional capable of doing the translating. Mr. Bacon responded that specialized individuals capable of talking to scientists and communicating with the public are needed. He agreed with an analogy made to forest rangers who know science, policy and management but can also speak to the public. He added that extension programs attempt to provide people with all the information available, allowing them to then make their own decision where as institutions tend to provide the

information they want people to know. Dr. Gilligan also commented on the need to go beyond formal education by informing parents, churches, and other groups.

When asked about root causes of why minority individuals are not well represented in ocean sciences and if these causes can be solved, Dr. Gilligan replied that the reasons are fundamentally historical in the Southeast which has a large African American population. The injustices of the African American experience and the industrialization and commercialization of coastal commerce in the low country of South Carolina and Georgia around 1900 disconnected 300 years of marine and maritime contributions. Rice growing, boat building, boat piloting, and fishing technologies and cultures were all dominated by African Americans prior to 1900. The first African American marine biologist, Dr. Ernest E. Just, was born in Charleston. That legacy is not in our textbooks and it gives a false impression of non-investment by African Americans in marine environments, affairs, science and culture to the public. Dr. Gilligan noted that no persons of color were present in the auditorium to make the point of the extent of the disconnection that we see today. In order to convince minority communities of the importance of ocean science they need people of color providing the information at all levels, from teachers and government environmental and natural resources personnel to community leaders who can communicate with the public and participate in the process.

In response to the question of whether it would be helpful for the Commission to examine what activities are taking place at the federal level, Dr. Gilligan stated that any effort that would foster new ideas and contribute to the hiring of people of color would be helpful. He made a point that minority representation in all processes is important and noted the need for tools that teachers and guidance counselors could use to expose students to the possibilities in ocean sciences. Ms. Keener-Chavis added that it is important to start education and generate excitement at an early age.

The frustration with the lack of a sustained federal investment in education efforts was noted. Dr. Gilligan commented that a minimum of 3-5 year funding commitments are needed, that COSEE-scale time frames are more likely to produce measurable results, and that short-term projects are not effective.

The search for and recovery of the Confederate submarine *H.L. Hunley* was mentioned as an example of how exploration becomes research and generates interest in ocean science. It was noted that this is the type of excitement needed on a large scale to draw students into science. Ms. Keener-Chavis commented that it is imperative to educate and involve underrepresented groups and noted the need to design methods to do this. She stated that there are different cultural, peer pressure, and parental issues and other factors to consider in educating minority children. Mr. Bacon added that in order to get typical tax payers to care about ocean issues, they need to be educated on the impact of the ocean on their daily lives. Dr. Ballard commented on the JASON Project, noting that minorities and women were recruited for the project so students would see role models and mentors at work. He stated that a clear strategy is needed and that it is difficult but can be done.

The first day of the meeting was adjourned at 6:15 p.m.

## **WEDNESDAY, JANUARY 16, 2002**

### **Welcome**

The Chair called the meeting to order at 8:45 a.m. and introduced The Honorable Joseph P. Riley, Mayor of Charleston, SC and member of the Pew Oceans Commission, who provided welcoming remarks. Mayor Riley stressed two points: 1) the need to recognize that what happens on land impacts the coast and to accept the long-term responsibility for these impacts and 2) the importance of education and the need for an increased commitment to education.

### **Partnerships at Work - Examples from the Southeast Region**

**Ms. Margaret A. Davidson** - Acting Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA - Hollings Marine Laboratory – A unique marine health partnership

**Dr. Madilyn Fletcher** – Director, Belle W. Baruch Institute for Marine Biology and Coastal Research and President, National Association of Marine Laboratories - Marine Laboratories: A regional and national partnership

**Mr. M. Richard DeVoe** - Executive Director, SC Sea Grant Consortium and President, Sea Grant Association - Role of Sea Grant in regional research, education and extension programs

**Dr. Harvey Seim** – Assistant Professor, Department of Marine Sciences, University of North Carolina at Chapel Hill - Coastal and ocean observing systems in the region

Following their formal statements, the panelists addressed specific issues raised by the Commission. The Global Climate Change Act of 2001 (S. 1716) and its focus on an integrated ocean observing system was mentioned, as was the Commission's dedication to laying the groundwork for a new way of doing business with regard to partnerships. The need for support in this effort from academia, laboratories and others was noted. In response to a question as to whether NOAA is looking at ways to establish laboratories like the Hollings Marine Lab in other areas of the country, Ms. Davidson commented that across NOAA there are currently several laboratories in operation and the interest of members of Congress to have laboratories in their home areas seems to be increasing. She noted, however, the need to make sure this growth is linked to ways to ensure partnership efforts in the laboratories.

It was noted that the Commission has been urged by panelists to be bold in its recommendations, but in his presentation, Mr. DeVoe urged the Commission to be cautionary when considering reassigning Sea Grant to another agency. The question was raised as to how the Commission can reconcile this conflicting advice. Mr. DeVoe responded that his suggesting of caution was in regard to the nature of the Sea Grant program, which he would like to see maintained and even be used as a model for others programs. He stated that Sea Grant is currently in a place where it cannot really grow and reach other agencies. He commented that he would join other panelists in urging the Commission to be bold in making recommendations.

Dr. Seim commented that if an ocean observing system were to be created, it cannot be at the expense of basic research. He added that the system would need to be administered in a new and different way.

On the question of the role of governments in a national ocean science policy, Ms. Davidson commented that the role should be to facilitate development of a vision and to recognize and support that vision. She noted the need to ensure leveraging and partnerships and to support these through actions. Dr. Fletcher added that she would like to see the government provide vision in a way that fosters and supports diversity in programs and in the staff of the programs. She noted the need to build more true partnerships and stated that universities should be encouraged to reward faculty members who participate in partnerships. Dr. Seim commented that federal and state governments must work together to collect and distribute information needed to make policy and management decisions. He stated that the federal government has a role to ensure coordination and cooperation and noted the need to take a more systematic view. Regarding a coastal ocean observing system, Ms. Davidson added that the federal government would be able to contribute a national framework and protocols and ensure quality control and stability of funding.

It was noted that there seems to be a supply side orientation as opposed to a demand side orientation in discussions of an ocean observing system. Concern was expressed that there are many data stored in different locations, but the information is out of date by the time it is available for use. The panelists were asked to make an argument that there is a need for the system, including who will use it and techniques for transferring data into useful information for decision making. Ms. Davidson commented that NOAA has been working with organizations and industry (energy, tourism, and others) to determine their needs and what products they would like to see generated. She noted that activity in Congress is probably supply-side driven, but there are private sector demands for data. Dr. Seim added that this has been an issue with the system and that user needs and products need to be identified. He agreed that engaging users early is essential. He commented that this will likely be interactive process, with feedback on the first generation system providing information on how to make modifications and others to involve. Dr. Fletcher added that there is no one answer. She noted that the coastal observing system is made of many parts and it will take effort to determine how best to integrate them.

It was suggested that the best way to implement partnerships is on a local level. The panelists were asked to make recommendations on what the Commission can do to facilitate real partnerships as opposed to administrations being forced to allow partnerships. Ms. Davidson responded that there is a need to develop partnerships for the future using as examples models that work. She also noted the need to get buy-in from the Government Accounting Office and funding bodies, in addition to the buy-in of the agencies. Mr. DeVoe added that if partnerships are going to be an effective tool, work needs to be done at the university level to encourage them. At the federal level, he commented on the need to knock down barriers, possibly through a cross-cutting mechanism.

On the question of how, structurally, to improve coordination between the Sea Grant, Land Grant, and Space Grant programs, Mr. DeVoe responded that interaction varies from state to state and noted his agreement with the suggestion that there could be more interaction between

the programs. He noted that the Congressional committee structure may contribute to the problem. Ms. Davidson added that the individuals involved also are a factor, noting that those in smaller venues tend to work together in order to be able to participate in bigger arenas. When asked how to make interaction more than an individual effort, Ms. Davidson commented on the need to be more disciplined about matrix management.

Private/public sector partnerships were discussed, and it was noted that the potential of private sector involvement is underutilized. The use of offshore oil platforms for research as observation platforms was cited as an example. Ms. Davidson commented on tax incentives for rigs to reefs initiatives to make partnerships with academia and government more attractive to industry. Dr. Fletcher noted the need to be open to any type of partnership and not be constrained by history. Dr. Seim pointed out that there are data collected from rigs now but the information is considered proprietary. He stated that there are rapid advancements in sensor development (biological, chemical, and optical) for a new suite of real-time observations. He noted that he has been talking with the private sector to determine what products are desired, adding that tailoring the development of specific products for users will continue to be a challenge. Ms. Davidson noted that there is an Intergovernmental Oceanographic Commission business council that addresses these issues and is focused on building businesses for the future.

### **Intergovernmental Partnership Case Study – The Chesapeake Bay Program**

**Mr. Peter J. Marx** - Associate Director for Communications, U.S. Environmental Protection Agency Chesapeake Bay Program Office

**Ms. Verna Harrison** – Assistant Secretary for Chesapeake Bay and Watershed Programs, Department of Natural Resources, State of Maryland

Once the panelists had presented their formal statements, they addressed questions raised by the Commission. It was noted that the biggest source of pollution to the Chesapeake Bay is from agricultural sources, followed by the atmosphere, with pollutants often coming from distant states, and “point” sources including sewer systems, which are in need of upgrading. The question was raised as to whether people are ready to make the necessary modifications to sewer systems. Mr. Marx replied that the technology is almost to the point where the level of nitrogen can be reduced to 3mg/L in the outflow of waste water plants. He commented that this level can be achieved if the resources are available and noted that residents of the Chesapeake Bay watershed are willing to pay to restore the Bay if they know their money is in fact going toward restoration. Ms. Harrison expressed her agreement, but added that two-thirds of the Bay’s problems are non-point source related, so action still needs to be taken on non-point source pollution. She commented on the use of incentive-based programs in addition to sanction-based programs in the restoration process and stated that decisions need to be made in consultation with local-level officials.

A question was raised regarding how much difference enhanced standards would make to the pollution issues in the Bay and what the contribution of point and non-point pollution sources are on national level. Mr. Marx responded that the biggest problem for the Bay is agricultural run-off and that the Chesapeake Bay Program is dealing with non-point pollution in a number of ways, including restoring riparian forest buffers. He noted, however, that more needs to be done.



He stated that there are ways to develop land without impacting the Bay in a significant way and the agricultural run-off issue needs to be addressed if the restoration goals are to be achieved. He commented on homeowner contribution to the nitrogen load in the Bay and the need for education efforts. He also noted that point source pollution accounts for 20-22% of the Bay's nitrogen load.

In reference to a comment made by Mayor Riley in his welcoming remarks, a question was asked on how land in the Chesapeake Bay area can be preserved when so much of it is privately owned. Ms. Harrison responded that land preservation has to be a key part of the restoration process. She commented that Maryland has used a transfer tax as an incentive for maintaining open space and described the new Rural Legacy and GreenPrint Programs that work to maintain environmentally significant land in forested or agriculture use.

It was noted that the Chesapeake Bay Program has been successful at improving the situation of the Bay. The panelists were asked their advice on what actions have worked for the Chesapeake Bay that could be applied to national policy. Ms. Harrison commented that top level attention, developing a plan with goals and public accountability have all contributed to the success. Mr. Marx added that the Program has worked as a watershed partnership and tried to ignore jurisdiction boundaries. Nitrogen and sediment load allocations were made by tributary based on the impact of each on the Bay.

On the topic renewed federal funding to allow state and local level action, the panelists were asked for specific suggestions on what the Commission could recommend regarding federal assistance in land conservation activities that deal with water quality. Ms. Harrison suggested that key federal funds, laws and regulations be realigned as incentives to help States and local governments adjust their development patterns to reduce pollution. She also commented on the need for enhanced funding through the Farm Bill, Surface Transportation Act and the Conservation and Reinvestment Act and stated that she would provide a more specific answer in writing. She mentioned using federal carrots to influence land use. A few specific examples include increasing grant funding for areas that have reduced sprawl development, targeting federally funded infrastructure to appropriate areas and providing incentives for environmentally sensitive site design.

It was noted that progress has already been made in the Chesapeake Bay area and that it is important for people to gain confidence that the resources they have contributed have made a difference. A comment was also made that citizens groups should be used as advocates for change. Ms. Harrison commented that Maryland has developed tributary teams to help guide local implementation of pollution abatement measures. She noted that one team's accomplishments encourage other teams to do more.

### **Commission Business**

Admiral Watkins provided a summary of decisions and discussions that took place during the Commission Executive Sessions. He stated that the Working Group issue papers originally presented and discussed at the November 13-14, 2001 Commission meeting had been approved

and will be posted on the Commission's web site. He commented that these papers provide the best collective view of the issues facing the Commission.

Following more discussion on the Science Advisory Panel, the Commission agreed that the charter would not be altered to allow for federal representation on the Panel. A final suggestion to replace "Executive Director" with "Chair" in the second paragraph of the Members and Functions section was agreed to, and the charter was approved, as edited. Admiral Watkins noted that the list of nominees had been finalized and the potential panelists were being contacted. The panelists will be asked to serve in one of four groups that reflect the Commission Working Groups.

Admiral Watkins commented on meeting the statutory requirements of Section 3(f)(C) of the Oceans Act of 2000 (See Appendix 4). He stated that the Commission has finalized a contract for the first step of this task, compiling information, to be completed by an outside group. The second step, an analysis of the information, may or may not be performed by the same contractor. He noted that the Commission is also working to address the facilities inventory task set forth in the Oceans Act.

At the next meeting in St. Petersburg, FL February 22, 2002, the Commission hopes to finalize goals for the overarching vision for a national ocean policy. Steps to take and questions to address in achieving these goals will then be developed.

At the November 13-14, 2001 Commission meeting, the Commission passed a Resolution in support of the U.S. becoming a signatory to the United Nations Convention of the Law of the Sea. Admiral Watkins stated that the Resolution had been sent with an accompanying letter to the President, Secretary of Defense, Secretary of State, and key members of Congress. The Resolution will be made available on the Commission web site.

## **Public Statements**

Ms. Harriet Nash, Fisheries Campaign Director at Friends of the Earth, commented on the use of individual fishing quotas (IFQs). She noted Friends of the Earth's belief that fish stocks will remain healthy if IFQs are implemented without privatizing the public fishery resources and in conjunction with other management tools. She stated that a successful IFQ program will accommodate a fishery's criteria, including mandatory national standards on quota allocation, transfer restrictions, and expirations. She discussed a proposed periodic, royalty-based auction to distribute quotas and suggested a quota expiration of two to five years to allow reassessment of the stock status. She also noted that monitoring and enforcement must be high priorities in any IFQ program. She asked the Commission to consider national standards for IFQ programs when addressing the reauthorization of the Magnuson-Stevens Fishery Conservation and Management

Act. The Commission asked Ms. Nash to provide her statement in writing.

Dr. Douglas N. Rayder, head of Environmental Defense's southeastern region, commented on three key points: 1) The southeastern marine and estuarine systems, including the Caribbean system, are complex and tightly linked. A holistic approach is needed to manage these resources;

2) The current management system is highly disjointed and piecemeal; 3) Ecosystem-based management is essential but there is not a clear mechanism for achieving this. He commented that the U.S. has world-class resources and world-class managers, but not a world-class management structure.

Mr. Eli Weissman, Governance Program Manager at the Ocean Conservancy, commented on the need for improved education and outreach and expressed his concern with the interchangeable use of the terms marine protected area, marine reserve, and no-take zone. He provided a review of the definitions, stating that “marine protected area” is an umbrella term, while marine reserves have limited fishing access and no-take zone allow no fishing.

Professor D. Reid Wiseman of the College of Charleston commented on the world-wide supply of and demand for seafood protein. He commented that at the current rate of population increase, he expects fisheries will be able to supply only one-twentieth of the protein needed in the future.

Mr. Nathanael Heasley with Taxpayers for Common Sense expressed the organization’s concern with the privatization of fisheries, specifically noting the potential implementation of an individual fishing quota (IFQ) system. He commented on a concern that an IFQ system would create property right issues or insinuate a property right system. He noted that the IFQ system would create an economic burden on tax payers and lead to an economic ripple effect, forcing out small independent fishers through consolidation. He suggested that if an IFQ system were to be implemented that it only be done with specific provisions to correct the potential problems and encouraged the Commission to examine closely the issues of privatization and IFQs. The Commission asked Mr. Heasley to submit his statement in writing.

Mr. Philip Dustan of the Cousteau Society commented on coral reef decline and the need for a long range plan to address this decline. He noted that policy needs to be founded on knowledge and that when scientific evidence is inconclusive, the Commission needs to dictate that a precautionary approach is taken. He also commented on the need to reach out to and inform all sectors and all people.

Dr. David Bushek of the Belle W. Baruch Institute for Marine Biology and Coastal Research at the University of South Carolina commented on the importance of and the many uses for marine laboratories and facilities and noted the need for both support and maintenance for these assets. He stressed two points: 1) the need for support for field stations and 2) the importance of consolidating long-term data sets and making them accessible for use. He stated that there is also a need to train and support individuals to use these data.

Mr. Gilbert C. Radonski of the Recreational Fishing Alliance commented on fishery management approaches, noting the prescription approach of the Magnuson-Stevens Fishery Conservation and Management Act and the adaptive approach of the Atlantic Coastal Fisheries Cooperative Management Act. He noted his opinion that fisheries science is adequate for management in many cases, but data collection has to be improved. He stated that the Marine Recreational Fisheries Statistics Survey is a sound top-down approach, but it has never been sold to the recreational fishing community. He commented that the National Marine Fisheries Service needs a more bottom-up approach and more outreach efforts.

Ms. Lynn Hinkley of the NOAA Coastal Services Center commented on the lack of minorities in the ocean sciences field and the need for a mechanism to reverse the current approach to minority programs and develop a bottom-up approach. She stated that minority institutions should make salaries competitive in order to draw minorities into research and teaching positions where they can serve as role models rather than being in federal positions where they are statistics and have little opportunity to become mentors.

Dr. Thomas R. Reinert representing the American Fisheries Society commented on three key issues: 1) the need to improve fisheries management and to review and restructure the relationship between the National Marine Fisheries Service and the regional fishery management councils; 2) the need to develop a national coordinated research program for fisheries resources and recognize the ecological value of fisheries in addition to the economic value; and 3) the Commission helping to develop a vision and common objective for fisheries that includes a dialogue with an education public. He added that management decisions should be adaptive and allow for the updating of plans following evaluations and noted the need for incentives for conservation.

Mr. Denis M. Allen, President of the Estuarine Research Federation, encouraged the Commission to recommend changes that would call for agencies to take a more holistic view. He commented that an ecosystem approach needs to be more prominent at the federal level. He noted the need for long-term support for monitoring systems coupled with process-oriented research to allow for better forecasting capabilities. He asked the Commission to encourage improved access to and use of scientific information in decision making and establishment of a program to review and reformulate this information for ease of use.

Mr. Kerry Pate of Ocean Planet Strategies and East Carolina University encouraged the Commission to consider a long-term vision emphasizing an ecosystem view rather than an economic view. He expressed his hope that the Commission would reiterate sustainable resource management as opposed to an exploitative approach. He stated that the Commission has the opportunity to issue a vision for “man in the sea.”

Mr. Benjamin Frank, a resident of West Ashley, SC, requested that the Commission address transportation as it impacts the estuaries of the Charleston, SC area. He commented on the compatibility of urban growth and estuaries and whether the two are compatible on a policy level.

### **Acceptance of Additional Written Statements for the Record**

Written materials submitted at the meeting and those received as a follow-up to the November 13-14, 2001 Commission meeting were accepted for the record.

### **Other Business**

The Commissioners expressed their appreciation to Dr. Sandifer for his efforts in coordinating a successful meeting.

The second day of the meeting was adjourned at 3:30 p.m.

# U.S. COMMISSION ON OCEAN POLICY



## APPENDIX 1

### January 15-16, 2002 Ocean Commission Meeting Attendees

<u>Name</u>	<u>Affiliation</u>
Dennis M. Allen	Estuarine Research Federation
Wendy Allen	North Inlet-Winyah Bay NERR
Bill Anderson	Naval SCDNR
Anders W. Andren	University of Wisconsin Sea Grant Inst.
Daniel Baden	UNCW
Brian Berrigan	Isle of Palms Marina
Linda Blackwell	SC Sea Grant
Robert Boyles	S.C. Department of Natural Resources
Alec Brebner	BCDCOG
Chris Brooks	SCDHEC – OCRM
Tom Broom	Shell Exploration & Production Company
Earle Buckley	NOAA/NCSSU
David Bushek	University of South Carolina Baruch Institute
Laura Cantral	LCA
Diane Castano Sallee	Office of Mayor James Hahn
Jim Cato	Florida Sea Grant - University of Florida
Kay D. Clamp	S.C. Petroleum Council
Donald C. Cowie	East Cooper Clean Water Council
David Cupka	SCDNR
Jennie R. Davis	SCDNR
John Davis (LCDR)	U.S. Coast Guard
Rick DeVictor	South Atlantic Fishery Management Council
Greg Doucette	NOS/NOAA
Rob Dunlap	SC. Department of Natural Resources
Tracy A. Dunn	NOAA/NMFS Enforcement
Phillip Dustan	The Cousteau Society
Robert J. Feller	University of South Carolina
Susan Ferris	S.C. Sea Grant Consortium
Kristen Fletcher	Sea Grant Law Center
Benjamin Frank	No affiliation provided
Mark Gordon	U.S.C.G.
David E. Grogan	U.S. Navy
Chris Gunderson (Captain)	Oceanographer of the Navy
William Perry Hall	South Carolina Shellfish Association

**January 15-16, 2002 Ocean Commission Meeting Attendees, Cont'd.**

Nathanael Heasley	Taxpayers for Common Sense
Debra Hernandez	SCDHEC - OCRM
Peter Hill	NOAA Ocean Service - Chesapeake Bay Program
Ginger Hinchcliff	NOAA Coastal Services Center
Lynne M. Hinkey	NOAA Coastal Services Center
A. Fred Holland	Hollings Marine Laboratory
Janet Hren	U.S. Geological Survey
Kim Iverson	South Atlantic Fishery Mgmt. Council
Jeff Jarrard	Isles of Palms Marina
Scott Kenney (CDR)	U.S. Navy
Fred W. Kinard (Jr.)	Westvaco Corp.
Lorry King	East Carolina University
Kathi R. Kitner	SAFMC
Elaine Knight	S.C. Sea Grant Consortium
Jennie Kopelson	CORE
Laura Kracker	NOAA National Ocean Service CCEHBR
Gerhard Kuska	Center for the Study of Marine Policy, University of Delaware
Keith LaFoe	Washington Nichibei Consultants
Jennifer Lamar	NOAA Fisheries
Lynne Langley	Post & Courier Newspapers
Micah Laroche	South Carolina Seafood Alliance
Ralph Lopez	NOAA Fisheries
Chris Mack	U.S. Army Corps of Engineers
Mark Marhefra	Commercial Fisherman, AP Chairman
John V. Miglarese	SCDNIC - Marine Resources
Stuart Miles	No affiliation provided
Peter Moeller	NOAA Ocean Service
Beezer Molten	Half-Moon Outfitters
Steve Morton	NOAA Ocean Service
Katie Mosher	North Carolina Sea Grant
Carole Mullis	SC Department of Parks, Recreation & Tourism
Harriet Nash	Friends of the Earth
Kerry O'Malley	South Atlantic Fishery Management Council
Kerry Pate	Ocean Planet Strategies
Laurent Pool	C of C Alum
Dwayne E. Porter	University of South Carolina
Carol Preston	NOAA National Ocean Service CCEHBR
Carol Pride	Grice Marine Laboratory
David Rackley	NOAA Fisheries
Douglas N. Rader	Environmental Defense
Gilbert C. Radonski	Recreational Fishing Alliance

**January 15-16, 2002 Ocean Commission Meeting Attendees, Cont'd.**

J.D. Rathbun	NOAA
Thomas Reinert	American Fisheries Society
William Rickards	Virginia Sea Grant Coll. Prog.
Robert Ross (Captain)	U.S. Coast Guard
James G. Sanders	Skidaway Institute of Oceanography
Calvin B. Sawyer	SC Sea Grant
Kate Schaefer	NOAA/NOS/CCEHBR
Rose Marie Scheibler	SCDNR
Geoffrey I. Scott	NOAA/NOS CCEHBR
Al Segars	SCDNR
Mitchell K. Shank (Jr.)	Naval Oceanographic Office
Susannah Sheldon	University of Charleston, MES Program
Andy Shepard	National Undersea Res. Center
Fred Sieber	Daniel Is. Neighborhood Association
Patricia Snow	S.C. Sea Grant Consortium
Veronica Soto	Office of the Mayor (Los Angeles)
Joe Stinus	NOAA/NESDIS/NCDDC
Alina M. Szmant	Center for Marine Science, University of North Carolina at Wilmington
Paul C. Ticco	VA Sea Grant
Bob Van Dolah	S.C. Dept. of Natural Resources
Romeka Washington	S.C. Sea Grant Consortium
Pearse Webster	SCDNR
Eli Weissman	The Ocean Conservancy
David Whitaker	SC DNR
Scott Whitaker	The <i>Sun-News</i>
Kevin Wiatrowsky	S. C. Coastal Conservation Association
Robert Wicklund	University of North Carolina at Wilmington
Mike Willis	SC DNR
Caitlin Winans	S.C. Coastal Conservation League
Christopher Wing	No affiliation provided
D. Reid Wiseman	College of Charleston



# U.S. COMMISSION ON OCEAN POLICY



## APPENDIX 2

### MINUTES

Second Meeting of the Commission on Ocean Policy  
U.S. Navy Memorial Foundation, Washington, DC  
November 13 and 14, 2001

#### Commissioners in Attendance

Honorable James D. Watkins, (Admiral, USN (Ret.)) - Chair  
Dr. Robert D. Ballard  
Mrs. Lillian Borrone  
Mr. Ted A. Beattie  
Dr. James M. Coleman  
Mr. Lawrence Dickerson  
Vice Admiral Paul G. Gaffney II, USN  
Professor Marc Hershman  
Mr. Christopher Koch  
Mr. Paul L. Kelly  
Dr. Frank Muller-Karger  
Mr. Edward B. Rasmuson  
Dr. Andrew A. Rosenberg  
Dr. Paul A. Sandifer

#### Commissioners Not Present

Ms. Ann D'Amato  
Honorable William D. Ruckelshaus

#### Meeting Attendees

A list of meeting attendees, including affiliation where provided, is included in Appendix 1.

**TUESDAY, NOVEMBER 13, 2001**

## **Welcome**

The Chair called the meeting to order at 9:00 a.m. with remarks welcoming the Commissioners and audience.

## **Senate Members**

Senator Fritz Hollings (D- South Carolina)

Following his remarks, Senator Hollings answered questions from the Commissioners on a wide range of topics. In response to questions on increasing public awareness of the need for ocean science and getting ocean science into the K-12 classrooms, Senator Hollings noted the success of NASA education initiatives and suggested duplicating the NASA model by having an Oceans Day in elementary schools. When asked how the Commission could facilitate interdisciplinary and multi-sector partnering, the Senator replied that researchers want interdisciplinary partnering across sectors, but there can be difficulties taking action within Washington, D.C. Regarding a need to enhance the state role in the federal/state/local relationship, Senator Hollings noted that the Coastal Zone Management Act gives the states the preeminent role. He commented on the importance of involving all interested parties, particularly at the local level, and noted the significance of the Commission's regional meetings. In response to questions on how to increase the NOAA share of the research budget, Senator Hollings stated that the Commission hearings should help resolve such budget issues.

## **Commission Business**

The Consent Calendar (see Appendix 2) was approved with no changes.

The Commission discussed the role of the Science Advisory Panel and appointment of members. The primary concern is that the Working Groups have access to the best science available. It was suggested that the Panel should include social scientists, but some concern was expressed as to whether the legislation allows for this. Commission staff were directed to determine the intent of the legislation regarding Panel membership.

The Oceans Act of 2000 charges the Commission to consult with National Academy of Sciences in appointing Panel members, but the Commissioners noted their selection is not restricted to the National Academy's list of suggested nominees. The number of Panel members is still to be determined.

The Commission discussed how the Panel will be utilized. It was agreed that Panel members should attend the regional meetings as necessary and appropriate. A suggestion was also made that the Working Groups have informal access to the Panel, but not require the Panel to

submit a formal report. The Executive Director and Chair will prepare a draft Science Advisory Panel charter for review by the Commissioners. The charter will be posted on the Commission web site once final. It is hoped that the Panel will be in place by the first regional meeting scheduled for Charleston, SC January 14-16, 2001.

The Commission discussed public relations and how to ensure that all individuals who want to speak before the Commission have the opportunity to do so. Commissioners will work at the regional level to ensure that the invited panelists for each regional meeting represent the entire region and all of the issues of that region. Regional site visits will also be arranged to provide the Commission with input on a wide range of local interests. The suggestion was made that once the date for each region is finalized, advanced notice be given to the local media as a way to alert stakeholders.

It was generally agreed that the Working Groups should be consulted in setting the regional agendas to allow regional representative from each Working Group the opportunity to suggest appropriate speakers. It was noted, however, that the Commission as a whole, not the Working Groups, is the point of public input and will distribute the input as necessary.

### **House of Representatives Members**

Representative Robert Underwood (D-Guam)

Following his remarks, Representative Underwood answered specific questions from the Commissioners. When asked if Congress would be open to recommendations from the Commission on a less complex Congressional committee structure, Representative Underwood responded that there is currently an effort underway to do that, and while he would not predict a reorganization of Congress, the Commission's recommendations would be taken under advisement. Admiral Watkins assured Representative Underwood that the Commission will maintain open and continuous communication with Congress throughout the deliberation process.

Representative Sam Farr (D-California)  
Representative Curt Weldon (R-Pennsylvania)

Time constraints precluded a discussion period with Representatives Farr and Weldon.

### **Pew Oceans Commission**

The Honorable Leon Panetta, Chair  
Mr. John Adams, President, Natural Resources Defense Council  
Dr. Jane Lubchenco, Professor, Oregon State University  
Mr. Patten White, Executive Director, Maine Lobstermen's Association  
VADM Roger Rufe, Jr. USCG (Ret.), President, The Ocean Conservancy

Once the panelists had provided their statements, Admiral Watkins asked that the Pew Commission consider the elements outlined in the Oceans Act in order that the reports from

the two Commissions be complementary. Mr. Panetta commented that the Pew Commission hopes to establish a strong working relationship with the Ocean Commission and that the issues in the Oceans Act do overlap with the issues of importance to Pew.

When asked how the economic ramifications of the Pew Commission's recommendations will be framed in the report, Mr. Panetta replied that the main challenge is to find the right balance, and the Pew Commission looks forward to working with the Ocean Commission to find that balance. He also noted that the economic impact of the recommendations is taken into consideration in all regions.

In response to a question on how the Pew Commission is involving the public, Mr. Panetta explained that Pew Commission meetings have been planned to have a maximum impact on the community, including public hearings at which anyone is welcome to speak. Through local media, the Pew Commission has reached out to the public by hosting children's programs and appearing on local radio and television programs.

Regarding the issue of perspective in determining what activities should be restricted versus what activities should be allowed, Mr. Panetta noted that the biggest challenge is ensuring equality of representation among various interests. He cited the Chesapeake Bay Program as an example of a good cooperative effort, and noted the need to consider a regional approach to governance that incorporates all interests. Dr. Lubchenco commented that a common vision and set of goals is important, but must be set in a broader context of the consequences of an "anything goes" policy. An item on the Pew Commission agenda is to address the unexpected problems that are a consequence of such a policy. Mr. Adams noted that the goal of establishing sustainable fisheries is not being reached under the current situation. He discussed the need for science-based actions and commented on the need to be able to eliminate damaging fishing equipment, resolve the by-catch issue, and set aside no fishing areas to rebuild stocks. When asked to what degree the Pew Commission recommendations are based on sound science, Dr. Lubchenco commented that the deliberations are informed by, but not dictated by, science.

Regarding the need for national oversight of coastal population and tourism given the increases in both, Mr. Panetta responded that national interests do need to be considered equally with state and local interests and noted the need to think in an ecosystem approach, involving all parties.

### **Conservation Organizations**

VADM Roger Rufe, Jr. USCG (Ret.), President, The Ocean Conservancy

Dr. Carl Safina, Vice President for Marine Conservation, Audubon

Mr. D. Douglas Hopkins, Senior Staff Attorney and Acting Program Manager, Oceans Program, Environmental Defense

Following their presentations, the panelists commented on a number of issues raised by the Commission. VADM Rufe discussed the need for umbrella legislation that would cover all activities within the U.S. EEZ and encompass all relevant laws dealing with ocean issues and

provide guidelines for other legislation. Regarding marine debris, he commented on educating the public and agreed to make The Ocean Conservancy's Coastal Cleanup data available to the Commission.

When asked whether any existing environmental outreach programs could be adjusted to change curriculum, VADM Rufe agreed with the need to generate public enthusiasm and make people aware that the oceans are a vital part of the nation's heritage. Dr. Safina added that agencies need to listen when the public expresses its desire to see things done differently or better.

In response to comments that the Commission is tasked with examining how to manage 71% of the planet as the coastal population is increasing, Mr. Hopkins suggested that the U.S. does not have to pursue an "all or nothing" approach to management. He explained that one thing the U.S. does both right and wrong is involve regional stakeholders. He also cautioned that too much responsibility for setting limits has been delegated to the regional Fishery Management Councils, and stated that these decisions need to be science-based.

### **House of Representatives Members (cont.)**

Representative Wayne Gilchrest (R-Maryland)

Following his remarks, Representative Gilchrest commented on additional issues raised by the Commissioners. In response to comments on the lack of a cohesive strategy to address coastal oceanography, Representative Gilchrest described the Chesapeake Bay Program as an example of an extraordinary research effort, but noted there is a question of what to do with this research. Regarding public outreach efforts, he explained that the program has made an effort to communicate information to county commissioners and zoning boards, but he noted the need for implementation efforts.

### **Ocean Research, Education and Policy Organizations**

Dr. Carolyn Thoroughgood, Chair, Board of Governors, Consortium for Oceanographic Research and Education

Mr. Robert Hirshon, President, American Bar Association

Following his formal statement, Mr. Hirshon addressed questions from the Commissioners regarding the United Nations Convention on the Law of the Sea (LOS). He recommended that a strong signal needs to be made early with respect to the importance of ratification of the Law of the Sea Convention, and suggested that the most effective action the Commission could take would be to submit a clear and unequivocal statement to the Congress and the Administration to that effect. Ms. Peggy Tomlinson of the American Bar Association noted that Administration has agreed to list LOS ratification as a priority issue for Congress. Mr. Kelly explained that one issue of urgency is electing U.S. representatives to two bodies, the Outer Continental Shelf Council and the International Tribunal for the Law of the Sea. The next opportunity for electing representatives to both bodies is May, 2002, but the U.S. needs

to ratify the Convention by February, 2002 in order to be eligible. After May of 2002, the next opportunity for electing representatives is in 2005.

The Commission agreed to prepare a resolution on the urgency of U.S. ratification of LOS, and the Governance Working Group was tasked to prepare the draft. Admiral Watkins commented that he would like to see a document detailing the Administration's position on LOS.

Following her presentation, Dr. Thoroughgood commented on additional issues raised by the Commission. She noted that CORE does intend to make recommendations on broader recapitalization needs beyond the UNOLS fleet and including laboratories. In response to questions from the Commissioners, she stated that the U.S. has not prepared the mapping necessary to define the U.S. continental shelf. This would be required in order to file an application to extend the limits with the LOS Continental Shelf Commission should the U.S. ratify the convention. At the request of several Commissioners, she also agreed to provide more information on research versus operational oceanography and additional input on an integrated ocean observing system.

### **Federal Agencies**

ADM James M. Loy, Commandant, U.S. Coast Guard, Department of Transportation  
Dr. Eric Lindstrom, Oceanography Program Scientist, National Aeronautics and Space Administration  
Dr. Rita Colwell, Director, National Science Foundation

Following their formal presentations, panelists addressed questions raised by the Commission. The Marine Transportation System (MTS) Initiative was discussed as a way to establish order, but it was noted that the effort appears to not be moving forward. Admiral Loy responded that had the MTS Report to Congress been submitted in sections rather than as whole document, there may have been identifiable Congressional committees to take responsibility for implementing each particular section. He emphasized that the recommendations in the MTS Report to Congress can be implemented by issue rather than as a single unit. He also commented that managing the MTS is a multiple-party challenge with a need for coordination across organizational lines, across levels of government and between the public and private sectors. Admiral Loy also stated that local versions of the required multi-party coordination mechanism, usually called Harbor Safety Committees, are being established in many areas.

Regarding resource security and enforcement, Admiral Loy noted that the Coast Guard is doing radically less in this area at the present time as a result of the events of September 11th. He stated that the Coast Guard must return to its pre-9/11 maritime law enforcement functions, including drug enforcement and fisheries. The level of activity in these areas may be lower in the future due to urgent Homeland Security demands, but these pre-9/11 functions are also in the national interest.

The Commission discussed how to generate support for an integrated ocean observing system from the entire ocean community, including the conservation organizations. Dr. Colwell noted that such a system is key to learning about the environment and will provide a finely tuned monitoring capability.

On the issue of education, Dr. Colwell commented that oversight of education efforts should be a cooperative effort. Dr. Lindstrom added that he has been leading an effort within the National Oceanographic Partnership Program (NOPP) to establish ocean literacy guidelines.

### **Ocean Business Organizations**

Mr. Red Cavaney, President, American Petroleum Institute  
Dr. Andrew Clark, President, Marine Transportation Society  
Mr. Thomas Fry, President, National Ocean Industries Association

Once panelists had provided their statements, they commented on issues raised by the Commission. Regarding the potential for using methane hydrates as an energy source, Mr. Cavaney noted the extensive technological challenges. He commented, however, that they are a likely future energy source, and are being examined. He continued, stating that this is an area in which the government should be initiating the research efforts, with industry becoming a partner once baseline data and approaches have been established and commercial technology can be put to the best use.

The coastal zone management process was raised by panelists as a serious obstacle to offshore development. The Commissioners asked for comments on how to meet the objective of effective state and local participation, while allowing for development. Mr. Fry commented on the many opportunities for states to review development plans, but noted the need from the industry standpoint for certainty in the decision-making process at the federal level.

On the topic of data collection and sharing of environmental data, including proprietary environmental information, Mr. Cavaney noted that such information is shared, though not in a formalized process. He stated that he will work with a group that addresses this issue to provide more complete information to the Commission. Mr. Kelly commented that there should be an increase in the opportunities for technology exchange from industry to other areas of oceanography.

Regarding the role of industry in developing and implementing an integrated ocean observing capability, Dr. Clark commented that cables abandoned by the telecommunication industry are currently being turned over to an international consortium to be enlisted for scientific research use. Beyond this, he added that within the telecommunications industry there has also begun development and deployment of a network of moored communications buoys, specifically with the intent to collect and transmit oceanographic data back to shore but that a sustainable market for this capability has yet to materialize.

### **Public Statements**

Ms. Suzanne Giles, Water Quality Program Coordinator at the American Oceans Campaign requested that the Commission consider making recommendations for the following: reauthorization of the Coastal Zone Management Act with strong provisions to control polluted runoff; development and enforcement of policies to protect against harmful development; implementation of an effective system of marine protected areas; and development of an ocean budget that describes the many federal ocean-related activities, including funding levels.

David Helvarg, journalist, commentator on Marketplace Radio and author of *Blue Frontier – Saving America’s Living Seas*, commented on the opportunity the Commission has at this time to effect change in ocean policy and the opportunity the nation has to redefine itself through the new frontier of the ocean.

The first day of the meeting was adjourned at 5:20 p.m.

### **WEDNESDAY, NOVEMBER 14, 2001**

#### **Welcome**

The Chair called the meeting to order at 9:00 a.m. with remarks welcoming the Commissioners and the audience.

#### **Fisheries Organizations**

Dr. Ghassan Rassam, Executive Director, American Fisheries Society  
Mr. Michael Nussman, President, American Sportfishing Association  
Mr. Lee Crockett, Executive Director, Marine Fish Conservation Network  
Mr. Richard Gutting, President, National Fisheries Institute

Following their presentations, panelists answered questions from the Commissioners on a number of topics. Panelists were questioned on what “best science available” means as it is used in the Magnuson Fisheries Act and what the Commission can do to emphasize science and better science management in an interdisciplinary, multi-sector fashion. Mr. Crockett commented that the National Marine Fisheries Service has made efforts to involve the fishing industry and Outer Continental Shelf revenues have been made available to work with states. Congress has also provided more funding for stock assessments. He commented that the extent of the problem is profound, noting that 78% of managed stocks that are fished have not been assessed, and advocated a precautionary management approach. Dr. Rassam stated that science changes with time and emphasized the need for more science and research in decision making. He commented that management should strike a balance between science and human needs. Mr. Gutting commented on funding competition in the research community between fisheries biologists and oceanographers and suggested the Commission consider establishing an independent body to address this issue and examine peer review as it is practiced in fisheries management. Dr. Rosenberg cautioned against liberal use of the term “scientific uncertainty,” noting that there is significant knowledge in some areas of fisheries management research.



In response to a question on the benefit to the fishing community of an integrated ocean observing system that could provide information on vessel locations, Mr. Crockett noted that he would advocate such a system because of the difficulty in obtaining such data with current technology.

When discussing what the fishing community proposes as an alternative to the current management structure, Mr. Crockett noted that there are organizations in the community that feel it may be time to establish an ocean agency to include parts of NOAA, the Coast Guard, and MMS. He also commented on the need for an organic act with the purpose of conserving ecosystems. He agreed to provide any available documentation of these suggestions to the Commission.

Regarding the possibility of changing legislation to create a more coordinated effort, Mr. Gutting agreed this would be beneficial, but because each law has an entrenched constituency, he commented that it may be difficult to make any significant change at this time.

Comments were made on aquaculture versus wild stocks, and Mr. Gutting noted his enthusiasm about the enhancement aspect of aquaculture. He noted, however, the difficulty in gaining acceptance within the local community. He also commented on water access issues and the need for a better structure to examine and assess individual areas.

Mr. Gutting informed the Commission that the authoritative source of information on fish stocks is the Committee of Fisheries within the Food and Agriculture Organization of the United Nations. He noted that he believes the trajectory of the stock situation is positive. He also commented that there are tools available in the management process to address overcapitalization and that the community is dealing with this issue.

Several Commissioners requested information be submitted at a later date on a range of topics including a new vision for fisheries management, public education in fisheries, fisheries management solutions implemented in other nations, locating aquaculture activities offshore, involving sport fishers in stock rehabilitation, and the future of aquaculture and fish hatcheries.

### **State/Local Perspectives**

Mr. Kurt Nagle, President and CEO, American Association of Port Authorities

Mr. Tony MacDonald, Executive Director, Coastal States Association

Ms. Sarah Cooksey, Administrator, Delaware Coastal Programs, representing the National Governors Association

Once they had made their formal statements, the panelists made additional comments on issues raised by the Commission. Regarding international models and opportunities in the international community, especially for partnerships, Ms. Cooksey responded that the governors would prefer to utilize existing activities, but with a change of focus. Mr. MacDonald commented that while international issues are not something the states typically address, they do realize the importance

of these issues and have developed a plan in relation to the World Summit on Sustainable Development, also know as “Rio Plus-10.”

When asked about the impact of competition on port development and efforts to broaden cooperation among public ports, Mr. Nagle noted that overall, competition is in the nation’s best interest, stating that it provides choices and increases national security. He commented that there are cooperative programs, and ports authorities in the same area do discuss common issues and projects of concern.

Regarding the need for super ports in the future, Mr. Nagle commented that while his organization is not involved in determining such issues, growth dictates that the port system continue to expand to meet the needs of new ships and increasing commerce.

Comments were made on the use of Outer Continental Shelf revenues for farm conservation. Ms. Cooksey noted her opinion that the governors would support implementation of the best agricultural management practices.

Several Commissioners requested information be submitted at a later date on a range of topics including how to engage inland states in ocean policy; whether the estimates on port infrastructure take into consideration the likely increase in oil imports; and how to improve coastal zone management consistency issues.

### **Federal Agencies**

The Honorable Samuel W. Bodman, Deputy Secretary, Department of Commerce  
Mr. Chris Kearney, Deputy Assistant Secretary for Policy and International Affairs, Department of the Interior  
Dr. Robert Wayland, III, Director, Office of Wetlands, Oceans and Watersheds, Environmental Protection Agency

Following their presentations, the panelists commented on question raised by the Commission. It was noted that integrated programs do not readily translate to integrated budgeting, and Mr. Bodman was asked to comment on how to overcome conflicts and start laying the groundwork for developing an integrated ocean policy. Mr. Bodman encouraged the Commissioners to consider what they ideally want to see accomplished. He suggested that more may be possible than is imagined and noted his opinion that the Commission has an ally in President Bush.

On the issue of NOAA becoming an independent agency, Mr. Bodman noted his opinion that any action the Commission believes will improve the position of the U.S. regarding its oceanographic assets and responsibilities is open for consideration. He commented that if there are benefits to taking such a step, then it should be encouraged. In making its determination, however, he asked the Commission to consider the following: 1) the advantages of NOAA being within the Department of Commerce because of fishing and other commercial activities; 2) the broader set of questions involved that make this more than an oceanographic matter; and 3) whether such an independent agency would be large enough to survive budget in the budget process.

Regarding the impact of terrorism on sharing environmental data and the EPA policy on data sharing, Dr. Wayland replied that there has been some concern, for example with drinking water sources and chemical storage sites. The EPA is currently examining what information is available and how it is available.

On the topic of non-point pollution, Mr. Wayland noted that there are gaps in the mechanisms to address the issue and educate the public. He commented on the Total Maximum Daily Load Program, a new program at EPA to identify non-point pollution sources and provide resources to address this issue.

Dr. Sandifer stated that NOAA has an opportunity to lead the nation in integrating atmospheric information with oceanographic and biological information. He asked that NOAA not only consider the mechanics of accomplishing this but also look into other available resources.

Several Commissioners requested information be submitted at a later date on a range of topics including additional information on Total Maximum Daily Load Program, integration of policies and regulations when determining activities to prevent, use of the National Estuary Program as a model of coordination, and K-12 education programs.

### **Federal Agencies**

RADM Dick West, USN, Oceanographer of the Navy

RADM Mike Lohr, JAGC, USN, Deputy Judge Advocate General and Commander, Naval Legal Service Command

Ambassador Mary Beth West, Deputy Assistant Secretary for Oceans and Fisheries, Department of State

After making their presentations, panelists provided additional comments on issues raised by the Commission. On the issue of science and foreign policy, Ambassador West noted that the Department of State has a new Science Advisor, Dr. Norman P. Neureiter, and recognizes that science-based issues will be increasingly at the forefront of policy issues.

Admiral Watkins noted that the Commission will be voting on a draft resolution urging Congress and the Administration to move quickly on U.S. ratification of the Law of the Sea Convention. Ambassador West noted her opinion that the Commission's statement could be very useful. She added that there is a long-term benefit to the U.S. joining the Convention at any time. Admiral Watkins assured the panelists that the Commission will be sensitive to national security issues throughout the deliberation process.

In response to a question regarding Navy funding for and commitment to basic research, Admiral West stated that he does anticipate funding will continue, with a possible increase.

When asked the status of releasing Navy bathymetric maps to the civilian community, Admiral West replied that requests for this information are reviewed on a case by case basis. He commented that to his knowledge, most requests have been approved to date.

In response to a question regarding freedom of navigation, Admiral Lohr stated that under international law, ships and aircraft enjoy freedom of navigation and overflight while operating beyond the territorial sea, which may extend out to 12 nautical miles. Ships are entitled to operate in innocent passage within the 12 nautical mile territorial sea.

The issue was raised of U.S. delineation of the outer continental shelf in order to claim territory beyond the 200-mile EEZ. Ambassador West noted that the time by which nations that were parties to the Convention in May of 1999 need to file their recommendations with regard to their continental shelves is May of 2009.

Several Commissioners requested information be submitted at a later date on a range of topics including the effectiveness of large, international programs led by the U.S., how the State Department helps other agencies weigh in with the Office of Management and Budget and the Congress in terms of international priorities, how best to involve the U.S. Army Corps of Engineers in the Commission's efforts, and encroachment on military training areas.

### **National Academy of Sciences**

Dr. Bruce Alberts, President, and Chair, National Research Council

Following his formal statement, Dr. Alberts responded to questions from the Commissioners. On the topic of communicating scientific information to Congress, Dr. Alberts noted that funds are not provided to the National Academy of Science (NAS) for the dissemination of information. The NAS reports are intended to provide a platform for discussing issues.

Admiral Watkins requested that NAS review the broad reports it has prepared and determine what actions have been taken as a result of the Academy's recommendations. Dr. Alberts noted the need for a strong Office of Science and Technology Policy (OSTP) that is tied directly to the Office of Management and Budget. He stated that NAS will be working with Dr. John H. Marburger III, Director of OSTP, to raise the profile of science and create a stronger agency. Admiral Watkins stated that he would like the Commissioners to meet with Dr. Alberts, Dr. Marburger and others.

Dr. Ballard recommended that the Commission maintain communication with the NAS Exploration of the Seas project and suggested that social scientists be included on the project's committee. Dr. Morgan Gopnik, Director of the National Research Council's Ocean Studies Board, stated that the project committee shares Dr. Ballard's interest in coordinating efforts.

### **Commission Business**

Working Group Process and Issues:

Dr. Hershman, Dr. Coleman and Dr. Sandifer provided an overview of the potential issues to be addressed by each Working Group (see Appendix 3). Dr. Kitsos described the staff-level

coordination effort to address the Working Group issues. This effort will include three Associate Directors working under the direction of the Executive Director to coordinate activities.

The Commission discussed the focus on issues in the coastal ocean and agreed that there are many issues beyond the exclusive economic zone (EEZ) that need to be considered. It was determined that these issues can be addressed within the existing Working Group structure. A recommendation was made that the Commission also examine issues specific to the Southern Hemisphere, as well as international issues. The Commission agreed that the ultimate goal is to describe a vision for the future that covers all issues, including those outside the EEZ. Dr. Ruckleshaus has prepared the first draft of such a “vision statement,” which will be made available for review by the other Commissioners.

The Commission discussed marine protected areas and agreed that the first priority is to map the extent of the existing areas. A request to the appropriate federal agencies to provide such a map, including a description of uses and restrictions of each area, will be made through the Executive Director and Chair.

Dr. Hershman commented that the Commission needs to address its charge to examine the cost of infrastructure. ADM Watkins suggested the Commission may want to have an advisor for economic issues, infrastructure needs, and other concerns that go beyond pure science matters who could also advise the Working Group on Investment and Development that will be established at a later date.

Meeting Statutory Requirements of Section 3(F)(c) of the Oceans Act of 2000:

The Commission discussed how to address the task put forth in Section 3(F)(c) of the Oceans Act of 2000 (See Appendix 4). Dr. Hershman commented that the Governance Working Group considers the task to be too broad an effort and recommended the Commission focus on reviewing the cumulative effect of ocean-related laws. The Governance Working Group and Executive Director will develop a draft approach for addressing this section of the legislation.

Regional Meetings Plan:

The Commission discussed the draft regional meetings plan (see Appendix 5) and made recommendations for changes and noted potential conflicts. The date for the Northeast regional meeting will be switched with that of the Alaska regional meeting. The Gulf of Mexico regional meeting will be reduced from four to three days, with the major meeting site being New Orleans. The draft plan was approved with the changes noted. The Commission agreed a wrap-up meeting should be held in Washington, D.C. following the last regional meeting, with additional meetings scheduled as needed.

Commissioners expressed interest in meeting as Working Groups independent of the Commission as a whole. It was agreed the regional meetings should be scheduled with some flexibility to allow Working Group meetings or other activities as necessary.

Resolution on the United Nations Convention on the Law of the Sea:

The Commission discussed the draft Resolution on the United Nations Convention of the Law of the Sea (See Appendix 6), noting that while comments were made during the public dialogue on the Administration's support for U.S. ratification of the Convention, no official statement has been released. The Resolution was passed unanimously by voice vote. The Executive Director and Chair will determine how to distribute the Resolution to ensure maximum effectiveness.

Acceptance of Additional Written Statements for the Record:

Written materials from Dr. John Norton Moore, Director of the Center for Oceans Law and Policy at the University of Virginia, and Ms. Suzanne Giles, Water Quality Program Coordinator at the American Oceans Campaign, were accepted for the record.

### **Public Statements**

Ms. Tanya Dobrzynski, Marine Ecosystems Specialist with Oceana, commented on the status of U.S. marine fisheries. She noted the opinion of Oceana that these fisheries are in crisis and discussed potential solutions. She urged the Commission to direct the National Marine Fisheries Service to obtain the necessary information to manage ocean resources in a sustainable manner. She also urged the Commission to recommend that Congress provide the agency with the funds necessary to carry out this task.

Mr. William Chandler from the Marine Conservation Biology Institute discussed Marine Protected Areas (MPA) and urged the Commission to discuss this issue with knowledgeable scientists. He recommended that MPAs be implemented, tested and evaluated in order to demonstrate that they are effective and beneficial to all interests.

Ms. Katlin Antrum, from the Council on Ocean Law, discussed a database of tasks and responsibilities that was presented to the United Nations as the U.S. input to the first meeting of the Commission on Sustainable Development. She commented that the Commission may want to access this database. Dr. Hershman suggested that the Commission request a report on the results of the follow-up meeting, the World Summit on Sustainable Development (Rio Plus-10).

The second day of the meeting was adjourned at 3:40 p.m.

# U.S. COMMISSION ON OCEAN POLICY



## APPENDIX 3

### **Charter of the Science Advisory Panel to the U.S. Commission on Ocean Policy**

**Official Name:** This Panel officially will be designated as the Science Advisory Panel (hereinafter the Panel) to the U.S. Commission on Ocean Policy.

**Background:** The Commission was tasked by the Oceans Act of 2000 (Public Law 106-256) to submit within 18 months after its establishment a final report to Congress and the President that includes its findings and recommendations regarding a coordinated and comprehensive national ocean policy for the United States. The Act also mandates that the Commission, “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.”

**Membership and Function:** The Panel will be composed of a suitable number of members to ensure that pertinent elements of ocean and coastal science are covered. Members will be appointed by the Chair of the Commission to serve for a period not to exceed the statutory term of the Commission. The Panel will be composed of four sub-panels, each consisting of 4-6 members, for the four Commission working groups: 1) Research, Education and Marine Operations; 2) Stewardship; 3) Governance; and 4) Investment and Development. Panel members will be selected and subsequently assigned to a sub-panel based on their expertise in the statutorily required subject matter that the Commission will be addressing through the respective work groups as well as in plenary session. In addition to the Panel members, the Commission may enlist the expertise of others (hereinafter referred to as special task advisors) as needed to assist it with highly specific topics and issues and to assist in the draft review process for the Commission’s report to Congress and to the President. The contributions of these special task advisors will be acknowledged, along with those of Panel members, in the Commission’s report. Because the Oceans Act authorizes the Commission, “to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act....,” Federal employees will not be asked to serve either on the Panel or as special task advisors since their input can be obtained independently pursuant to the above-cited authority.

The Panel will be under the direction of, and report to, the Chair of the Commission. However, sub-panel members are expected to be responsive to the requests for direct assistance from the chairs of the respective working groups. All Panel and sub-panel taskings, however, must be pre-approved by the Chair of the Commission to ensure that Commission priorities are satisfied. Examples of scientific assistance the Panel will provide to the Commission through the Chair and working group chairs are:

1. review materials submitted for Commission consideration—e.g., data, documents, reports— to help ensure, “that the scientific information considered by the Commission is based on the best scientific information available.”
2. help ensure that the Commission meets its mandated charge to, “give equal consideration to environmental, technical feasibility, economic and scientific factors;” and
3. provide advice, guidance and scientific information as requested by the Commission, or on their own initiative, “to assist the Commission in preparing its report.”

Panel members and special task advisors may be asked on occasion to attend Commission or other meetings. Under these circumstances, they will be reimbursed for actual travel expenditures as allowed by Federal law and regulations, but will not be reimbursed for their time.



# U.S. COMMISSION ON OCEAN POLICY



## APPENDIX 4

*Oceans Act of 2000*

Section (3)(F)(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.