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Coastal Resources Management Center



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Ocean Management and Zoning: The Next Frontier of State Coastal Management

Ever since The Stratton Commission released its 1969 report, *Our Nation and the Sea: A Plan for National Action*, the United States has continued to redefine and reshape national policy on the management, regulation and protection of oceanic and coastal resources. Several important themes emerged from the Stratton report. First, it called for a centralization of the federal government's ocean effort if the full benefits of the nation's marine and coastal resources were to be realized. Concomitantly, the report called for the creation of a civilian ocean and atmosphere agency to undertake the full range of actions needed to realize the effective use of the sea. Second, the report stated the urgent need for a concerted effort to begin planning and managing the nation's coastal zones. It advocated more research and recommended a federal-state program in coastal zone management. Finally, the report highlighted the need for a much-expanded program in ocean science, technology, and engineering, at both the national and global levels. The Stratton Commission's report spurred the U.S. Congress to pass numerous laws between 1970 and 1972 which culminated in the creation of the National Oceanic and Atmospheric Administration (NOAA) and legislation which contained many fundamental coastal and nearshore ocean protective measures. Among those enactments were the Coastal Zone Management Act, the Marine Mammal Protection Act, the Magnuson Fishery Conservation and Management Act, the Clean Water Act, the Outer Continental Shelf Lands Act Amendments, and the Marine Protection, Research, and Sanctuaries Act.

This effort continues today. For example, the U.S. Commission on Ocean Policy was established by the Oceans Act of 2000 (P.L. 106-256). The Ocean Commission is charged with reviewing federal ocean-related laws and programs and making recommendations to the president and Congress for a "coordinated and comprehensive national ocean policy." During its planned two year mission to detail the problems facing U.S. ocean resources, the Ocean Commission, whose 16 members were appointed in 2001 by President George W.

Bush, will examine a variety of issues including (1) responsible stewardship of living and non-living resources, (2) protection of the marine environment and pollution prevention, (3) impact of and protection against natural and man-made hazards, (4) enhancement of marine-related commerce and transportation, (5) the role of oceans in climate change, (6) enhancement of oceanographic science and technologies, and (7) international leadership and cooperation in marine affairs. Click [here](#) for the December 2002 edition of *eJournal* for more information on the U.S. Commission on Ocean Policy.

Oregon's Ocean Management Program

Many coastal states have also taken a serious look at ocean management issues and its relationship to state coastal management (see also article below under Coastal eNews and Notes). Many coastal management professionals believe that state coastal management efforts don't stop at the shoreline, but require an understanding of the ocean's multijurisdictional waters to address everything from oil and gas leasing to water quality to the laying of fiber-optic and power cables to offshore wind energy farms. To ensure it has a say in ocean management policy matters and decision, Oregon established a framework for ocean resource management as part of its coastal management program.

Two issues sparked the adoption of Oregon's ocean program (1) federal area-wide leasing for oil and gas and (2) the potential for marine minerals mining. Oregon's coastal program has historically incorporated ocean management into its statewide coastal planning goals for ocean resources, but it wasn't until 1983 when the issues of oil and gas leasing and minerals mining in the federal government's newly designated 200-mile Exclusive Economic Zone were being brought up did the state realize how important ocean management might be for coastal communities, and that it wasn't adequately prepared to proactively address ocean-related issues.

In 1987, the Ocean Resources Management Task Force was established to provide a written assessment of the state's ocean management capability and recommend ways to address ocean issues. The resulting broad, policy-based "Ocean Plan" designated an "Ocean Stewardship Area," where the state has policy and management interests in resources and activities that extends from the shore seaward to the toe of the continental margin, which includes some federal jurisdictional waters. The Ocean Plan also recommended creating an Ocean Policy Advisory Council, which was eventually established in 1991. The 23-member council is responsible for implementing the Ocean Plan and provides policy advice to the governor and state agencies, and holds public forums to discuss ocean use issues. The council also prepared a more detailed "Territorial Sea Plan," which established policies and procedures for protecting the state's most significant marine habitats. Oregon's territorial sea is a three-mile ribbon of ocean along the shoreline under the state's jurisdiction. The Territorial Sea Plan was approved by NOAA in 1995 as part of the state's coastal management program.

The Ocean Plan doesn't assert state jurisdiction or authority in federal waters, but makes clear that Oregon's part of the ocean environment is a critical part of their state economy and ecosystem. In addition to the Ocean Plan policies, the Coastal Zone Management Act's

federal consistency clause, which ensures that federal activities that affect the coastal zone must be consistent with state policies, is an incentive for federal agencies to include the state in their decision-making process over ocean resources. Legally, states that develop an ocean management plan for the territorial sea can extend their authority indirectly through federal consistency further offshore.

In addition to creating policies for oil and gas leasing and minerals mining, other ocean management issues include assessing the feasibility of a commercial kelp leasing program for state waters, addressing overuse in rocky intertidal areas, managing sand in littoral cells and determining the location of ocean outfalls for sewer facilities. The state has also established rules or "ocean zoning" for the laying of fiber-optic cables and currently is addressing whether the state should establish marine-protected "zones."

The potential for future ocean management in Oregon and by other coastal states will be dependant on detailed, site-specific and resource-specific information necessary to develop and apply appropriate ocean management measures as well as stronger links between state information needs and federal research and data gathering efforts. In addition, successful ocean management might benefit from coastal regulators having a better understanding of the economic value of the coast and marine environment and determining just how important the ocean is to the economy of coastal states. For more information on Oregon's Ocean Policy Advisory Council, click [here](#).

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Coastal eNews and Notes

Marine Industry Agrees to Low-Polluting Outboard Engines

Federal and state environmental regulators and the marine industry recently agreed to ensure that by the start of 2005 at least 95 percent of the outboard motors and personal watercraft engines sold in New Jersey are low-polluting. This year, 80 percent of the new engines sold in New Jersey will use cleaner technologies, under terms of a memorandum of understanding initiated by the Environmental Protection Agency (EPA) and signed by the New Jersey Department of Environmental Protection (NJDEP), the Marine Trades Association of New Jersey, the National Marine Manufacturers Association, and the Marine Retailers Association of America. In conventional carbureted two-stroke marine engines, the most commonly used engines on motorboats and personal watercraft, up to 30 percent of the fuel passes through the combustion chamber unburned or only partially burned and is released directly into the air and water. Low-pollution marine engines are either four-stroke engines, which run on straight gasoline and are the cleanest and most efficient outboard engines available, or two-stroke engines with direct fuel injection, which use up to 50 percent less oil than traditional two-stroke engines. The cleaner engines emit 75 percent less pollutants, reduce gasoline discharges to the water, improve fuel efficiency by 35 percent to 50 percent, start more easily, and are less noisy. EPA rules adopted in 1996 phased in

increasingly stringent emissions requirements for marine engines starting in 1998. By 2006, all manufacturers' average emissions for new outboard and personal water craft gasoline engines must meet EPA's most stringent emission standards.

Under the memorandum of understanding, participating retailers will provide information on sales of low-polluting marine engines to the Marine Trades Association, which will pass the data on to state and federal regulators. The three industry associations will help their members achieve the sales goals by providing them with marketing and communications assistance, training, and research. In addition, the EPA and the NJDEP will jointly develop public education materials to promote cleaner marine engines. They also will work with state agencies and municipalities to support the use of low pollution marine engines in the state. EPA has entered into similar agreements with the marine industry and state governments in Florida, Wisconsin, and the New England states. A successful program in New Hampshire that started in 2000 was followed by agreements in Connecticut, Maine, Massachusetts, Rhode Island, Vermont, New York, and the Lake Champlain Basin Program in 2002.

New PCB Criterion Adopted for Dredged Material

The Environmental Protection Agency (EPA) issued a final rule setting an acceptable level of polychlorinated biphenyl (PCB) contamination in dredged material from the New York/New Jersey Harbor. The final rule sets the level at 113 parts per billion in worm tissue for the dredged material that will be used to cap the Historic Area Remediation Site, an area off the Atlantic coast of New Jersey used for ocean dumping over the past 100 years. The rule establishes a pass/fail criterion for evaluating PCBs in worm tissue from bioaccumulation tests performed on dredged material proposed for use at the site. The rule applies primarily to entities in the New York/New Jersey Harbor and surrounding areas that are seeking permits from the U.S. Army Corps of Engineers (ACOE) to dump material at the Historic Area Remediation Site under the Marine Protection, Research, and Sanctuaries Act. The tightening of the criterion is part of a continuing project by EPA and the ACOE to resolve environmental issues raised by a long-term dredging plan deemed by shipping interests to be essential to preserving the economic vitality of New York Harbor.

Coastal Training Program Established in Massachusetts

National Oceanic and Atmospheric Administration's (NOAA) Waquoit Bay National Estuarine Research Reserve, along with the Massachusetts Office of Coastal Zone Management and the Woods Hole Oceanographic Institution has created the nation's first Coastal Training Program (CTP). The CTP focuses on issues such as coastal habitat conservation and restoration, biodiversity, water quality and sustainable resource management in coastal communities. It is the starting point for a nationwide effort by NOAA's National Estuarine Research Reserve System to provide up-to-date scientific information and skill-building opportunities on coastal issues. The CTP can respond to individuals, businesses, municipal officials, state agency staff, legislators, non-governmental organizations and associations on topics ranging from wastewater management to shoreline erosion and shellfish habitat. Similar coastal training programs are planned for each of the

25 Estuarine Research Reserves located in 21 coastal and Great Lakes states and territories. Click [here](#) for additional information.

Ocean Management Task Force Created in Massachusetts

Governor Mitt Romney of Massachusetts recently formed a task force to evaluate Massachusetts' ocean use policies and identify management gaps. The task force will review the current balance between economic and industrial uses of state oceans along with public access and environmental concerns. The task force will then advise Governor Romney's Administration on regulations necessary to protect and manage ocean resources in a manner that maximizes public use, utility, and enjoyment while minimizing impacts on ecosystems. The task force is expected to submit its policy recommendations by the end of the year. Click [here](#) for more information.

EPA's ECHO Project Launched

The Environmental Protection Agency's (EPA) recently unveiled Enforcement and Compliance History Online ("ECHO") pilot database provides public access to the environmental compliance records of more than 80,000 facilities regulated under the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act. The public can access names, addresses, permitting information, inspection history covering the past two years, violations, current significant violations, compliance status of violation occurring during the past two years, and enforcement actions. The EPA defines "significant violations" as those indicating point source discharges of "sufficient magnitude or duration to be a regulatory priority." The Corporate Environmental Enforcement Council and 20 other industry groups commented that ECHO "does not contain sufficient tools to allow the user to determine the 'significance' of noncompliance that is noted in the report." The industry groups urged the EPA to devote sufficient resources to correct possible data errors in a timely manner. The EPA intends to respond to the comments in a final notice. You may view the pilot website and obtain more information by clicking [here](#).

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