

The U.S. Commission on Ocean Policy and the White House Ocean Action Plan

An Update

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One year ago several of us summarized¹ in *Oceanography* the major themes and recommendations of the U.S. Commission on Ocean Policy (USCOP), based on the Preliminary Report issued April 20, 2004. The Final Report² was issued on September 20, 2004, triggering the 90-day (legislatively mandated) response window for the White House. On December 17, 2004, the White House issued Presidential Executive Order 13366³, which established a cabinet-level Committee on Ocean Policy (COP), and issued the U.S. Ocean Action Plan (OAP)⁴.

This update looks briefly at the differences between the USCOP Preliminary Report and Final Report and

- summarizes the content of the OAP and provides a simple mapping be-

tween the chapters of the USCOP Final Report and the major elements of the OAP;

- describes activities since the OAP was issued; and
- suggests some areas of interest and concern and why you should care.

Note that some of this update is incomplete because some of the activities going on within the OAP structure are not yet public.

PRELIMINARY AND FINAL REPORTS OF THE USCOP

The structure and much of the substantive content of the Final Report are unchanged from the Preliminary Report, although there have been many technical edits and revisions for clarity. There are still over 500 pages covering nine major topics distributed in 30 chapters; the recommendations have grown from 192 in the Preliminary Report to 212 in the Final Report; there are now seven appendices instead of five in the main report; and

there are now seven additional appendices printed in separate volumes. One clearly substantive change is attention to the concerns expressed by the State Governors during their review of the Preliminary Report. These concerns translate into an emphasis on regional approaches described in Chapter 5 of the Final Report. The good news is the whole thing is available on the web² or as a CD-ROM.

The 20 new recommendations (motivated by the extensive reviews of the Preliminary Report) show up mainly as some additions to Chapter 5 (Advancing a Regional Approach), Chapter 8 (Promoting Lifelong Ocean Education), Chapter 12 (Managing Sediments and Shorelines), Chapter 20 (Protecting Marine Mammals and Endangered Marine Species), and Chapter 25 (Creating a National Strategy for Increasing Scientific Knowledge). A few of the original recommendations were rewritten, merged, divided up, or otherwise changed for improved focus and clarity.

Author's Note: *These comments are my personal views, and are not necessarily those of any federal agency or other person. I accept full responsibility for any inaccuracies or breaches of protocol, although neither is intended! I appreciate the input received from colleagues in the preparation of this update. Any correspondence should be addressed to the Editor, Ellen Kappel, at ekappel@geo-prose.com.*

¹ Briscoe, M., A. Clark, P. Jumars, M. McNutt, and J. Yoder. 2004. The U.S. Commission on Ocean Policy: Why You Should Care, and What You Can Do. *Oceanography* 17(3):6-11. [Online] Available at: http://www.tos.org/oceanography/issues/issue_archive/17_3.html.

² http://oceancommission.gov/documents/full_color_rpt/welcome.html

³ <http://www.whitehouse.gov/news/releases/2004/12/20041217-5.html>

⁴ <http://ocean.ceq.gov/actionplan.pdf>

Some of the Final Report additions and enhancements are terrific:

- Page iii is a chart of the U.S. Exclusive Economic Zones, pointing out that it is the largest EEZ in the world and covers an area larger than that of the combined fifty states. It also reminds us that the shoreline of the U.S. portion of the Great Lakes is about the length of the entire Atlantic shoreline of the United States.
- Pages 70-73 are a Primer on Ocean Jurisdictions, explaining the extent of state and federal jurisdiction in our coastal zones. I knew that three miles

port, but the original three themes have been more narrowly recast into being critical to progress on ecosystem-based management. The twelve major recommendations of the original report are now thirteen, because the first was split into two parts.

THE U.S. OCEAN ACTION PLAN AND RECENT ACTIVITIES

Preparation of the OAP, which actually began even before the release of the Preliminary Report of the USCOP, was developed by an *ad hoc* Interagency Ocean Policy Group led by the White House

cating interagency actions in which the sum of collaborations could be greater than the totality of the individual efforts.

The 39-page OAP states that it focuses on actions and results; management strategies that balance conservation with use of resources; argues for “best science” to inform decision-making; ecosystem-based approaches; and encourages partnerships among federal, state, tribal, and local governments, the private sector and international partners.

The major sections of the OAP (and their mapping to the USCOP report, which is not immediately obvious) are:

- Enhancing Ocean Leadership and Coordination (USCOP Chapters 4, 5, 7)
- Advancing Our Understanding of the Ocean, Coasts, and Great Lakes (USCOP Chapters 8, 15, 23, 25, 26, 27, 28)
- Enhancing the Use and Conservation of Ocean, Coastal, and Great Lakes Resources (USCOP Chapters 6, 18, 19, 20, 21, 22, 24)
- Managing Coasts and their Watersheds (USCOP Chapters 9, 11, 17 [Chapter 10 is implicit but not explicit])
- Supporting Marine Transportation (USCOP Chapters 13, 16 [Chapter 12 is implicit but not explicit])
- Advancing International Ocean Policy and Science (USCOP Chapters 14, 29)

Each major section contains a number of specific federal actions that are ongoing or planned in the near future. It is not obvious from the limited information in the OAP whether these actions are meant to address the full set of related issues exposed in the USCOP Report, or whether they are simply relevant to those issues.

A clear message of the USCOP Report is that most of the issues are large, dif-

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was the limit of state waters; I did not know that Texas, west Florida, and Puerto Rico extend that to nine miles.

- Appendix C, by Charlie Colgan, is a masterpiece of concise description of the economics of the coastal zone. Even his 21 endnotes are interesting.
- Appendix D is a remarkable compilation of ocean- and coastal-related commissions, laws, committees, councils, and programs on the federal side. It is a daunting compilation, and does *not* include similar state activities!

No new themes⁵ emerge in the Final Re-

Council on Environmental Quality (CEQ) with support by the White House Office of Science and Technology Policy (OSTP). In addition to representation of all interested federal agencies on the Interagency Ocean Policy Group, the interagency perspective on science and technology was advanced through membership of the Joint Subcommittee on Oceans, a component of the President’s National Science and Technology Council (NSTC). In my opinion, the contributions of the Joint Subcommittee on Oceans strengthened the OAP by advo-

⁵ The three themes are: (1) a new, coordinated national ocean policy framework to improve decision-making; (2) cutting-edge ocean data and science translated into high-quality information for managers; and (3) lifelong ocean-related education to create well-informed citizens with a strong stewardship ethic. For additional discussion, see Footnote 1 on page 9.

difficult, costly, and will take time even if addressed forcefully, so it is unlikely that a set of ongoing or near-term federal programs will be sufficient. However, the message of the OAP is that many of the right things are happening or will happen, even if they are not enough.

A major aspect of the Presidential Executive Order 13366 and the associated OAP is the formation of an ocean policy governance structure, but not quite as called for in the USCOP report's first two recommendations⁶. The Executive Order designated a Cabinet-level Committee on Ocean Policy⁷, chaired by the Council on Environmental Quality, which is within the Executive Office of the President (EOP; henceforth called White House for simplicity). The Chair of the CEQ is James Connaughton. The Committee on Ocean Policy met on April 5, 2005.

Figure 1 (derived from a figure in the OAP) shows the basic governance structure: the Committee on Ocean Policy, at Cabinet level, is at the top. The rest

of the boxes are described below, except for the National Security Council Policy Coordinating Committee on Global Environment box, which is yet to play a role so is not addressed in this update. Some detail on these governance structures is provided in this article, because it is not clearly spelled out in published material elsewhere.

The Interagency Committee on Ocean Science and Resource Management Integration⁸ (ICOSRMI) reports to the Committee on Ocean Policy. ICOSRMI is colloquially called "the Aqua box" due to its purview and to the difficulty of pronouncing ICOSRMI. A key word in this long title is "integration," for how best to get science and technology advice and

knowledge into the many issues of resource management has been problematic. Aqua's membership⁹ reflects the Committee on Ocean Policy membership, but at the level of Undersecretary or Deputy Secretary, thus one individual per agency. Aqua is co-chaired by the Office of Science and Technology Policy (OSTP) and the CEQ, which maintains the theme of having the ocean visible from the White House. The OAP refers to Aqua as incorporating the mandate of the National Ocean Research Leadership Council (NORLC), the senior governing body of the congressionally mandated National Oceanographic Partnership Program¹⁰ (NOPP). The OAP also designates an expanded¹¹ version of NOPP's Ocean Re-

⁶ The USCOP wanted to see an Assistant to the President chair the high-level committee, and for the committee to be within the Executive Office of the President (EOP). Because the chair is from CEQ, which is within the EOP, this is not far off the USCOP mark. However, the USCOP recommended in parallel a non-federal council of advisors, with implied access to the COP and to the President. The OAP is silent on this, although ORAP (Ocean Research and Advisory Panel) advising ICOSRMI (Interagency Committee on Ocean Science and Resource Management or "Aqua") is close. These entities will be discussed shortly.

⁷ <http://ocean.ceq.gov/about/welcome.html>

⁸ http://ocean.ceq.gov/about/sup_icosrmi.html

⁹ http://ocean.ceq.gov/about/docs/ICOSRMI_Members_072505.pdf

¹⁰ <http://www.nopp.org/>

¹¹ It is being argued what "expanded" means: Size? Responsibility? Number of meetings? All of the above?

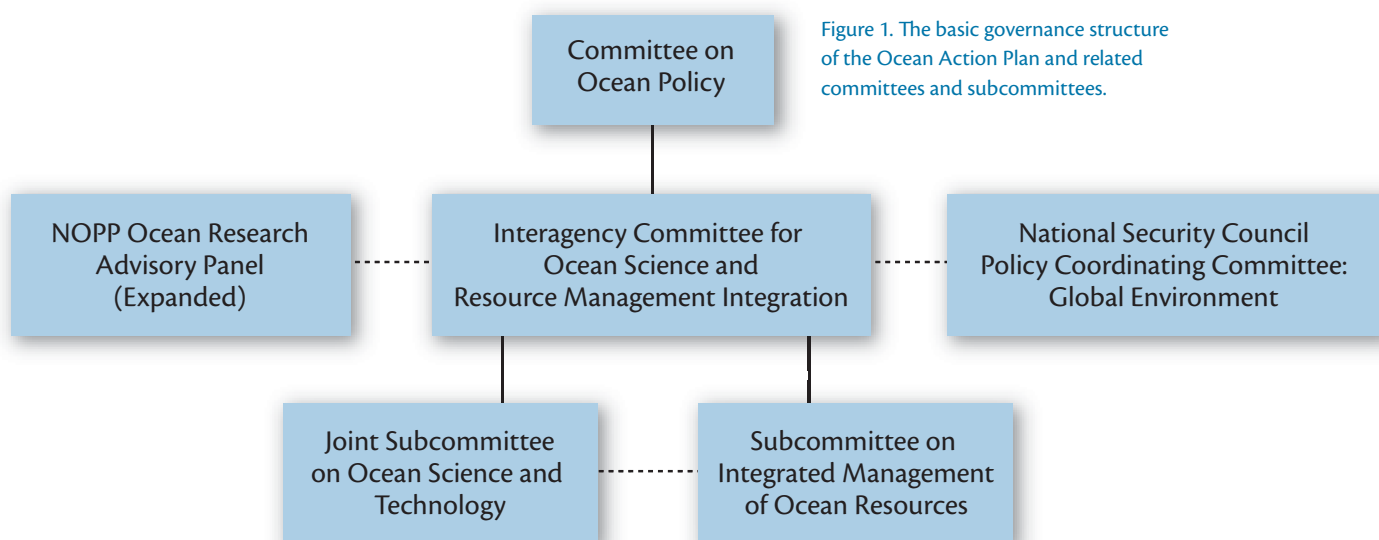


Figure 1. The basic governance structure of the Ocean Action Plan and related committees and subcommittees.

search Advisory Panel¹² (ORAP) as being advisory to Aqua. The expanded ORAP is sometimes referred to as ORRAP implying “research and resources.” As a group operating under the Federal Advisory

Aqua: the Joint Subcommittee on Ocean Science and Technology (JSOST) and the Subcommittee on Integrated Management of Ocean Resources (SIMOR).

The JSOST, a formal part of the

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Committee Act¹³, ORAP has a special role to play in providing unbiased, independent advice to both NOPP and to Aqua. The NORLC has been meeting semi-annually; Aqua meets bi-monthly.

The NORLC has informally delegated its (legally mandated) actions to Aqua; it is not yet clear how to do this formally. Aqua is also looking at other aspects of NOPP and how to infuse those activities into the OAP without having dual management structures in NOPP (which reports to Congress) and in the OAP (which reports to the White House).

The working level of the OAP governance structure is two sub-groups under

NSTC, began life as the Joint Subcommittee on Oceans (see above), but has now been renamed and re-chartered. The JSOST is “joint” because of its two parent NSTC committees: the Committee on Environment and Natural Resources and the Committee on Science.

- JSOST is co-chaired by OSTP (David Halpern), NOAA (Richard Spinrad¹⁵), and NSF (Margaret Leinen¹⁶). OSTP is a designated co-chair to reflect the desire of the USCOP for White House involvement in oceans governance.
- JSOST membership¹⁷ is designated by the involved agencies, which are a subset of Aqua.

- JSOST meets monthly, and is in the process of establishing interagency working groups that will also meet regularly. The working groups are intended in part to carry on the work of NOPP, (e.g., the Federal Oceanographic Facilities Committee¹⁸, Ocean US¹⁹ [the national coordinating office for the Integrated and Sustained Ocean Observing System], and partnership funding for community research efforts).

The second subgroup of Aqua, SIMOR²⁰, reports only to the ICOSRMI.

- As with JSOST, SIMOR’s membership²¹ is designated by the involved agencies, which are a subset of Aqua.
- SIMOR is co-chaired by CEQ (Kameran Onley), the Department of the Interior (Christopher Kearney), the Environmental Protection Agency (Diane Regas), and NOAA (Mary Glackin). CEQ is a designated co-chair of SIMOR to reflect the desire of the USCOP for White House involvement in oceans governance, as with the JSOST.
- SIMOR is a major difference between the OAP and NOPP: NOPP did not have explicit responsibility for resources, resource management, or the interface between resource management and science and technology, but the Committee on Ocean Policy, Aqua, and SIMOR do²².

One major task assigned to the JSOST in the OAP is the development of an Ocean Research Priorities Plan and Implementation Strategy, with completion by December 31, 2006. The framework for this has been approved by Aqua and the Committee on Ocean Policy and has been promulgated²³. The full plan and strategy is expected to have public input and review during calendar 2006.

¹² <http://www.nopp.org/Dev2Go.web?id=207773&rnd=29372>

¹³ http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/FACAFinalRule_R2E-cNZ_0Z5RDZ-i34K-pR.pdf

¹⁴ http://ocean.ceq.gov/about/sup_jsost.html

¹⁵ Spinrad is the president-elect of TOS.

¹⁶ Leinen is a past president of TOS.

¹⁷ http://ocean.ceq.gov/about/docs/JSOST_Members_072505.pdf

¹⁸ <http://www.nopp.org/Dev2Go.web?id=207766&rnd=9836>

¹⁹ <http://ocean.us/>

²⁰ http://ocean.ceq.gov/about/sup_simor.html

²¹ http://ocean.ceq.gov/about/docs/SIMOR_list_072505.pdf

²² It is still unclear whether SIMOR and ICOSRMI are about resource management *per se*, or rather more about how resource management integrates with science and technology.

²³ http://ocean.ceq.gov/about/docs/JSOST_Priorities_040505.pdf

WHAT DOES IT ALL MEAN TO THE OCEANOGRAPHIC COMMUNITY?

Some say this is all very complicated, convoluted, bureaucratic, unnecessary, and unlikely to contribute to solving ocean problems. It may even get in the way of progress. Others argue it is better than what we had before, because it gives several forums for interagency discussions, mechanisms to agree on things and form partnerships within and with government, and—no one argues this point—places the oceans squarely in the realm and concern of the Departments, the agencies, and the White House. Critics say we have had NOPP, starting in 1997, and it has already provided those forums and mechanisms. But NOPP is a creation of Congress with no formal access to the executive branch of the government, thus it has no ready access to insert interagency ocean programs into the President's budget, and its mandate

to exist. So the challenge in all this is for the oceans to be squarely in the concerns of *both* the Congress and the Administration. In the end, we need both branches of government to agree on strategic directions and assure sufficient funding for those activities. How NOPP best works with the OAP structures is being evolved.

The wild card is ORAP, a mandated component of NOPP (reporting to Congress) but formally embedded in the OAP (reporting to the White House) as well; ORAP is the only part of NOPP that formally exists in the new OAP governance structure. ORAP has initiated two subpanels to provide specific attention to ocean education and to the role of industry. Other subpanels are being discussed. It appears that ORAP will continue to function, will possibly increase in size and responsibility, and will serve an important role external to the internal federal structures.

tail some of those problems, and tries to put into place a U.S. ocean governance structure to flesh out the solutions and deal with the problems. Such structures are only as good as the ideas and people working with them. It is up to the U.S. public, state and local governments, and academics like those in The Oceanography Society to provide inputs, make sure good people are in place, and act as both the supporters and the conscience for all these policy structures. Without this input and effort, the next Ocean Commission may look back and say we had our opportunity, why did we squander it?

SUMMARY

- The U.S. Commission on Ocean Policy Final Report was issued September 20, 2004. It offers 212 recommendations to improve U.S. ocean governance, policies, and activities.
- The U.S. Ocean Action Plan was issued December 17, 2004. It offers six major themes as a response to the Ocean Commission report, and puts in place a governance structure for White House attention to the oceans, coasts, and Great Lakes.
- The National Oceanographic Partnership Program continues; it is working to amalgamate its activities with the Ocean Action Plan.
- The Ocean Research Advisory Panel is formally the avenue for non-federal advice to the OAP structures.
- Everyone's goal is a clean, healthy, and productive ocean now and for future generations; there are still differences of opinion on the details of how to do this, but progress is possible if we work together. ☐

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is aimed at research and education. At the very least, the OAP provides formal access to the Administration, and covers more than just science and technology.

Note, however, that NOPP continues

The Ocean Commission reports pointed out in detail most of the problems facing us in the ocean, along our coasts, and in the Great Lakes. The Ocean Action Plan addresses without great de-