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Coastal Resources Management Center



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Pew Oceans Commission Issues Report

Many of us were probably first exposed to oceans and tidelands by the late Jacques Cousteau and his oceanic voyages on the *Calypso* in the 1970s. Since those voyages 30 years ago, we have come to better understand the ocean's influence on global climate, the complexity of fish population dynamics and the diversity of coastal ecosystems. Although the oceans span nearly 4.5 million square miles, an area 23% larger than the U.S. land area, our use of ocean and coastal resources are confirming certain limitations in marine ecosystems historically viewed as so vast and inexhaustible to be impacted by human activity. In addition, coastal development trends indicate that more than 50% of the U.S. population lives in coastal counties, which are expected to increase by 25 million people by 2015. More than 180 million people visit the shore for recreation every year.

The Pew Oceans Commission, a non-governmental independent group of American leaders established in May 2000 by a grant by the Pew Charitable Trust is responsible for assessing the nation's ocean policy. The Commission's objective is to identify policies and practices necessary to sustainably manage and use living marine resources in U.S. waters and the ocean and coastal habitats on which they depend. The Commission is also charged with raising public awareness of ocean issues and of the importance of ocean and coastal resources to the U.S. economy. The Commission, comprised of individuals from the scientific, fishing, conservation, government, education, business, and philanthropic professions, conducted a series of 15 regional meetings, public hearings, and workshops on ocean issues over a two year period. This two-year effort resulted in the recent publication of a report, entitled *America's Living Oceans: Charting a Course for Sea Change*. This report is the first comprehensive review of U.S. ocean policy since the Stratton Commission report was issued in 1969. The U.S. Commission on Ocean Policy (see the December 2002 issue of [eJournal](#)) is also considering many of the same issues and is expected to issue a draft of its recommendations for review and comment in early September. Click [here](#) for more information on the U.S. Commission on Ocean Policy.

The Commission's report outlines recommendations and solutions for managing ocean wildlife, coastal habitat, and marine waters and reforming ocean governance. The Commission's report outlines the following broad recommendations to manage and protect ocean resources (1) enact a National Ocean Policy Act that embraces a national commitment to protect, maintain, and restore the living oceans, (2) streamline federal ocean management programs by establishing an independent oceans agency who would be responsible for (i) creating and overseeing "regional ecosystem councils" of fishermen, scientists, citizens, and government officials together who would prepare and implement ocean management plans and (ii) establishing and managing a national network of marine reserves, (3) set aside coastal habitat and promote "smart" land use regulations for terrestrial and marine environments, (4) eliminate or redirect government programs and subsidies that contribute to the degradation of the coastal environment, (5) adopt ecosystem-based regulations that regulate certain fishing gear, restricts the practice of discarding unintended catch, and places a priority on the long-term health of marine life and marine ecosystems, (6) adopt national standards for nutrient pollution limits and compliance guidelines at the watershed level, (7) adopt regulations to control pollution from animal feeding operations and cruise ships and to control invasive species arriving from overseas, (8) increase the federal ocean research budget, and (9) encourage a new era of "ocean literacy" among the public to promote a greater understanding of and appreciation for the oceans. Click [here](#) to download the summary or full report.

[Keane Callahan](#) is an environmental analyst with the firm's LandLaw Section and a member of the Coastal Resources Management Center. Please [email](#) him if you have any questions about this article.

Coastal eNews and Notes

Port Industry Selected to Join EPA's Industry Sector Strategies Program

The port industry, along with agribusiness, cement manufacturing, colleges and universities, construction, forest products, iron and steel, and paints and coatings industries, were recently selected by the U.S. Environmental Protection Agency (EPA) to be a partner in EPA's "industry sector" program. In 1994, the EPA launched the "Common Sense Initiative," an experimental program where the EPA worked with six industry sectors to find innovative ways to achieve better environmental performance. The initial sectors included metal finishing, petroleum refinery, printing, automobile manufacturing, computers and electronics and iron and steel. By 1998, EPA began to integrate "sector" work into agency core functions and "Sector Action Plans" were adopted. The program seeks industry-wide environmental gains through innovative actions, and its priority areas include promoting environmental management systems, overcoming regulatory barriers to better environmental performance and compliance, and measuring sector-wide accomplishments. The industry sector program is managed by EPA's [Office of Policy, Economic and Innovation, Sector Strategies Division](#) who has a staff point-of-contact for each sector and who is knowledgeable about sector traits and issues. For more information of the port industry

sector, [email](#) Kathleen Bailey of the EPA or contact her (202) 566-2953.

Maine's Coastal Nonpoint Program Approved

The National Oceanic and Atmospheric Administration (NOAA) and the EPA have approved Maine's Coastal Nonpoint Pollution Control Program. Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 requires states and territories with coastal zone management programs approved pursuant to Section 306 of the Coastal Zone Management Act to implement coastal nonpoint programs to protect coastal water quality. With approval of Maine's program, there are now 14 coastal states and territories with fully approved coastal nonpoint pollution control programs. Click [here](#) for more information on Maine's Coastal Nonpoint Pollution Control Program. Click [here](#) for more information on NOAA's coastal nonpoint pollution program.

NOAA Seeks Public Comments on Proposed Rule on CZMA Federal Consistency

On June 11, 2003, NOAA published a "Proposed Rule" in the Federal Register to revise certain sections of the Coastal Zone Management Act (CZMA) federal consistency regulations. According to certain reports, NOAA issued the Proposed Rule for three reasons (1) issues regarding information needs for review, deadlines for the Secretary's decision in appeals, and determining when some types of federal actions are subject to federal consistency review warrant improvements to NOAA's regulations, (2) the National Energy Policy Development Group's Report, issued May 2001 recommended the Department of Commerce and the Department of the Interior determine if changes are needed to their programs to address procedural time frames, information needed to assess offshore oil and gas projects, and whether other procedural efficiencies can be achieved through regulation, and (3) NOAA believes that the Proposed Rule would, if adopted, address issues that have delayed CZMA reauthorization. According to the Federal Register announcement, comments on the rule are due on July 11, 2003 and should be emailed to [CZMAFC](#) as a WordPerfect or MSWord attachment. Click [here](#) for a copy of the Proposed Rule and go to the "Proposed Rule - June 11, 2003" link.

NOAA Issues Final Guidelines on Coastal and Estuarine Land Conservation Program

NOAA recently issued the Final Guidelines for the Coastal and Estuarine Land Conservation Program (see the November 2002 edition of [eJournal](#) for more information on the Coastal and Estuarine Land Conservation Program). The program was created to protect coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion. The final guidelines establish the eligibility, procedural and programmatic requirements for participation in the program, including criteria for financial assistance awards. The guidelines also outline steps in (1) developing a state coastal and estuarine land conservation plan, (2) identifying and ranking qualified projects within the state and nominating them to a national competitive selection process, and (3) conducting peer review and selection of projects at the national level. State participation in the program is voluntary. For a copy of the guidance, click [here](#).

This is an archive of past issues. As a result, it may contain information that is not current.

The logo for Robinson & Cole LLP is a dark blue horizontal bar with a white, stylized wave-like shape on the right side. The text "ROBINSON & COLE LLP" is written in white, uppercase, sans-serif font across the bar.

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