

Second Generation Coastal Zone Management

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1 Let me ask Mr. Ruckelshaus to provide the
2 second part of his report.

3 SECOND GENERATION COASTAL MANAGEMENT

4 (A slide presentation in progress.)

5 MR. RUCKELSHAUS: In addition to the
6 Governance Working Group spending a lot of time on this
7 how to get the whole process jumpstarted and underscore
8 the support of the administration and the President for
9 some of the changes that we are recommending, it was
10 felt that on the basis of a lot of testimony and
11 evidence that both preceded the existence of this
12 Commission, and, in fact, is embodied in the federal
13 statute that created the Commission and in countless
14 pieces of testimony and appearances before the

15 Commission, both in person and in writing, it was our
16 feeling that some of the problems associated with where
17 the land meets the water were not being adequately
18 addressed under our existing ocean policy.

19 We thought we ought to deal with them. Again,
20 the title of this suggested change can be misleading.
21 It is talking about "Second Generation of Coastal
22 Management." Part of what we have looked at is the

1 effectiveness of the Coastal Zone Management Act and
2 whether, in fact, that Act should be amended or expanded
3 to try to encompass more of the problems that we have
4 found exist at the coastal area, and, in fact, out of
5 the 200-mile limit of the EEZ and determine if we don't
6 need more effective policies to address those problems.

7 While we have called it "Second Generation
8 Coastal Management," it is really broader than that. It
9 is a discussion of goals. We will discuss a little bit
10 the problems that we are trying to address, what we are
11 trying to do, and then regional ocean councils which we
12 are recommending be created, but we have not come to any
13 conclusion yet about precisely what functions those
14 regional ocean councils should perform and how they

15 should do it.

16 Please bear in mind that if the Commission

17 adopts what we have called Phase I and Phase II here

18 under our earlier discussion, that what we are now

19 trying to do is make recommendations as to what the

20 outcome, one outcome of Phase I would be as it relates

21 to the way in which planning and other kinds of

22 activities currently occur on the coast, what the roles

1 of the federal, state, local, and other governments are
2 and how those roles should be examined.

3 That is one of the reasons why we think it is
4 terribly important to engage the people that are
5 currently both administering the programs as it relates
6 to coastal zone management, for instance, and the people
7 that will be affected by any change that takes place in
8 recommending these changes so that we have a body of
9 support behind any legislation that might come from this
10 Phase I.

11 These kinds of activities, these kinds of
12 recommendations we are making now have to be viewed in
13 the context of the previous recommendations as it
14 related to the Phase I development of the statute.

15 As we say in this slide, a second generation
16 of coastal management we think if properly structured
17 could greatly improve many of the problems that have
18 been identified and are associated with the current
19 activities that go on in the coastal area.

20 In addition to the Coastal Zone Management
21 Act, there are at least 10, and probably twice that many
22 statutes, that provide significant responsibilities that

1 in some cases overlap, in some cases duplicate, in some
2 cases advance the efforts that are made under the
3 Coastal Zone Management Act.

4 We have been developing a history of the
5 Coastal Zone Management Act, which will at least in some
6 form be part of our report so that everybody can see
7 exactly what the problems are that we are concerned
8 about, how much progress has been made under that Act
9 and other acts, and what we think can be done with a
10 more effective and efficient process that would include,
11 states, local governments, tribes, citizens, as well as
12 the federal government in developing policies as they
13 relate to the coast.

14 As this slide suggests, we haven't completed

15 our deliberations in this area. We would like
16 additional input from the Commission. Other working
17 groups have assumed that some kind of regional ocean
18 council will be created or be in existence, and have
19 suggested recommendations for functions of a council of
20 that kind.

21 The next slide, please.

22 What we have here are a set of things that we

1 think could be achieved by a set of national goals.
2 These aren't necessarily the goals themselves; these are
3 the kinds of things which goals would seek to achieve.
4 If you think of the second generation, who is it that
5 sets these goals?

6 The Commission can certainly make
7 recommendations as to national goals, and we may well do
8 that. The National Ocean Council which we are
9 suggesting be created could also have recommendation for
10 goals. The statute that might come out of an organic
11 national ocean act would undoubtedly embody goals.

12 So, it is not as though these goals are going
13 to be set in stone forever by any one group, but what we
14 are trying to achieve are if you take these down, these

15 three in order, the first one is the economic benefits

16 associated with the appropriate sustainable development

17 management of the ocean.

18 The third had to do with the necessity of

19 protecting the environmental concerns or environmental

20 amenities that exist in the ocean, and ensure that

21 whatever degradation has taken place now is reversed and

22 that we stop any additional degradation that might take

1 place. Some of this degradation is a result of
2 non-manmade hazards, which obviously we have little
3 control over.

4 However, we have tried and we have had
5 discussions. We have discussed a lot the necessity of
6 ensuring that both economic benefits as well as the
7 environmental impacts of the achievement of those
8 benefits sometimes occur are well understood and taken
9 into account in any development activities that take
10 place.

11 The phrase "sustainable development" is meant
12 to ensure that both the environment and the economy are
13 pursued in ways that are in harmony with one another as
14 opposed to antagonistic, which is the way many people

15 think about them, and, in fact, has often occurred in
16 the past. However, these goals are meant to ensure that
17 those joint aspirations of the American people are
18 better harmonized than they are now.

19 It is also, as that third goal, that third
20 area of achievement suggests, necessary to identify the
21 benefits of the beaches and the oceans in particular
22 where they meet and that we pay attention to sustaining

1 those benefits.

2 The next slide, please.

3 This slide talks about some of the things we

4 are trying to do. It certainly is not exhaustive in the

5 list of what we are trying to accomplish, but, as I

6 mentioned before, protecting and sustaining critical

7 ocean habitat and coastal habitat is clearly an

8 important objective.

9 We have had a number of calls for policy

10 basing recommendations, basing governmental initiatives

11 and regulation on the need to understand ecosystems

12 better and recognize the cumulative impact of some of

13 man's activities on these ecosystems, that it is

14 occasionally irreversible and in most cases if

15 anticipated ahead of time can be avoided.

16 The necessity of what is often called

17 "ecosystem management," we at least at this stage of our

18 deliberations like better the phrase "ecosystem-based

19 management," because it isn't that you are trying to

20 manage the ecosystem. It is that you are trying to

21 understand the manmade effects, the man-induced effects,

22 on these ecosystems and take them into account in making

1 decisions.

2 We need a much better process for developing

3 how science can support public policy, how the research

4 can be organized so that it is both timely and relevant

5 to the decision making, how that all takes place is not

6 being done very well now. In some cases, it is done

7 very well, but certainly not on an extensive and

8 organized basis.

9 There are any number of coastal management

10 programs currently in existence. I already mentioned a

11 number of statutes that relate to the same kind of

12 functions under the Coastal Zone Management Act, and

13 those need to be better coordinated.

14 The development of incentives, of

15 incentive-based approaches to coastal zone management
16 badly needs looking at. We have incentives, that have
17 been in place for decades sometimes, that are contrary
18 to the interests of sustainable development or
19 appropriate harmonization of our environmental and
20 economic goals.

21 We have incentives for the building of roads
22 on federal lands that are contrary, at least in the

1 judgment of some of us, to the interest of not only the
2 environment, but the exploitation of those forests.

3 We have had governmental incentives for years
4 for increasing the capacity of the fishing, commercial
5 fishing, fleet in the country and we now see that in
6 some cases in some fisheries there is overcapacity and
7 the government is being urged to come in and buy out
8 some of that overcapacity that it had earlier
9 subsidized.

10 The need to understand what kind of
11 incentives, both positive as well as the negative
12 incentives associated with regulation and how they can
13 be more effective in dealing with the issues that they
14 are addressing, needs to be better understood.

15 All of this needs to be funded. Whenever the
16 states or local governments get additional assignments
17 from the Federal Government, we have what we call an
18 "unfunded mandate." Those states and local governments
19 will resist doing that unless funds follow. Often,
20 those pleas are entirely appropriate, and it is
21 necessary to see how a lot of the functions that relate
22 to the oceans are better funded.

1 Now, the last slide is on regional councils.
2 Here we are continuing to discuss it. You heard in the
3 earlier discussion questions raised about whether these
4 councils would in any way impinge on the fishery
5 management councils. There are a whole host of issues
6 like that associated with the creation and assignment of
7 responsibilities to a regional council.

8 I think there is a -- I won't say there is a
9 consensus on the Commission, because there isn't, but
10 there is a lot of support for the idea of regional
11 councils performing certain functions. The ones that
12 are listed here where a regional council could be made
13 up of somewhat mirroring the national councils --
14 federal officials, state officials, and a lot of other

15 interests -- that exist in the region that are affected
16 by ocean policy and will be increasingly affected if
17 some of the recommendations aren't carried out, they
18 need representation at the regional level.

19 We have also found that the problems of the
20 ocean do not fit the entire ocean. They differ
21 depending on what region you are in, not just the
22 problems themselves, but the way that the state and

1 other kinds of activities have built up over the years
2 to deal with these ocean problems are different. They
3 take a different approach, depending on what region of
4 the country that you are in.

5 One of the things, one of the assignments,
6 that could be made to these regional councils is how to
7 anticipate problems that are coming and organize better
8 the governmental and other entities that are necessary
9 for addressing those kinds of problems.

10 I can think of one that I am personally
11 familiar with in the Northwest. I apologize to one of
12 my commissioners for mentioning salmon again. I told
13 him I never would.

14 (Laughter.)

15 MR. RUCKELSHAUS: Here was a problem we could
16 see coming for years. There were several levels of
17 government -- federal, state and local -- and several
18 agencies within each level charged with the
19 responsibility for dealing with it. There was very
20 little coordinated activity in anticipation of the
21 listing of these fish. Twenty-seven species out there
22 have now been listed of these salmon as either

1 "endangered" or "threatened."

2 It clearly presents a huge problem for the
3 region, one that was visible years ahead of the listing
4 actually taking place had there been a regional council
5 or even a national council that could have said, "We
6 need to get ourselves organized to deal with this
7 problem effectively, both on behalf of the fish as well
8 as on behalf of the prosperity of the humans that exist
9 in the region that is going to be affected," but that
10 did not happen.

11 Regional councils could assist in identifying
12 those kinds of issues that cut across jurisdictional
13 lines, cut across state, cut across all kinds of lines
14 and try to better organize the address of the government

15 to those sorts of issues. There are existing disputes
16 that have festered for years and haven't been solved.
17 There are sometimes conflicting assignments given to
18 agencies that are left unaddressed unless there is some
19 kind of specific responsibility given to an institution
20 to address those kinds of problems and try to resolve
21 them.

22 The second is there needs to be an assessment

1 of all of the benefits associated with our interaction
2 with the ocean of how those benefits can be accessed
3 without destroying the environment, without destroying
4 the economy of regional communities and see that those
5 benefits are in fact appropriately addressed and
6 accessed so that communities can benefit from them.

7 The last sentence, that is a whole sentence,
8 not only is the sentence complex but so in the problem,
9 it is the sort of assignment to these regional councils
10 that raises the most concern. You heard the one
11 expressed by Ed Rasmuson earlier.

12 If we had a regional council with
13 responsibilities for attempting to do a plan on an
14 ecosystem basis, how would that relate to existing

15 responsibilities that are under the aegis of the states
16 or of the federal government in the form of a fishery
17 management council or some combination of local
18 government states, federal government? How would a
19 regional planning process that tried to take into
20 account some of these broader interests that exist
21 actually function?
22 That is, in fact, one of the reasons why in

1 Phase I of that strawman proposal we suggest there be a
2 period where these kinds of issues can be worked
3 through. The Commission will make some recommendations
4 I expect to at least identify the kinds of issues that
5 need to be addressed and make some recommendations as to
6 options at least to consider, if not to pursue, as to
7 how those issues should be addressed through a regional
8 council apparatus.

9 However, it realistically is going to take a
10 while. We are going to need to involve directly the
11 people who are going to be affected by these changes, if
12 the statutory change necessary to create a regional
13 council and make it work is ever going to be supported
14 broadly enough to have a chance of passing. With that,

15 I will stop and encourage our working group members and
16 others to respond.

17 DR. EHRMANN: We have a number of
18 commissioners who wish to speak. Dr. Sandifer, I think
19 your card was up first.

20 DR. SANDIFER: Thank you, John.

21 Bill, I very much like the goal statements
22 here. I think that is the first step here on this

1 second generation plan, and getting the economic as well
2 as the environmental vitality up front I think is an
3 important statement for this Commission to make. I
4 applaud the work of your working group there.

5 My only comment here is actually something
6 that several of us talked about. I believe Chris Koch
7 raised it in one of the working group discussions
8 earlier. The last of these three goals is an actual
9 mechanism that does not exist today for protection for
10 identifying and protecting critical coastal habitat that
11 is above and beyond sustaining what we have now or
12 restoring, but actually setting aside some critical
13 areas.

14 Bill, if you can mention salmon, I can mention

15 South Carolina and Charleston again. This came up in
16 our very first field hearing in Charleston by the mayor
17 of Charleston, it has come up in the Congress of the
18 United States in the Senate with a bill for protection
19 of certain estuary and coastal properties, and I think
20 it is something that we need to include here
21 specifically within the coastal zone management
22 component.

1 Secondly, at our last meeting we talked quite
2 a bit about ecosystem-based management approaches, and
3 we have a draft definition, if you recall. Again, I am
4 very pleased to see that being incorporated here, at
5 least by reference, as a basis for some of the thinking
6 along to where we want to go, not necessarily where we
7 can get right now, but where we want to go with coastal
8 zone management.

9 At least the Stewardship Working Group, I
10 believe feels equally strongly that an ecosystem-based
11 management approach is essential and watershed-based
12 management approach is essential in long term for
13 coastal zone management, as well as for living marine
14 resource management.

15 My final point has to do with the regional
16 councils, and this is a place where I have very strong
17 agreement with Mr. Rasmuson. We have had only a little
18 bit of discussion in our particular Stewardship Working
19 Group, so I will not pretend to speak for the working
20 group. I think the kinds of things we have at least
21 been having a little bit of discussion about is more of
22 a coordinating and communications mechanism.

1 What we have identified very early on in our
2 discussions with living marine resource management was
3 that the fisheries management folks have no way, a
4 formal mechanism, usually of interacting with the
5 coastal zone management folks and vice versa until there
6 is a problem or a given permit kind of thing. That is
7 an unfortunate situation that you find yourself in.

8 Put it back up.

9 I think I would feel very strongly that a
10 regional ocean council structure should be established.
11 It should be a communications coordinating and funding
12 mechanism that becomes the incentives.

13 It should not supplant the authorities,
14 however, of regional fisheries management council,

15 interstate fisheries management commissions, or any kind
16 of regional body that I hope we will eventually
17 recommend to organize state coastal zone management
18 programs in regions and recommend that they at least
19 work together on a voluntary basis, any regional science
20 structure that we are able to come up with. The
21 recommendation I think will eventually come out of our
22 bodies for better regional organization of the federal

1 agencies.

2 I think those are the kinds of things that we

3 would see as elements of a regional council, and where

4 the utility is that you bring those things that already

5 exist together and have them talk to each other about

6 problems and planning at the regional level and then the

7 implementation is done by the affected body, whether it

8 is a regional fisheries management council or a state

9 coastal zone management program or whatever.

10 This may be an oversight in the sense of

11 planning and communication, but it is not a veto

12 mechanism. If the regional council didn't like

13 something that the fishery management folks did, they

14 simply can't overrule an already existing regional body,

15 if I am making myself clear.

16 That I think is the way most -- at least the

17 little bit of discussion we have had has been, that the

18 communications problem, the coordination problem is the

19 issue, and the lack of funding, particularly in coastal

20 zone management areas for states to actually get

21 together and think on a broader scale than simply

22 permit-by-permit at the local level.

1 If we can get by those kinds of problems and
2 provide a mechanism, a place for these people to come
3 together and talk, I mean representatives not the whole
4 crowd, then the additional cost and the additional
5 bureaucracy is very, very small for the amount of
6 benefit you get by having coastal zone management
7 leaders and fish management leaders actually talking to
8 each other and saying, "This is what we are working on
9 for the next year or the next five years."

10 With that I will stop and ask you to react, if
11 you would.

12 MR. RUCKELSHAUS: Well, for one thing, Paul, I
13 appreciate those remarks. I neglected to mention that
14 if a regional council of this kind ends up being a

15 recommendation of the Commission there are the other two
16 working groups who are in fact going to recommend some,
17 as I understand it some, functions for a regional
18 council to undertake.

19 In our group there was -- well, I can't say
20 there was complete consensus, but there was certainly
21 less dispute over the functions that you are talking
22 about the regional councils should perform. Where you

1 could find existing problems, where the regional council
2 had a convening function, then convene the people that
3 were involved to try to make sure that it was worked
4 through seemed to be a function that most people felt
5 was appropriate for the regional council.

6 As I said earlier in response to Ed Rasmuson,
7 I didn't hear in our group any suggestion that the
8 regional council had the power to overrule the fishery
9 management council or for that matter a lot of existing.
10 Now, there may be disputes that come up that need to be
11 looked into and resolved, and a regional council may
12 facilitate that, but I wouldn't think it would supplant
13 the decision-maker.

14 DR. EHRMANN: Okay. Dr. Muller-Karger?

15 DR. MULLER-KARGER: Thank you. I appreciate
16 the work you are doing, Governance, on this. I think
17 that our issues seem easy compared to yours.

18 (Laughter.)

19 DR. MULLER-KARGER: Just a small comment, but
20 to me very important, on the components of this coastal
21 zone management program, and that is, I would like to
22 see that you have an explicit education program built

1 into this and not assumed or implicitly hidden within
2 one of your bullets.

3 There are some efforts at the national level,
4 for example, models that could be built upon. So, I
5 would like to just recommend that there be an explicit
6 bullet as in education, formal and informal, for
7 whatever coastal zone management program you come up
8 with.

9 Now, also on the second point that I want to
10 make is I also have concerns about these regional
11 councils. I want to make sure that this doesn't create
12 a new federal bureaucracy with a new building a lot of
13 new federal people in a region, which I have seen happen
14 many times.

15 I understand that there is a need for
16 coordination, and this could be incentivized by the
17 Federal Government. However, I think that if we can do
18 this in a way that you encourage the local people to
19 come up with their structures and their own way of
20 organizing themselves to address their problems up the
21 watershed with neighbors, and so on, I think that is to
22 me a lot more useful and visionary than having another

1 structure imposed. As you consider this, I would like
2 to make sure that you take that into account.

3 MR. RUCKELSHAUS: I think your idea about
4 encouraging people particularly in watersheds to take,
5 using collaborative and other kinds of processes to
6 take, their futures into their own hands is a very good
7 one. Maybe these regional councils could be asked to
8 assist in facilitating that process.

9 I didn't hear anybody in our discussion,
10 Frank, suggest a new building for it. Now, the question
11 of how you would staff that, it would have to be staffed
12 in some way, but I don't think that is a big problem.

13 DR. MULLER-KARGER: I think we should build
14 guidelines and disincentives for the Federal Government

15 to do that.

16 MR. RUCKELSHAUS: I think that is a good

17 idea, Frank.

18 (Laughter.)

19 MR. RUCKELSHAUS: One thing this is aimed at

20 doing is overcoming some of the problems associated with

21 bureaucracy. We have these stovepipes that exist for

22 dealing with the problems, and bursting through those

1 stovepipes is very hard to do. If they are sitting
2 around the table, it is harder for them not to sit down
3 and respond to somebody's suggestion that they work
4 through their problems more effectively.

5 DR. MULLER-KARGER: I agree, but that could be
6 part of this national council. Much of this could be
7 housed at the national council level. You don't have to
8 create a new federal bureaucracy at the regional level.

9 MR. RUCKELSHAUS: Yes. The bureaucracy is
10 already at the regional level in the federal government.
11 What we are talking about is trying to make it work more
12 efficiently and effectively. You are right, it could be
13 initiated, the example I gave could have been initiated,
14 from the national level in the case of the fish, or it

15 could have been initiated at the regional level, if
16 these regional councils exist. I don't see that they
17 are necessarily mutually exclusive, but rather
18 supportive of one another.

19 DR. EHRMANN: Okay. Dr. Ballard?

20 DR. BALLARD: I have something somewhat
21 similar, I have a comment and a question. As we said
22 before, the recommendations being made today,

1 particularly the actions of the executive order, are
2 jumpstarting the system. However, we have also
3 acknowledged that we still have a fair amount of
4 deliberation to do on potential reorganizations,
5 restructuring, consolidating, et cetera.

6 I am hoping that the actions that we have yet
7 to take will assist greatly in eliminating some of the
8 problems that we are now thinking the regional council
9 will be addressing because of these structural
10 stovepipes and issues.

11 I hope that since we are not going to pass on
12 any of this until we see the whole thing that it will be
13 interesting to see as we move into the
14 restructuring/reorganization dialogue to see where our

15 thoughts are after that process is over.

16 I am hoping that instead of trying to, you

17 know, compensate for a bad swing, correct the swing. I

18 am hoping that the reorganization effort may actually

19 solve some of these problems that we are now trying to

20 build a structure to compensate for them. That is my

21 comment.

22 I had a very simple question. On your

1 possible second generation coastal zone management
2 components you state, and I just want to better
3 understand what you had in mind when you wrote this,
4 "Protect natural areas and people and property against
5 sea level rise." What were you thinking? I mean, that
6 is a pretty awesome force to be dealing with. What did
7 you mean by that?

8 MR. RUCKELSHAUS: Well, we are very much
9 opposed to sea level rise.

10 (Laughter.)

11 DR. BALLARD: Yes. I can understand other
12 aspects of that sentence, but that one really stands out
13 as the guy with the dike and his finger in it, you know.

14 MR. RUCKELSHAUS: We have taken no position on

15 the tides.

16 (Laughter.)

17 CHAIRMAN WATKINS: Just blame it on the staff.

18 (Laughter.)

19 DR. BALLARD: I hope that we aren't just

20 setting up an agency to compensate for sea level rise by

21 putting dams and dikes around everything.

22 MR. RUCKELSHAUS: Well, now, we can call it

1 the "Department of Sea Level Rise."

2 DR. HERSHMAN: If I could comment, I think the
3 intent, although it could be worded better, is to deal
4 with the effects of sea level rise and try to reduce the
5 impacts. There are all sorts of activities attempted in
6 that regard, both construction standards, setbacks, and
7 using natural resources as barriers.

8 (Simultaneous discussion.)

9 MR. RUCKELSHAUS: You might wordsmith that a
10 little.

11 DR. HERSHMAN: You know, all of those things I
12 think were intended.

13 DR. BALLARD: All right.

14 DR. HERSHMAN: You have to read between the

15 lines.

16 MR. RUCKELSHAUS: Let me try to respond to

17 your first observation, too, because I think it was an

18 important one. As I mentioned at the outset, certainly

19 the proposal of any of these councils, whether national

20 or regional, are not meant to solve all problems.

21 If we come up with some suggested

22 reorganization and consolidation, it could remove some

1 of these stovepipes and make it easier to solve them
2 without using this kind of mechanism. In the first
3 place, that takes statutory change if you move outside,
4 and so that takes some time. These could be temporary
5 institutions.

6 DR. BALLARD: Yes. I am just concerned that I
7 have never seen the government create something that was
8 temporary.

9 MR. RUCKELSHAUS: Well, we used to have these
10 regional councils in the past and they have just
11 withered away, not because they aren't needed, at least
12 in my judgment, but because they weren't given a very
13 clear assignment. They didn't work very well.
14 Now let me also caution all of us to remember

15 that just because we reorganize the government, we move
16 the boxes around, that doesn't mean that you are not
17 going to have disputes within those departments. I
18 offer the Interior Department as a case in point, and
19 an tempted to rest my case.

20 (Laughter.)

21 MR. RUCKELSHAUS: You have got within that
22 department very strong existing bureaucracies that have

1 a difficult time in coordinating what they are doing.
2 Some mechanism like this to ensure that the government
3 functions more effectively, not increases the
4 bureaucracy, quite the contrary, overcomes some of the
5 kinds of instincts that bureaucracy have historically
6 evidenced. You just need some kind of mechanism to
7 break through that resistance.

8 DR. EHRMANN: Admiral Gaffney?

9 ADMIRAL GAFFNEY: Thank you, Mr. Chairman.

10 Other than the sea level rise prevention
11 program, these principles for better living sound like
12 some things that almost everybody agrees with. I was
13 wondering if there is an action to get these principles
14 off the ground that you proposed.

15 For example, would you assign this to the NOC

16 to do to ensure, protect, sustain, et cetera? Or, are

17 you proposing actually including these in a rewrite of

18 the Coastal Zone Management Act? The word "Act" is not

19 in here anyplace. I assume it is the former and not the

20 later?

21 MR. RUCKELSHAUS: I think that is a fair

22 question for discussion. Should this Commission try to

1 establish some goals just to guide the implementation of
2 our recommendations? We have established a set of
3 principles. We haven't finalized that or anything else,
4 but we have put forth a set of principles.

5 We could put forth a set of suggested goals,
6 we could suggest that the National Ocean Council do
7 that, or we could suggest that they develop it as part
8 of a national ocean act, just as you suggested. I think
9 it is an open question.

10 ADMIRAL GAFFNEY: You haven't made that --
11 implicitness is not a recommendation to do any of those?
12 You would like ideas on that?

13 MR. RUCKELSHAUS: No. I think what we have
14 said in that slide was that the goals to be recommended

15 by the Commission, now they don't have to be recommended

16 by the Commission, should achieve the following. So,

17 these are things that we are trying to achieve by goals

18 that may or may not be issued by the Commission, or we

19 may recommend that they be developed by somebody else.

20 There is sentiment on the Commission for us to establish

21 some goals, but I don't think we have resolved that

22 question yet.

1 ADMIRAL GAFFNEY: Okay.

2 DR. EHRMANN: Okay. Commissioner Koch?

3 MR. KOCH: Thank you. The more I think about

4 this I think the title of what we are talking about here

5 kind of reflects some of the confusion that I see, which

6 is second generation coastal management. I think in our

7 discussions and in my own mind we mix up a lot of things

8 in this same discussion, and they are not the same.

9 We are talking about coastal zone management,

10 we talk about ocean governance, we talk about ecosystem

11 management, and we talk about watershed management.

12 They all get blended in, in a way that we are struggling

13 to come up with some sort of clear way to move forward.

14 It is extremely difficult, and my own view is that we

15 haven't really gotten there.

16 On the second slide, we talk about, "Establish

17 a new set of measurable national goals needed to guide

18 coastal management." I think that is a very correct

19 statement. We haven't been able to do that at this

20 point. The principles we have listed are certainly not

21 new principles. These are basically, with the exception

22 as Bob pointed out of preventing sea level rise,

1 embraced in the existing law. They are not new goals,
2 they are not new principles, and they certainly aren't
3 measurable in any sort of a way that I think people
4 could agree on.

5 What we have found in our discussions I think,
6 and I think there is some consensus, is there is a
7 concern about the effect of population migration along
8 the coast. It is demonstrable. It obviously has an
9 effect on the coast and on the environment. We have
10 also clearly identified non-point pollution as an issue.

11 However, wrestling with those general issues,
12 we haven't related how the existing system, if these are
13 problems, what in the existing system that is defective
14 has caused it? Is it a defect? Is there anything we

15 can do about it that would be effective from a systemic

16 basis in the first place?

17 I think when we are dealing with this we are

18 kind of all over the map. The reason I think we need to

19 be concerned about that, frankly, is the "management"

20 word. It seems to me that, as Paul Sandifer was

21 discussing, if what we are considering here is something

22 where we are coordinating communications, we are trying

1 to coordinate management, have common discussions so
2 that when there is something in fisheries it affects
3 coastal zone and vice versa and people are communicating
4 more effectively than they are today, I think it is a
5 worthy goal. I think everybody sees that and everybody
6 would understand that.

7 I think when we try to migrate into discussing
8 a new regulatory regime and a management regime, I think
9 there is an absolute importance on us to be very clear
10 about what we are talking about and what we may be
11 proposing.

12 I don't think this is something that we can
13 keep in this general set of terms and simply throw to
14 the Congress or throw to the National Ocean Commission

15 or council we are talking about without ourselves

16 providing the kind of guidance or at least a much more

17 sophisticated level of guidance than we have got to.

18 In terms of my own view on this thing, there

19 is a lot of confusion including the roles of the states.

20 When we talk about establishing a more coordinated

21 system of coastal management programs, I mean, the

22 system today is based on state-by-state coastal zone

1 management programs. We haven't wrestled really very
2 well with are we talking about supplementing that or
3 supplanting that? What does all of that mean?

4 Then, when we get to regional councils,
5 regional councils are used and the input we have gotten
6 from the public and a lot of different contexts I think
7 the majority of the time as ocean governance councils.

8 It is not clear that we have defined are we talking
9 about -- and we have had the discussions, but I don't
10 think we have reached a conclusion -- is it ocean
11 governance we are talking about? Is it coastal and
12 ocean? Is it watershed, the whole ecosystem type
13 management program we are talking about?

14 My own personal view is I am very comfortable

15 with this concept of regional councils in the context of
16 using them as an ad hoc regional problem solving
17 exercise, where there is a clear problem in a region and
18 people want to come up with a solution. They want to
19 cut across stovepipes and solve something, that they can
20 be used in that context. I mean, I see that there is
21 merit to that and how that could be developed.

22 To suggest we are at a point yet where we know

1 that these would be things that should be created for
2 management purposes, I still have a number of concerns
3 and think we will really need to in a relatively short
4 period of time do an immense amount of work to see if we
5 can come up with something that would be able to
6 generate consensus because I think it is a huge, huge
7 challenge, and we need to be very careful here.

8 DR. EHRMANN: Okay. Thank you.

9 Dr. Rosenberg?

10 DR. ROSENBERG: Thank you, Mr. Chairman.

11 This is an interesting discussion. I am still
12 trying to recover from your saying the word "fish" and
13 waving vaguely in my direction.

14 (Laughter.)

15 DR. ROSENBERG: I do think that this is a
16 critically important area, I think, particularly with
17 regard to regional councils. It seems to me that second
18 generation coastal zone management or coastal management
19 in some sense follows from the creation of a system to
20 do ecosystem-based management. Understanding that I
21 don't think we have the capability to immediately do all
22 aspects of ecosystem-based management, but that we need

1 to move in that direction.

2 We have talked about it a lot. We have
3 included definitions of it in various ways, and here is
4 a lot of international and national work on it including
5 National Academy work, and I don't think that we can
6 duck the issue of ecosystem-based management nor do I
7 think we should. I firmly believe that we should be
8 doing ecosystem-based management.

9 I think to do that, in fact to do almost
10 anything, regional councils are essential. The reason I
11 think that is because most things happen at the regional
12 level, and creating a national council is all well and
13 good, but it is not going to be implemented unless you
14 have a structure in the region to carry forward any

15 coordination you do at a national level.

16 The reason they need to be regional and the

17 reason I think that if you are really going to talk

18 about a second generation of coastal management and you

19 need to think regionally is because ecosystems are

20 regional. They are not defined by the current political

21 boundaries, and so you need to think of many problems on

22 a regional basis.

1 That doesn't mean that every problem is solved
2 by a regional body, but it can be informed by a regional
3 body, however you define those regions, and I think they
4 should be defined at least generally along ecosystem
5 lines.

6 I am a little bit concerned in the discussion
7 that we are talking about regional councils. We are
8 saying, "Well, they can be communicating, but they are
9 not going to be regulatory." I happen to agree with
10 that. I think they are policy councils, not regulatory
11 councils.

12 We don't want them to have a building, we
13 don't want any structure, and we certainly don't want
14 them to tell anybody what to do. So, we really think we

15 ought to have them, we just don't want them to do

16 anything.

17 (Laughter.)

18 DR. ROSENBERG: That makes me uncomfortable.

19 Clearly, we do want them to do something. I think what

20 we want them to do is carry forward planning and problem

21 solving across issues and across entities, governmental

22 entities or non-governmental entities for that matter,

1 that are involved in a particular problem. That doesn't
2 mean that they do the regulation for fisheries
3 management.

4 It doesn't mean that they do the regulation
5 for other coastal zone management, but if you don't have
6 some coherent plan in context, then I don't really see
7 how you would imagine that you are going to make a
8 significant change in the impacts across sectors of
9 those regulatory actions.

10 It has to be a little bit more than a
11 communication forum; it does have to have a planning
12 function in my view. We have identified a number of
13 issues where there are problems to be addressed, and I
14 think it is more than a lot of people moving to the

15 coast or non-point source pollution.

16 Those are not solely the only impacts on

17 habit, they are not the only impacts on protected

18 species, they are not the only impacts on harvested

19 species, they are not the only impacts on living

20 resources, and so on.

21 So, we have stated earlier in our Commission

22 discussions the importance of coastal management and

1 coastal development and the importance of marine
2 fisheries planning. Frankly, in the list of things such
3 as pollution and coastal zone management, even though we
4 point at a lot of problems in marine fisheries, it is
5 far more successful than most of those because it has a
6 regional council structure. For all of its warts, it
7 does work in some areas.

8 I do think we have coastal management, marine
9 fisheries planning, pollution reduction planning,
10 non-point source and point source, non-living resource
11 planning -- we have a structure there that currently
12 exists but is not terribly well integrated with other
13 structures -- conservation planning, which goes to
14 Paul Sandifer's point about protecting areas or sort of

15 the equivalent of open space and science and research

16 planning, that none of those functions are fully carried

17 out on a regional basis or an ecosystem basis now.

18 I do think we have to say what we are going to

19 do, I think Paul Gaffney raised this, if we are going to

20 either imply that we are going to move towards

21 ecosystem-based management or create regional councils

22 or, for that matter, create a national council. A

1 national council can wave its hands around and make all
2 sorts of national policy. I think as you all know the
3 center of the universe is not Washington, D.C., it is
4 New England.

5 (Laughter.)

6 DR. ROSENBERG: That doesn't imply that there
7 is a veto and that doesn't imply these councils are
8 regulatory, but they have to be serving a planning
9 function.

10 Finally, I don't think you actually mentioned
11 it or maybe I missed it in the description of the slide
12 but there is that sort of tag line that says "Pilot
13 programs, as appropriate." I think that merits some
14 attention, because I do think it is a very important

15 idea.

16 You would not expect in every region that a

17 start towards ecosystem-based management would work in

18 the same way, would address the same set of issues or

19 would take the same approach. There may be lots of

20 different ways to begin to move in that direction, and

21 the best way to do that is to allow people that

22 flexibility as opposed to giving them a set of

1 guidelines that say, "Go out and do all of these
2 things."

3 I think that carrying forward that idea of
4 pilot programs, which I think came from the regional
5 workshop that Biliana chaired, is quite
6 important in figuring out how we make a start at doing
7 some new things in a policy framework.

8 I guess, finally, I would suggest that we
9 think hard about the names of these entities. I mean,
10 is it a national ocean council or is it a national ocean
11 policy council? Is it a regional ocean governance body,
12 or is it a regional ocean policy body? Those are
13 different things. I would suggest the later. It is
14 policy that we are talking about, policy and planning,

15 if you like. That is more useful to get away from the
16 sense that we are going to create a regulatory
17 structure.

18 Thank you.

19 MR. RUCKELSHAUS: I apologize for not
20 addressing the pilot program as appropriate. In fact, I
21 was the one that said this had to be put on this slide,
22 and then I was reading from these hard copies and it

1 isn't on there. So, it is not the staff's fault, it is

2 my fault.

3 DR. ROSENBERG: I assumed that.

4 MR. RUCKELSHAUS: Boy, was that hard to say.

5 (Laughter.)

6 DR. EHRMANN: Dr. Hershman?

7 DR. HERSHMAN: I would like to just add a

8 couple of points to the discussion. I think the second

9 generation coastal management and the Coastal Zone

10 Management Act and the programs it has spawned are

11 sometimes seen synonymously.

12 I think the intent here is that we are using

13 coastal management with a small "c" and a small "m" to

14 refer to a wide grouping of activities and programs

15 primarily operating at the state and local level that

16 all address aspects of coastal management.

17 The second generation at least, in my view and

18 more discussion is needed here, is to somehow see that

19 more holistically. In other words, there are a

20 variety of players already working at habitat

21 protection; at water quality; at shoreline management,

22 shoreline protection; at hazards who operate at the

1 state and local level, but they are very, very numerous.

2 I know in my own area the degree of communication

3 between them is very weak.

4 At least in this one commissioner's mind, a

5 very important role that the regional councils might

6 play would be to find the incentives and to come up with

7 the models for cleaner implementation -- I'm sorry,

8 integration amongst these variety of players much of

9 which might occur through the policy directions at the

10 regional level of federal agencies combined with state

11 law and state actions under their own powers.

12 I think that, at least in my view, second

13 generation coastal management can be an upgrading and

14 greater integration of the numerous players out there

15 now of which coastal zone management programs are one.

16 I just wanted to add that to the discussion.

17 The second point, which I think is worth

18 mentioning, is the regional councils, much of our

19 discussion now I perceive as looking more inland towards

20 the coastal zone area for the councils, but a very, very

21 important function and one which I think is essential to

22 what this Commission was set to do is to look seaward.

1 We have the zone, the ocean zone, which
2 includes both state area between zero and three, the
3 territorial sea that is not state-owned, from three to
4 12, from 12 to 200 called the "Exclusive Economic Zone."
5 If we are looking 20 to 30 years, as our charge is, then
6 we should be asking, How is this broad area of public
7 land and public area that we are responsible for to be
8 managed out into the future?
9 It seems to me that this both looking at
10 prospective uses, at the coordination of uses that are
11 going on out there now, at the conservation goals, the
12 development goals, and that we should be thinking much
13 more proactively about a planning process for looking at
14 ocean regions, again thinking "blue water" at this time.

15 This is not to exclude the role, the very
16 important role, they can play with regard to improving
17 coordination and providing incentives to improve the way
18 we look at ecosystems and shoreline and estuaries and
19 all of that, but very important in my mind is to think
20 about the ocean area in general and how it is going to
21 be used.

22 There are many important new uses that are

1 being discussed now, lots of opportunity there. It is
2 an exciting area. I would think the regional councils
3 can have a very important role to play in that.

4 Thank you.

5 DR. EHRMANN: Thank you.

6 Commissioner Borrone?

7 MRS. BORRONE: Thank you. I think my three
8 colleagues members of the Governance Committee just gave
9 very good insights into the way we have been thinking
10 and some of the debate that still has to take place.

11 I think I would like to add one other piece,
12 and that is sort of in direct response to what Frank
13 asked early on about flexibility and the structure of
14 regional councils. I for myself think that the councils

15 need to be primarily, but not exclusively, the federal
16 agencies and the state agencies and regional agencies
17 that play in those sectors.

18 However, as I have experienced in our own
19 region in New York/New Jersey, we used task forces set
20 up by the regional council structure to address specific
21 areas of more intensive focus. I think there is the
22 ability to be flexible and to be more virtual than

1 physical in terms of what we expect the councils to look
2 like. They will change in terms of their memberships or
3 perhaps even their participation from the same members,
4 depending on the issues.

5 I also think it is very important, and we have
6 talked about this in our workgroup, that we understand
7 that we are trying to bridge between existing
8 institutions and policies and programs and do the
9 planning and preparation for future institutions and the
10 arrangements of those institutions that we are going to
11 need.

12 For example, there are metropolitan planning
13 organizations now in existence in all of our regions or
14 perhaps tribal structures or territorial structures that

15 I don't want to say do a good job in interfacing, but

16 don't necessarily because of their statutory authorities

17 see the linkages.

18 Our need is to get the council to be able to

19 bring the metropolitan planning organizations and the

20 agencies into a new dialogue, so that we are

21 understanding an ecosystem-based management concept, and

22 we begin to see where transportation planners and

1 decision makers can better appreciate, for example, what
2 the effect of decisions they may be making will have on
3 the marine system.

4 I think we are all working through the
5 evolution of how we see the council, but I do think it
6 has got to put the conceptual role of really bringing
7 the focus on ecosystem-based management to a clearer
8 resolution.

9 MR. RUCKELSHAUS: John, let me just mention,
10 you have heard from four of our working group members,
11 Governance, and as I indicated at the outset, we have
12 not yet come to closure on exactly what we think these
13 regional councils should do.

14 I actually think we are closer than we often

15 think we are on what these council -- how they should be
16 made up and what they should do. I would only finally
17 say in the current set of recommendations that we have
18 made our Commission is recommending to the Congress and
19 to the President how we envision these regional councils
20 being structured and what we think they ought to do.

21 Phase I of this process is, in fact, necessary
22 to go through in order to develop a statute and a

1 constituency that would create these councils. So, we
2 are really recommending to the people that are going to
3 put the statute together exactly how they should think
4 about these councils.

5 It gives us flexibility, and at the same time
6 it seems to me it may be unfortunate for us not to share
7 with them the variety of views, the richness of views we
8 have, rather than in this particular case try to drive
9 it to some consensus; it turns out to be a little
10 artificial. At least that is one way we need to think
11 about it, I think.

12 DR. EHRMANN: Just a couple of summary
13 thoughts, and I will turn to the Chairman to close this
14 session. I won't again, as Mr. Ruckelshaus has said, go

15 through and elaborate on all of the comments that were

16 made, but I think a couple of cross-cutting themes.

17 First, that in this whole area of "second

18 generation," as it is being called right now as a

19 working title, I think the Commission clearly is

20 interested in making sure both the environmental and the

21 economic aspects of the coastal zone, speaking broadly,

22 are taken into account in the recommendations that they

1 are making. I think you see that reflected in the
2 tentative initial goal statements that were made, as
3 well as some of the other comments.

4 Clearly, there is a range of viewpoints
5 and important inputs to be blended together as it
6 relates to the notion of regional councils and how that
7 part of the process would work. However, as
8 Mr. Ruckelshaus just said, there is certainly both from
9 this working group as you will hear and from other
10 working groups, if you are in these public sessions, a
11 number of issues that all of the working groups have
12 seen the potential for regional councils to be able to
13 help implement.

14 How that should be done, how does it relate to

15 existing authorities, et cetera, et cetera, as you have
16 heard in this discussion, there are still a number of
17 issues that need to be worked through. Clearly, the
18 commissioners are making progress in terms of thinking
19 through the implications of this kind of structure, if
20 indeed they are going to recommend this kind of
21 structure.

22 There is obviously I think a strong desire to

1 find the right balance, if you will, relative to the
2 kinds of planning functions, but I think clear
3 statements from a number of commissioners, this is not
4 intended to supplant existing authorities.
5 This is not intended to be some kind of
6 super-regulatory structure; there are ranges of views. I
7 think that is not the intent based on the comments I
8 think we heard from a number of people. Yet, obviously,
9 there is a desire if they are going to recommend
10 something like a regional council to be clear about what
11 it is going to do, why it is going to do it, and how
12 that ties back to trying to address some issues that
13 have been identified through the hearings that the
14 Commission has held.

15 That work is obviously still ongoing, and you
16 will be hearing more, from the members of the public
17 hearing more, about this concept as it gets further
18 fleshed out. With that, let me turn to Admrial Watkins
19 to close this session.

20 CHAIRMAN WATKINS: Well, I take it now, and I
21 will address my comments to both the acting chair of the
22 Research Group and to the Stewardship Group, that I

1 sense this whole last two hours that you are satisfied
2 at this point that these are useful tools for your
3 working groups and our staff to move their
4 recommendations into some kind of a placeholder that is
5 essential for us to begin to write our papers in a
6 cohesive way.

7 We are doing it incrementally and we haven't
8 come all together yet with all of the issues. I want to
9 get a nod from you two that you are satisfied that we
10 have got a useful device here and we can use at this
11 point these names, these titles, these places, these
12 concepts to place your recommendation.

13 DR. BALLARD: Yes, we have begun that process.

14 CHAIRMAN WATKINS: With that, I think, Bill, I

15 commend your group. I think you have done a noble job
16 here. These two hours have been extremely important,
17 and they lay the groundwork for our future. I know that
18 they are going to get considerable debate from everybody
19 else that is interested in what we are doing, and that
20 is a large number across the nation.

21 It is a great step forward. We appreciate
22 that, and we appreciate your willingness to be flexible

1 as this thing evolves to perhaps another structure that
2 might come out of it, but this is a great start. Thanks
3 very much.

4 Without any further comment from anybody, we
5 will take a break for 15 minutes, and be back here at
6 11:00 for commencement of the Research Group.

7 (Whereupon, from 10:45 a.m. to 11:05 a.m., a
8 recess was taken.)