

## CHAPTER 4: ENHANCING OCEAN LEADERSHIP AND COORDINATION

*More than thirty years have passed since the Stratton Commission issued its influential report. The time has come to again consider significant improvements to the nation's ocean and coastal governance system—improvements that build upon the Stratton Commission's approach, while acknowledging societal and environmental changes and taking advantage of scientific and technological advances. The U.S. Commission on Ocean Policy believes that an effective, integrated national ocean policy can be achieved through implementation of a new National Ocean Policy Framework. Each of the chapters in Part II focuses on one component of this framework.*

*The components of the new National Ocean Policy Framework are:*

***National Coordination and Leadership.*** Chapter 4 describes the establishment, within the Executive Office of the President, of a National Ocean Council to coordinate and provide high-level attention to ocean policy. The Council would be chaired by an Assistant to the President, with nonfederal input from a Presidential Council of Advisors on Ocean Policy.

***A Regional Approach.*** Chapter 5 focuses on the value of regional leadership and coordination and promotes the voluntary creation of regional ocean councils. These councils, established at the regional level with support from the National Ocean Council, would enhance the ability of federal, state, territorial, tribal, and local governments to respond to issues on a regional basis.

***Improved Governance of Offshore Waters.*** Chapter 6 discusses the need to establish a coordinated offshore management regime for federal waters to avoid and minimize conflicts among ocean users, safeguard human and marine health, and manage the ocean for the maximum long-term benefit of the nation.

***A Strengthened and Streamlined Federal Agency Structure.*** Chapter 7 proposes strengthening, and eventually reorganizing, the federal agency structure for ocean and coastal issues. As the nation's civilian ocean agency, the National Oceanic and Atmospheric Administration (NOAA) should be strengthened and reconfigured to improve the agency's ability to carry out its responsibilities. Subsequently, and where necessary and appropriate, related ocean and coastal programs in other agencies should be consolidated. In the long term, more dramatic changes to the federal agency structure are needed that acknowledge the inextricable connections among the sea, land, and air and all of Earth's living creatures.

## MAKING IMPROVEMENTS AT THE NATIONAL LEVEL

The previous chapters have illustrated many of the compelling reasons for addressing ocean and coastal issues in a new and improved fashion. There is a growing consensus about a number of ocean-related facts:

- the United States controls extensive resources in ocean and coastal areas that serve a wide range of national needs and are held in public trust.
- there are enormous opportunities for ocean science and technology to uncover new sources of energy, food, and drugs, and increase general understanding about the planet.
- serious risks to living marine resources exist, and degraded ocean environments need to be returned to productivity.
- national security requires greater awareness, knowledge, and observation of ocean and coastal areas.
- marine transportation needs to be enhanced to adequately handle growing demands from commerce and recreation.
- improved understanding of the factors influencing global climate change is needed, along with ideas for mitigating any adverse impacts.

Government agencies work on these and many other problems; however, a lack of communication and coordination continues to inhibit effective action.

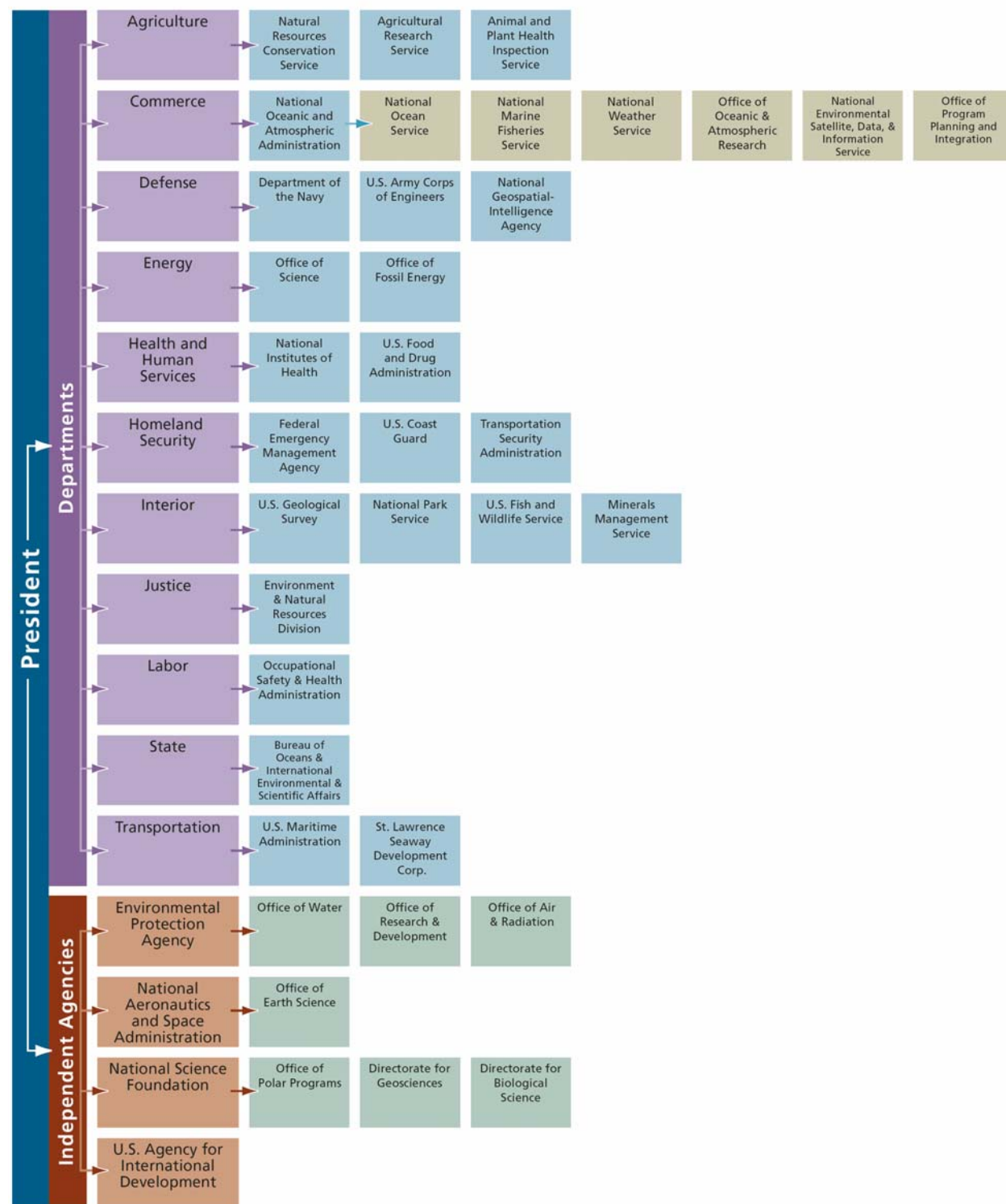
“Ocean issues” include virtually every aspect of the government’s duties, from promoting international commerce to protecting the environment, and from guarding national security to facilitating tourism and recreation. More than half of the fifteen existing cabinet-level departments, plus several independent agencies, play important roles in the development of ocean and coastal policy (Figure 4.1). Many individual programs within these departments and agencies administer specific initiatives that address varying, and sometimes overlapping, ocean and coastal issues. A few additional departments have a more limited role in ocean policy, usually through a single division, such as the U.S. Department of Justice’s Environment and Natural Resources Division.

A first step in enhancing the management of oceans and coasts, and a central part of the new National Ocean Policy Framework, is improving coordination among these many federal programs. A 1997 report by the National Research Council highlighted the need to harmonize ocean activities at the highest levels of government, with the objective of allowing federal agencies and the President to develop and carry out decisions within their authority.<sup>1</sup> The 2003 report of the Pew Oceans Commission, a privately funded initiative, also recognized the need to coordinate federal agency activities and address interagency disputes.<sup>2</sup>

Although a number of attempts have been made to achieve better coordination, none of them is adequate to cover the breadth of issues involved. Some coordinating mechanisms deal with particular topics, such as ocean research, coral reefs, or marine transportation. Other efforts are broader, but still fail to encompass the universe illustrated in Figure 4.1.

Within the Executive Office of the President, three entities have specific responsibilities that involve, to some extent, oceans. The Office of Science and Technology Policy supports the National Science and Technology Council in addressing government-wide science and technology issues. Within this structure, a Joint Subcommittee on Oceans was recently established to coordinate national ocean science and technology policy. The Council on Environmental Quality (CEQ) coordinates broad federal environmental efforts, oversees implementation of the National Environmental Policy Act, and serves as the principal environmental policy advisor to the President. Finally, the National Security Council’s Global Environment Policy Coordinating Committee includes a subcommittee to address international ocean issues.

**Figure 4.1. Ocean Activities are Conducted by Many Federal Agencies and Departments**



The agencies and departments depicted have varying ocean and coastal responsibilities. The number and breadth of organizations demonstrate that—at a minimum—coordination is essential to effectively manage the nation's oceans and coasts.

While these efforts are helpful in their designated areas of interest, they fall far short of a high-level interagency council with the ability to deal with all of the interconnected ocean and coastal challenges facing the nation, including not only science and technology, environmental, and international matters, but the many other economic, social, and technical issues specifically related to the management of marine resources. In effect, the whole of the oceans is greater than the sum of the marine-related parts of existing institutions with their different responsibilities.

In addition to the need for multi-issue coordination, the value and importance of the ocean to American society calls for greater visibility and leadership on ocean issues. Only the Executive Office of the President can move past traditional conflicts among departments and agencies, make recommendations for broad federal agency reorganization, and provide guidance on funding priorities. Thus the Executive Office of the President is the appropriate venue to provide high-level attention and coordination for an integrated national ocean policy.

Although legislative action will be needed to codify the establishment of an ocean leadership body and ensure a national commitment to and long-term stability for ocean issues, immediate presidential action can facilitate an early start to the process.

**Recommendation 4-1. Congress should establish a National Ocean Council and a nonfederal Presidential Council of Advisors on Ocean Policy within the Executive Office of the President to provide enhanced federal leadership and coordination for the ocean and coasts. While Congress works to establish these components in law, the President should begin immediately to implement an integrated national ocean policy by establishing the National Ocean Council and Presidential Council of Advisors on Ocean Policy through an Executive Order, and by appointing an Assistant to the President to chair the Council.**

These recommendations are in line with developing international trends. The United States was a leader at the 2002 World Summit on Sustainable Development, which reiterated support for the principles developed at the 1992 Earth Summit in Rio de Janeiro, including a call for better coordination of environmental policy at the national level.<sup>3</sup> Several nations, including Australia, Brazil, Canada, Korea, and the Netherlands, have initiated strong national-level coordination on ocean and coastal policy.

### **National Ocean Council**

There is important historical precedent for a body such as the National Ocean Council. The Marine Science, Engineering and Resources Council, chaired by the Vice President, was established in 1966 by the same statute that created the Stratton Commission. That council was disbanded in the early 1970s after the National Oceanic and Atmospheric Administration (NOAA) was established. Since then, no interagency body has existed to coordinate multi-agency implementation of an integrated national ocean policy.

The National Ocean Council would oversee all existing and new ocean- and coastal-related interagency mechanisms and coordination efforts. The Council would not have operational duties; rather, it would have responsibility for planning and coordinating, with support from a small staff and committees created to carry out specific functions.

**Recommendation 4-2. The National Ocean Council (NOC) should provide high-level attention to ocean and coastal issues, develop and guide the implementation of appropriate national policies, and coordinate the many federal departments and agencies with ocean and coastal responsibilities.**

The NOC should be:

- *chaired by an Assistant to the President.*
- *composed of cabinet secretaries of departments and directors of independent agencies with relevant ocean- and coastal-related responsibilities. Heads of other relevant executive departments, agencies, commissions, quasi-official agencies and senior White House officials should be invited to attend meetings of the NOC when appropriate.*

The NOC should carry out the following functions:

- *develop broad principles (based on those outlined in Chapter 3) and national goals for governance of the nation's oceans and coasts, and periodically review and revise these goals.*
- *make recommendations to the President on developing and carrying out national ocean policy, including domestic implementation of international ocean agreements.*
- *coordinate and integrate activities of ocean-related federal agencies and provide incentives for meeting national goals.*
- *identify statutory and regulatory redundancies or omissions and develop strategies to resolve conflicts, fill gaps, and address new and emerging ocean issues for national and regional benefits.*
- *guide the effective use of science in ocean policy and ensure the availability of data and information for decision-making at national and regional levels.*
- *develop and support partnerships among government agencies and nongovernmental organizations, the private sector, academia, and the public.*
- *expand education and outreach efforts by federal ocean and coastal agencies.*
- *work with a broad range of nonfederal stakeholders, governmental and nongovernmental, to develop a broad, flexible, and voluntary process for the establishment of regional ocean councils to help advance regional approaches.*
- *periodically assess the state of the nation's oceans and coasts to measure the achievement of national ocean goals.*

While the nation has made great strides in understanding the connections among the ocean, the atmosphere, the Earth, and the rest of the living world, it has been less successful in applying this knowledge to the management of ocean and coastal resources. New ocean and coastal policies should avoid the common practice of managing one activity or one part of an ecosystem without considering the impacts on and influences of other parts, including its human inhabitants. Rather, ocean policies should promote an ecosystem-based management approach, placing human interests and activities squarely within the context of the larger environment.

Moving toward such an approach requires several steps: assessing the ecosystem, including human needs; minimizing any threats and promoting opportunities; monitoring the ecosystem to evaluate progress; and revising management measures as appropriate. As part of the move toward an ecosystem-based management approach, a precautionary approach (described in Chapter 3) should be incorporated into decision-making processes and adopted by the National Ocean Council in developing national standards for ecosystem-based management.

**Recommendation 4-3. The National Ocean Council (NOC) should adopt the principle of ecosystem-based management and assist federal agencies in moving toward an ecosystem-based management approach.**

*As part of this effort, the NOC should:*

- *coordinate the development of procedures for the practical application of the precautionary approach and adaptive management.*
- *ensure that all resource agencies incorporate preservation of marine biodiversity in their management programs and all research agencies support further study of biodiversity.*

## Assistant to the President

One role of the National Ocean Council is to resolve policy disputes and reach consensus among federal departments and agencies. To achieve this, the Council will need to be chaired by a high-level presidential appointee who is not part of any department or agency represented on the Council.

### **Recommendation 4-4. An Assistant to the President should be assigned to provide leadership and support for national ocean and coastal policy.**

*The Assistant to the President should have the following responsibilities:*

- *chair the NOC.*
- *co-chair the Presidential Council of Advisors on Ocean Policy.*
- *lead NOC efforts to coordinate federal agency actions related to oceans and coasts.*
- *make recommendations for federal agency reorganization as needed to improve ocean and coastal management.*
- *resolve interagency policy disputes on ocean and coastal issues.*
- *reach out to state, territorial, tribal, and local stakeholders and promote regional approaches to ocean and coastal management.*
- *consult with the Office of Management and Budget (OMB) director and NOC members to identify programs that contribute significantly to the national policy for oceans and coasts, advise OMB and the agencies on appropriate funding levels for ocean- and coastal-related activities, and prepare a biennial report as mandated by section 5 of the Oceans Act of 2000.*

## Presidential Council of Advisors on Ocean Policy

In 1969, the Stratton Commission recommended establishment of a broadly representative, presidentially-appointed committee of nonfederal individuals to provide continuing advice in the development of a national marine program. In response, in 1971 Congress created the National Advisory Committee on Oceans and Atmosphere (NACOA). NACOA reported to the President and Congress, advised the Secretary of Commerce, and provided analyses, recommendations, annual reports, and special studies on virtually every aspect of ocean policy. NACOA ceased meeting in the late 1980s, due primarily to lack of political support. Nevertheless, the need it fulfilled is more imperative than ever. To adequately represent the full spectrum of national interests, the National Ocean Council and the Assistant to the President will need input from a variety of interested groups and individuals from outside the federal government.

### **Recommendation 4-5. A Presidential Council of Advisors on Ocean Policy, a formal structure for input from nonfederal individuals and organizations, should advise the President on ocean and coastal policy matters.**

*The Presidential Council of Advisors on Ocean Policy should be:*

- *composed of a representative selection of individuals appointed by the President, to include governors of coastal states, other appropriate state, territorial, tribal and local government representatives, and individuals from the private sector, research and education communities, nongovernmental organizations, watersbed organizations and other nonfederal bodies with ocean interests.*
- *comprised of members knowledgeable about and experienced in ocean and coastal issues.*
- *co-chaired by the chair of the National Ocean Council and a nonfederal member.*

## Other Needed Elements

### *Office of Ocean Policy*

Because the National Ocean Council will be responsible for planning and coordination rather than operational duties, and because its cabinet-level members are unlikely to meet more than a few times a year, the support of a small staff and committees will be required to carry out its functions and associated daily activities. It is



important for strong links to be maintained among the National Ocean Council, its committees, other relevant entities in the Executive Office of the President, as well as among other ocean-related advisory councils and commissions. (All the elements of the proposed national coordinating structure are illustrated in Figure 4.2.)

**Recommendation 4-6. Congress should establish an Office of Ocean Policy to support the Assistant to the President, the National Ocean Council (NOC), and the Presidential Council of Advisors on Ocean Policy. To provide staff support immediately, the President should establish an Office of Ocean Policy through the Executive Order creating the NOC and the Presidential Council of Advisors on Ocean Policy.**

*The Office of Ocean Policy should be:*

- *composed of a small staff that reports to the Assistant to the President.*
- *managed by an executive director responsible for daily staff activities.*

### ***Committee on Ocean Science, Education, Technology, and Operations***

A committee under the National Ocean Council will be needed to assume the functions of the current National Ocean Research Leadership Council (NORLC), plus additional responsibilities. The NORLC is an important existing attempt at government coordination in one area. It was established by Congress in 1997 as the decision-making body for the National Oceanographic Partnership Program (NOPP) in an effort to provide coordination and leadership of oceanographic research programs on the national level. In addition to the NORLC, NOPP includes a Program Office, an Ocean Research Advisory Panel, an Interagency Working Group, a Federal Oceanographic Facilities Committee, and an ocean observing office (Ocean.US).

NOPP has had difficulty fulfilling the original vision of the National Oceanographic Partnership Act, due largely to the NORLC's lack of authority to ensure active participation by federal agencies. By placing the NORLC under the National Ocean Council, renaming it as the Committee on Ocean Science, Education, Technology, and Operations (COSETO), and broadening its responsibilities to include coordination, planning, and oversight of operational programs and education activities in addition to research, it will become more visible and more effective.

Because the Office of Science and Technology Policy (OSTP) plays an important role in government-wide science and technology issues, it is logical for OSTP to work closely with the National Ocean Council on these issues. In particular, a strong connection between OSTP and COSETO will be essential for providing coordinated, high-level advice to the President. The tasks of the existing Joint Subcommittee on Oceans under the National Science and Technology Council, which focus on coordination of ocean science and technology issues in the executive branch, would be appropriately subsumed by COSETO.

**Recommendation 4-7. Congress, working with the National Ocean Council (NOC), should amend the National Oceanographic Partnership Act to integrate ocean observing, operations, and education into its marine research mission. A strengthened and enhanced National Ocean Research Leadership Council (NORLC) should be redesignated as the Committee on Ocean Science, Education, Technology, and Operations (COSETO), under the oversight of the NOC.**

*In particular, amendments to the National Oceanographic Partnership Act should specify that the newly-named COSETO:*

- *reports to the NOC.*
- *is chaired by the director of the Office of Science and Technology Policy to ensure appropriate links to government-wide science and technology policy and equity among participating federal agencies.*
- *includes in its mandate coordination and planning of federal marine facilities and operations, federal oversight of the Integrated Ocean Observing System, and coordination of ocean-related education efforts, in addition to its existing research responsibilities.*

- *includes existing NORLC members plus the director of the National Institute of Environmental Health Sciences at the National Institutes of Health, the assistant secretary for Natural Resources and Environment at the Department of Agriculture, and the undersecretary for science at the Smithsonian Institution.*
- *subsumes the current tasks of the National Science and Technology Council's Joint Subcommittee on Oceans.*
- *is supported by the Office of Ocean Policy.*

### ***Committee on Ocean Resource Management***

In addition to COSETO, the National Ocean Council will need an equivalent working committee, the Committee on Ocean Resource Management (CORM), to coordinate federal resource management decisions and policy. In general, interagency coordination ranges from simple exchanges of information on a voluntary ad hoc basis, to legally mandated coordination on specific issues such as climate, marine mammals, or habitat conservation.

Examples of formal coordination mechanisms on ocean issues include the Coral Reef Task Force, the Interagency Committee on the Marine Transportation System, the National Dredging Team, Coastal America, and many others. Other formal coordinating bodies address broader issues with important ocean components, such as the National Invasive Species Council and the Joint Subcommittee on Aquaculture. Many of these institutions are discussed in greater detail elsewhere in this report, and most merit continued support. Indeed, additional task forces may be required to address new and emerging uses, such as the coordination of activities in federal waters. However, no high-level, cross-cutting oversight of these many ocean and coastal issue-specific efforts currently exists, limiting the federal government's consideration of cumulative impacts, conflicting mandates, and an ecosystem-based management approach.

Because of the Council on Environmental Quality's role in environmental and resource management issues, this office, like the Office of Science and Technology Policy, should have a strong connection with the National Ocean Council.

**Recommendation 4-8. The National Ocean Council (NOC) should establish a Committee on Ocean Resource Management to better integrate the resource management activities of ocean-related agencies. This committee should oversee and coordinate the work of existing ocean and coastal interagency groups and less formal efforts, recommend the creation of new topical task forces as needed, and coordinate with government-wide environmental and natural resource efforts that have important ocean components.**

*The Committee on Ocean Resource Management should:*

- *be chaired by the chair of the Council on Environmental Quality to ensure appropriate links to government-wide environmental policy and equity among participating federal agencies.*
- *include undersecretaries and assistant secretaries of departments and agencies that are members of the NOC.*
- *report to the NOC.*
- *be supported by the Office of Ocean Policy.*

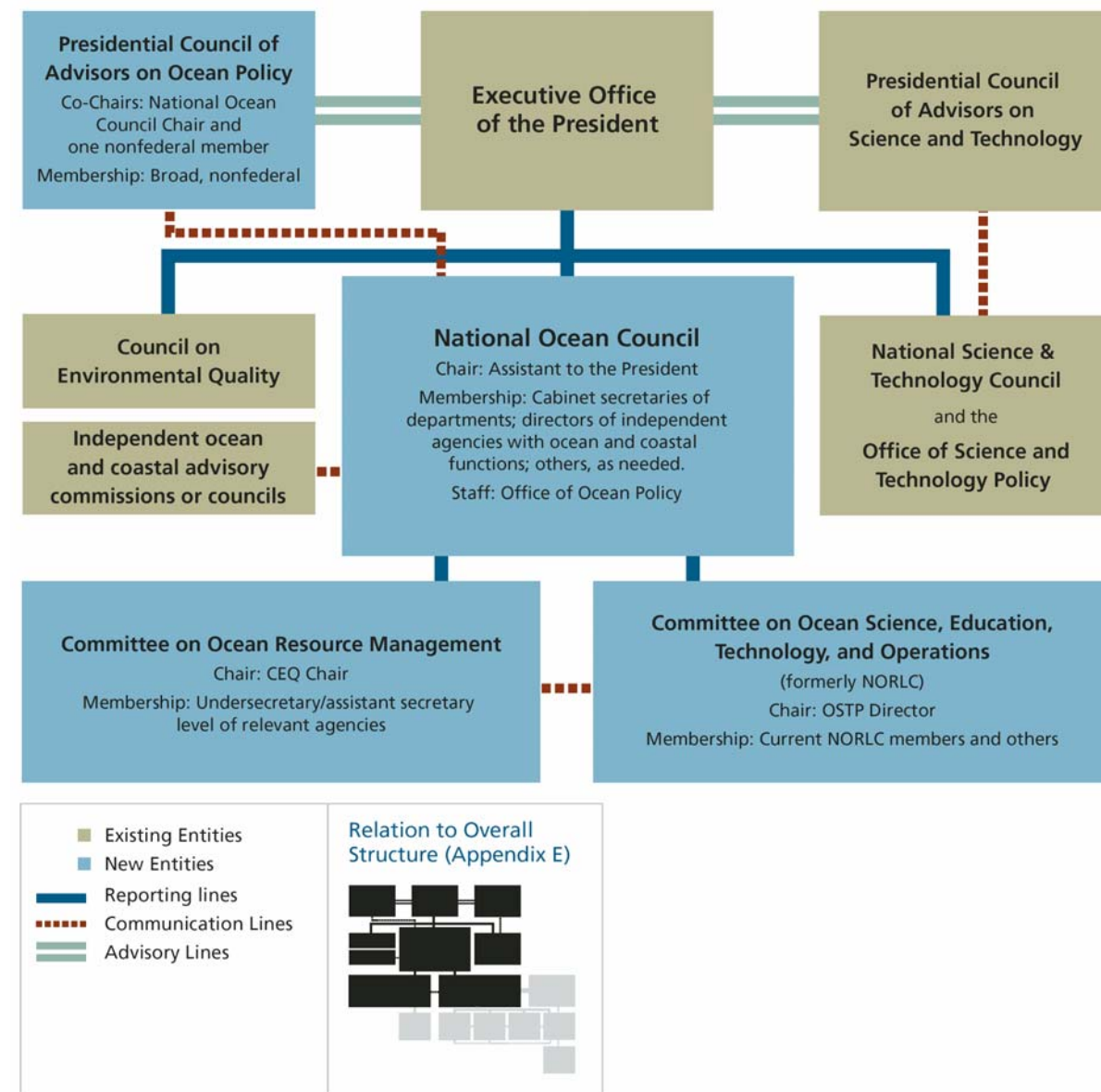
### ***Ocean-related Advisory Councils or Commissions***

In addition to the interagency coordinating groups discussed above, a number of independent ocean-related councils and commissions have been established by law (Appendix D). Some are no longer operational, such as NACOA, while others maintain active roles, like the Marine Mammal Commission. Strong connections will be needed between all existing bodies and the National Ocean Council.



**Recommendation 4-9.** The National Ocean Council (NOC) should review all existing ocean-related councils and commissions and make recommendations about their ongoing utility, reporting structure, and connections with the NOC.

**Figure 4.2. Proposed Structure for the Coordination of Federal Ocean Activities**



Shown here are the institutional components that should be established in the Executive Office of the President (EOP) to improve federal leadership and coordination of the nation's oceans and coasts. This diagram also illustrates the organizational relationship between these new components and existing units in the EOP. The new and existing components located under the Committee on Ocean Science, Education, Technology, and Operations (shown in grey in the inset) are discussed in Chapters 8 and 25.

## MAKING IMPROVEMENTS AT THE REGIONAL LEVEL

In addition to improving coordination at the national level, an important component of the new National Ocean Policy Framework is the strengthening of regional approaches that allow decision makers to address issues across jurisdictional lines. Further discussion about the need for a regional approach and the value of regional ocean councils is presented in Chapter 5.

Although regional ocean councils must be established in a flexible, voluntary, grassroots way by state and local participants, the National Ocean Council can help by providing a mechanism for participants to come together at the regional level. With its broad interests and high-level visibility, the National Ocean Council will be in a good position to facilitate the process of developing regional councils.

**Recommendation 4-10. The National Ocean Council should work with Congress, the Presidential Council of Advisors on Ocean Policy, and state, territorial, tribal, and local leaders, including representatives from the private sector, nongovernmental organizations and academia, to develop a flexible and voluntary process for the creation of regional ocean councils.**

The creation of regional ocean councils will undoubtedly be challenging. Regions vary greatly in their level of coordination, interest, and expertise. For this reason, efforts should be encouraged immediately in regions where readiness and support for a regional approach is already strong. The first councils can then serve as pilot projects, allowing those involved to learn what works in the region, building support to fully implement a regional ocean council, and paving the way for subsequent councils in other regions.

While the process of planning, organizing, and testing regional ocean councils is underway, federal agencies can begin to improve their own regional coordination and provide stronger institutional, technical, and financial support for regional issues. Currently, the activities of federal agencies with ocean and coastal responsibilities often overlap, conflict, or are inconsistent with one another at the regional and state levels. For example, navigation projects, highway development, and other federal infrastructure activities often conflict with environmental protection goals. Several federal agencies oversee habitat protection and restoration programs within the same region, but in isolation from one another. And federal agency regulations and permit requirements are typically applied on a project-by-project basis, without adequate consideration of the cumulative effect of these decisions on ocean and coastal ecosystems. The National Ocean Council's responsibility to examine ocean-related statutory and regulatory redundancies, resolve conflicts, and fill gaps will help clarify and rationalize regulatory guidance within the regions. But structural changes may also be needed.

Several federal agencies already divide their nationwide operations and management responsibilities along regional lines (Figure 4.3). For example, the U.S. Environmental Protection Agency (EPA) has ten regional offices throughout the nation, mapped along state lines. The seven regions of the U.S. Fish and Wildlife Service are also based on state lines, but differ from the states included in EPA's regions. NOAA's National Marine Fisheries Service has six regional offices. And the U.S. Army Corps of Engineers is organized into eight regions defined by the boundaries of watersheds, not state lines. The structures and functions of regional offices also differ among agencies, with some offices possessing more independence and authority than others. In some cases, regional offices have not had strong ties to their agencies' national management, and it is common for the regional office of one agency to operate in isolation from the corresponding regional offices of other agencies. The current structure hinders the ability of federal agencies with ocean- and coastal-related responsibilities to effectively interact on a regional basis with each other and with state, territorial, tribal, and local entities.

**Figure 4.3. Alignment of Federal Regions is Essential for Communication**

Shown above are the existing regional management areas for three federal agencies. Because these areas do not coincide, it is difficult for the agencies to coordinate and communicate over issues of common concern. Furthermore, this lack of coordination impedes their ability to effectively interact with regional, state, territorial, tribal, and local entities on a regional basis.

**Recommendation 4-11. The President, through an Executive Order, should direct federal agencies with ocean- and coastal-related functions to immediately improve their regional coordination, as a precursor to reorganization around common regional boundaries and the eventual establishment of regional ocean councils.**

*As part of this process, federal agencies should:*

- *collaborate with regional, state, territorial, tribal, and local governments and nongovernmental parties.*
- *identify major issues of concern in each region and, where possible, reconcile inconsistencies in agency mandates, regulations, practices, and funding that prevent these issues from being effectively addressed.*
- *identify opportunities for better coordination and communication among agencies, including the possible development of interagency protocols to guide regional decision-making.*
- *coordinate funding and grants to target major issues of concern in each region.*
- *maintain a strong connection with the National Ocean Council and suggest needed administrative or legislative changes to improve federal support of regional issues.*

<sup>1</sup> National Research Council. *Striking a Balance: Improving Stewardship of Marine Areas*. Washington, DC: National Academy Press, 1997.

<sup>2</sup> Pew Oceans Commission. *America's Living Oceans: Charting a Course for Sea Change. A Report to the Nation—Recommendations for a New Ocean Policy*. Washington, DC, 2003.

<sup>3</sup> United Nations. *Report of the World Summit on Sustainable Development*. Johannesburg, South Africa, August 26–September 4, 2002. New York, NY, 2002.

