

U.S. COMMISSION ON OCEAN POLICY REPORT

I. BACKGROUND

The Oceans Act of 2000, passed by Congress on July 25, 2000 and signed into law by President Bush on August 7 2001, established a commission to study and make formal recommendations to the federal government for a coordinated and comprehensive national ocean policy. Beginning in September 2001, the 16-member panel held a series of 15 public meetings and 17 site visits across the nation to learn from key stakeholders and experts the most pressing issues facing U.S. oceans. During the course of its work, the commission received testimony from hundreds of people. On April 20, the commission released its Preliminary Report, and after reviewing public comments and making some changes to the report, the Commission released on Sept. 20 its Final Report, *An Ocean Blueprint for the 21st Century*. Since then, several Members of Congress have already introduced legislation seeking to implement some of the recommendations contained in the report, and the Bush Administration is proceeding with its 90-day review, after which it will offer its statement of proposals implementing or responding to the report.

The last comprehensive review of U.S. ocean policy occurred in 1969 when a governmental panel, the Stratton Commission, released its seminal report, *Our Nation and the Sea*. The past 30 years of federal, state, and local ocean policy has seen both progress and failures, but the message of the Ocean Commission is clear: America's oceans are in crisis, and major changes are urgently needed.

II. WHAT ARE THE MAJOR RECOMMENDATIONS?

The more than 600-page Final Report contains 212 recommendations to the President, Congress, numerous federal agencies, and several regional bodies.

- **National Ocean Policy Framework.** The commission offers sweeping recommendations to the current federal oceans management structure, including the creation of a National Ocean Council (NOC) in the Executive Office of the President to be chaired by an Assistant to the President for Ocean Policy, advised by a nonfederal Presidential Council of Advisors on Ocean Policy, and supported by a Congressionally-established Office of Ocean Policy. Major jurisdictional changes with respect to federal agencies are also recommended, but the commission clearly states the National Oceanic and Atmospheric Administration (NOAA) will be the lead civilian ocean agency.
- **Ecosystem-Based Management.** One of the commission's key recommendations is managing U.S. oceans through an ecosystem-based approach, which primarily involves recognizing the relationships among all ecosystem components, including humans and nonhuman species, and defining geographic management areas based on those ecosystems.
- **Regional Ocean Councils.** The commission recommends the development of a flexible and voluntary process for creating regional ocean councils that will support the NOC.
- **Ocean Science and Exploration.** The commission recommends doubling the nation's investment in ocean research to improve the scientific understanding of the ocean and coastal environment and ensure science-based decision making.
- **Integrated Ocean Observing System (IOOS).** The commission recommends the creation of the IOOS, which will be made up of interconnected U.S. regional ocean observing systems and linked to the Global Ocean Observing System to improve data collection on and scientific understanding of ocean health, weather, disease, and global climate change.
- **Pollution.** The commission recommends creating measurable water pollution reduction goals from point and nonpoint sources, and implementing incentive and technical assistance programs to reach those goals.
- **Fisheries Management.** The commission recommends numerous changes to current fisheries management practices, including separating assessment and allocation, improving the Regional Fishery Management Councils, and exploring the use of dedicated access privileges.

III. WHAT RECOMMENDATIONS DIRECTLY AFFECT THE RECREATIONAL MARINE INDUSTRY?

The U.S. Commission on Ocean Policy's Final Report can be expected to fundamentally change the way America approaches federal, state, local, and regional ocean policy. Almost all of the proposed changes, from marine protected areas to regulatory enforcement, will have a corresponding and significant impact on the recreational marine industry. Although this debate remains fluid because measures introduced in Congress or offered by the Administration may differ from the Commission's report, NMMA has identified a number of recommendations of interest to the recreational boating industry:

- **Marine Protected Areas.** Generally, the commission supports expanding the creation and use of marine protected areas to preserve the nation's aquatic treasures. However, the commission specifically recommends that all MPA designations use the best available science, are periodically assessed, and take into account important socio-economic factors like recreation.
- **Vessel Pollution.** The commission recommends:
 - creating an incentive-based system for boat owners to install improved treatment devices and increasing funding to build pumpout facilities under the Clean Water Act;
 - initiating an **incentive program for boat owners to install or use less polluting engines in recreational boats;**
 - increasing Coast Guard resources for the performance-based vessel inspection program for marine safety and environmental protection;
 - amending the Clean Water Act to establish uniform discharge standards for larger passenger vessels and incentives to encourage industry investment in new treatment technologies.
- **Aquatic Invasive Species.** NMMA has long fought for increased aquatic invasive species control. The commission recommends an aggressive campaign to increase public awareness about invasive species and increased funding for research and monitoring to understand and prevent further pollution from invasive species.
- **Fisheries.** The commission recommends amending the Magnuson-Stevens Fishery Conservation and Management Act to require governors to include at least two representatives from the recreational fishing sector on every Regional Fishery Management Council.
- **U.N. Convention on the Law of the Sea (UNCLOS).** The commission recommends expeditious U.S. accession to the Law of the Sea treaty. For more information on why UNCLOS would benefit the recreational marine industry, see the corresponding issue brief.

IV. HOW MUCH IS THIS GOING TO COST?

Although the costs for implementing the recommendations are extremely uncertain, the commission estimates the total preliminary cost to be approximately \$1.5 billion in the first year of implementation, rising to roughly \$3.9 billion per year in ongoing costs after full implementation. To pay for the bulk of the recommendations, the commission recommends establishing an Ocean Policy Trust Fund in the Treasury Department. This fund will be composed of outer Continental Shelf (OCS) oil and gas bonuses and royalties not otherwise allocated, and other revenues from new uses in offshore waters. A detailed, chapter-by-chapter cost assessment is contained in the Final Report and is available to the public for further information.

V. WHERE DOES NMMA STAND?

NMMA recognizes the significance of the report and broadly agrees with its conclusions. Although we will now shift our attention to monitoring the legislative and regulatory initiatives spurred by the Final Report, NMMA can embrace certain recommendations immediately, including U.S. ratification of the United Nations Law of the Sea treaty (UNCLOS); more funding for research to ensure the use of sound science when managing ocean programs; and development of incentive programs to encourage broader use of pump-outs, marine sanitation devices and the new, quieter, cleaner engine technology. NMMA also supports the recommendation that Congress provide the U.S. Coast Guard with more resources to further strengthen the vessel inspection program for marine safety and environmental protection.

VI. WHAT ARE THE NEXT STEPS?

The Commission has completed its review of all public comments and released its Final Report on Sept. 20, 2004. Congress and the President now will review the Final Report and implement the recommendations of their choosing through legislation or Executive Order. For additional information, contact NMMA Regulatory Counsel Cindy Squires at 202-737-9766; csquires@nmma.org or Research Analyst Mat Dunn at 202-737-9760; mdunn@nmma.org.

To see NMMA's comments, which were submitted to the Commission on May 28, visit:

http://www.nmma.org/lib/docs/nmma/gr/policy/NMMA_Comments_on_USOC_Preliminary_Report_FINAL_5-26-041.pdf