BUILDING CAPACITY FOR OCEAN MANAGEMENT: RECENT DEVELOPMENTS IN U.S. WEST COAST STATES

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Introduction

In a recent paper (Hershman 1996) this author summarized the ocean management initiatives of ten United States coastal states. These states were considered "activist" because, to varying degrees, they had taken steps to advance state policy, institutions, and management over the use of the ocean areas adjoining the state. The paper concluded that there was a trend toward increased state-level participation in ocean management within the United States, and that this trend was likely to continue because the state's role in these issues had become institutionalized. States are active in the national Coastal Zone Management (CZM) program, the National Sanctuary program and in regional bodies dealing with fisheries and pollution control. I concluded that as new ocean issues arise they are likely to be resolved through new policies and institutions that increase state responsibilities and powers. The purpose of this paper is to report recent developments in the West Coast states of California, Oregon and Hawaii to determine how their role in ocean affairs has progressed since 1996.

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California

California reached a major milestone in March 1997, with the issuance of "California's Ocean Resources: An Agenda for the Future" (the Ocean Agenda) (Wilson and Wheeler 1997). This comprehensive policy was developed by state government officials with broad-based participation from many sectors. It assesses the current situation in California's ocean waters from legal, economic, institutional, and scientific perspectives. It identifies four over-arching goals, details the economic importance of ocean resources to the state, describes the ocean ecosystem, lists the responsible management agencies, and offers recommended directions for the future in nine substantive issue areas. The recommendations address such issues as the need for better resource inventories, a better system of managed areas, improved fisheries management, and many others. The report, which took 5 years to develop, was presented and discussed at a statewide conference involving over 800 people.

In conjunction with the report's release and the conference, about 50 bills were introduced into the legislature, and 15 became law in 1997 (dubbed the "Coastal Flotilla" of bills by the environmental organizations partly responsible for advancing them). These deal with a range of issues addressing fisheries, water quality, habitat protection, and shoreline erosion. In 1998, the Marine Life Protection Act was adopted. This legislation strives to reform fisheries management for selected fisheries and to change the standards and procedures for fisheries management. It sets up pilot fishery management plans, restores professional management to the fisheries agency, and calls for an ecosystem approach to management.

Parallel to the legislative activity, the Governor issued Executive Order W-162-97 implementing many of the goals from the Ocean Agenda. The Executive Order calls for an inventory of water quality monitoring programs, development of a maritime policy through a special Executive Order, a comprehensive review of living resources management programs, an analysis of Federal agency responsibilities, an ocean information system, and a research agenda. The responsible agency for each goal is identified and due dates listed.

Many of these actions have been taken. A statewide Maritime Policy (Ex. Order W-182 -98) designed to strengthen the state's role in port-related issues was signed on August 28, 1998. The analysis of federal responsibilities was completed in June of 1998 (Wheeler and Rooney 1998). The ocean information system is now available on the web (ceres.ca.gov/

ocean). The state's Sea Grant Advisory Panel has identified the ocean research needs to support the plan. The inventory of water quality monitoring programs and the living resources review are still in progress (Baird 1999). (With a new Governor taking office in California, it can be assumed that some of these initiatives will be re-examined).

Finally, the state announced $3.6 million in grants to local governments under the coastal resources grant program, which under a 1996 law redefined the distribution of offshore OCS revenues and reduced local cost-sharing requirements (California, Governor's Office 1998). The 32 projects receiving funds are in the central coast region (in proximity to ocean areas where offshore oil and gas activity occurs) and address diverse needs such as impact reduction, acquisition, restoration, fishing, and water quality improvements.

Oregon

Oregon's ocean affairs over the past 3 years have centered on implementation of the Territorial Sea Plan (TSP) of 1994 (Oregon Ocean Policy Advisory Council 1994). The TSP establishes a management framework, a process for making resource use decisions, and a strategy for the rocky shore environments along the Oregon outer coast. The organization responsible for overseeing the plan is the Ocean Policy Advisory Council (OPAC), a broadly representative group. Implementation of the plan occurs primarily through various state agencies. A new role for local governments is emerging. The Oregon Coastal Management Program (OCMP) provides the technical, administrative, and legal support necessary for effective implementation (Bailey 1999).

The OPAC is currently undertaking a comprehensive review of the TSP for the purpose of clarifying policy. An example of one change is the rephrasing of the policy to protect renewable resources. The new policy being considered calls for "higher priority to be given to the protection and conservation of living marine resources." This statement of policy is intended to replace an earlier one that emphasized the priority of renewable over non-renewable resource use.

State agencies have upgraded their regulation of near-shore areas in conformity to the TSP. For example, the Department of Fish and Wildlife has issued regulations affecting fishing near rocky shores, the Department of State Lands has revised their procedures for review of kelp harvesting, and the State Parks Department has taken measures to protect rocky shores.

The OCMP is facilitating a dispute between the fishing industry and those installing submarine communication cables. The intent is to propose policy recommendations to the OPAC for inclusion in the TSP. These recommendations would address the ways damage to fishing gear can be reduced, how fishing areas can remain open even in the vicinity of cables, and procedures for establishing a fisheries compensation fund.

Four local communities are beginning to use the TSP as a framework for resolving site-specific problems. Problem-solving is facilitated and supported by the OCMP using a consensus-based process. Once policy recommendations are formulated, they are submitted to the OPAC for inclusion in the TSP. The community plan that is farthest along addresses Cape Arago, near Coos Bay and North Bend. A 15-month policy development process has been completed. The policies strive to balance growing recreational and tourist use of the rocky shore environment with the protection of marine creatures and their habitat. A primary recommendation is the establishment of an Intertidal Marine Protected Area. Plans for Port Orford, Cannon Beach/Ecola State Park, and Newport are being considered using the same approach as in the Cape Arago plan.

The OCMP promotes research to support implementation of the TSP. They oversee the multi-year and interdisciplinary Pacific Northwest Coastal Ecosystem Regional Study, which studies the links between ecological and socioeconomic systems. They are also promoting new research to address rock reef ecosystems cooperatively with California and Washington.

Hawaii

Hawaii adopted the Hawaii Ocean Resources Management Plan (HORMP) in 1991. The plan was the guiding document for comprehensive ocean and coastal resource management and contained 66 policies and 364 implementing actions for the 10 sectors and 16 designated agencies. During 1997, a status report on the implementation of the plan was produced by the Hawaii Office of Planning (1998) and published early in the year. That report gave the plan a mixed review, noting that many sectors ranked high in priority but received little attention (e.g., research and education, ocean recreation, beaches, and coastal erosion) and that sectors like fisheries and energy received low priorities and little

implementation. They did note that the waste management, marine minerals, and aquaculture sectors were being implemented appropriately given the status assigned to them.

The report addressed institutional issues as well, pointing out that in 5 of the 10 sectors identified no lead agency was assigned and as a result concerted efforts were lacking. They underscored the importance of the Marine and Coastal Zone Management Advisory Group (MACZMAG) as the forum "ideally suited" to address the findings of the 1997 review and to coordinate more effective implementation of the HORMP.

The MACZMAG is required by law to advise on the status of the state's CZM program and on the implementation of the HORMP. MACZMAG has 20 members, 6 non-governmental and 14 from local and state agencies. The non-governmental members issue a separate report yearly to the legislature. In their 1998 report, they point out the importance of more public awareness and participation in the work of the MACZMAG, and the need for greater independence by the state CZM program. At least one member made an impassioned plea for greater participation by state agencies and county officials in the work of MACZMAG.

The Hawaiian legislature passed several laws in 1998 dealing with management of marine fisheries. A West Hawaii Fishery Management Area (FMA) was established, requiring the state DLNR to formulate a plan designating a minimum of 30% of the FMA as "no-take" zones and establishing a mooring buoy system with no anchoring zones. The state's Department of Aquatic Resources was given greater rulemaking authority over certain fishing practices, and the law increased participation by fishers in the process. The state DLNR was given greater authority to protect irresponsible fishing practices.

The legislature also addressed boating recreation in a variety of ways. Thrill craft regulation was extended and a special advisory committee established to advise on education and training requirements for thrill craft operators. The Hawaii Maritime Authority was set up to address statewide issues and to change the management of small boat harbors (HB2998).

Hawaii addressed some challenging opportunities in new ocean uses during this 2-year period. The state will be a key link in a new submarine cable connecting the United States, Australia and New Zealand, due to be completed in 1999. The use of offshore floating platforms for many types of industry, and for launching communication satellites, is actively under evaluation and a site near Hawaii is being evaluated by Boeing's Sea Launch venture (but licensing issues remain). Mariculture issues received continuing attention in the legislature, but most of the measures did not pass. One bill establishing an offshore mariculture demonstration site passed. Finally, acoustic impact issues from the Navy proposal for monitoring submarines is of great concern to Hawaiian citizens.

It should be pointed out that many of the coastal and ocean-related bills introduced into the Hawaiian legislature in the last 2 years were sponsored by state Representative David Tarnas, a specialist in coastal and ocean affairs. The fact that he was not re-elected in 1998 may slow legislative action on behalf of coastal issues.

As Hawaii addresses implementation of the HORMP, some larger issues play a critical role. The first is the challenge of a stagnant economy. This reduces the ability of the state to finance coastal and ocean programs and pushes the state toward seeking novel avenues for economic development (such as leasing state lands for mariculture and investing in marine biotechnology). Next is the goal of Hawaii to expand its Exclusive Economic Zone (EEZ) to include the remote islands of the archipelago. Should this come to pass, it would greatly heighten the need for Hawaii to improve its ocean management capacity to account for such issues as the Johnston Atoll Chemical Agent Disposal Site.

Discussion

All three states have continued to advance an ocean program. In California, new initiatives came primarily from the executive branch, with considerable additional leverage exerted by the powerful coastal and marine environmental NGO's. In Oregon, the state government apparatus centered in the OCMP pursued its implementation program systematically with considerable accomplishment. The Hawaiian efforts at the executive branch level are still somewhat unfocused, and the legislative initiatives have been the primary vehicle for change.

Political and leadership changes can influence progress in a new subject area like ocean management. A new governor from a different political party is entering office in California, and a key legislator in Hawaii was not re-elected. (Similarly, a new governor is taking office in Florida and the Governor's

Ocean Committee established under Governor Chiles in 1997 likely will not survive). In California and Hawaii, new shifts have occurred in assignment of ocean responsibilities to executive agencies, similar to shifts made in the past. Interestingly, the Oregon program seems to maintain steady progress regardless of political changes since it is firmly rooted in a respected program activity of the executive branch. As noted in the earlier article (Hershman 1996, p.33), organizational change and revision of policy documents have hindered progress. With the exception of Oregon this pattern may still dominate.

Concern about fisheries management, maritime and boating issues, and direct involvement of local governments are new additions to what had been an agenda primarily concerned with environmental impacts.

There appears to be a substantive shift in at least three areas. One of these is fisheries policy. Over the past decade, issues centering on adverse impacts from offshore oil and gas, dumping or discharge of pollutants, and other effects from industrial-type uses primarily drove ocean policy development. I noted in the earlier article that fisheries-related issues were left untouched because of existing fishery management agencies (Hershman 1996, p. 34). However, in the past two years all three states have adopted new laws or policies dealing with fisheries management. California's new law seeks to change fisheries management by promoting pilot projects using new techniques. Oregon agencies have adopted new rules for rocky reef fisheries, and a major research initiative is underway to better understand ecosystem issues for rocky coasts. Hawaii has established a new fishery management regime for the West Hawaii region that includes mandatory no-take zones and use of buoys rather than anchoring. Given the national and international political attention to depletion of world fishery resources, it is not surprising that the states should start experimenting with new strategies.

A second policy shift since the last report is in the area of local government involvement in ocean affairs. Oregon has initiated local coastal planning for rocky shore areas, with the Cape Arago plan as the first to be completed. This strategy involves local communities in the evolution of the state's territorial sea plan. California's coastal grants program pays for specific projects, but there is no linkage with the Ocean Agenda. An interesting development in Washington State adds to this local government emphasis. When the proposal for a national marine sanctuary for the Northwest Straits reached political roadblocks, the U.S. Congress passed the Northwest Straits Marine Conservation Initiative (Title IV, HR 3461, 105th Cong., 2nd Sess.). This law establishes a new Northwest Straits Advisory Commission to pay for and coordinate the planning efforts of seven local governments in marine resource protection and restoration.

A third policy shift is in the area of maritime policy. California and Hawaii passed new laws establishing maritime policy for the state and designating responsible agencies. California's law was aimed at clarifying a state role in advancing the commercial ports of the state, especially in areas like dredging policy, intermodal coordination, and environmental policy. Hawaii's new maritime authority will strive to bring together the commercial shipping and recreational boating interests of the state under a single independent public entity to improve planning and coordinated use of maritime resources.

Conclusion

The experience of these three states suggests that the scope of ocean issues of concern to coastal states is broadening. Concern about fisheries management, maritime and boating issues, and direct involvement of local governments are new additions to what had been an agenda primarily concerned with environmental impacts. For these three states, one could conclude that their capacity for ocean management has improved since new laws and governmental responsibilities have been identified and added to the states' suite of management tools.

On the other hand, many of the cautionary comments mentioned in the 1996 paper still hold. With the exception of Oregon, there is considerable flux in defining responsibility for ocean issues in the states. Further, the states are dependent on federal programs such as the national CZM program, the National Marine Sanctuary program, and the National Sea Grant Program for much of their progress. This suggests that new initiatives often will be partnerships between federal and state programs.

These partnerships may restrain state initiatives but in return provide greater resources and staying power once a federal-state accommodation is reached. In fact, the institutional structure provided by federal programs may be the vehicle for overcoming the vicissitudes of state and local political forces.

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