The Changing Roles of Environmental Interest Groups in National Policy-Making: A Marine Conservation Case Study

by

Brooke S. Simler

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Interest groups have participated in the American political system since the signing of the U.S. Constitution. Environmental interest groups, a subsection of the American interest group society, have been especially active in national policies since the proliferation of environmental laws and environmental advocacy in the 1960s and 1970s. When environmental laws were passed in the late 1960s, environmental interest groups were able to affect policy decisions through court action. These laws expanded a citizen's standing to sue and made it possible for environmental groups to use litigation to change environmental policies. Today, we are beginning to see environmental groups impact national policy decisions using alternative strategies in addition to their historically effective litigation options.

This thesis examines environmental groups' new roles in national policy-making. Political science models describing how interest groups have affected national policies throughout history, including the iron triangle and issue network models, are discussed. Models describing how environmental groups fit into the policy process after the passage of environmental laws in the late 1960s and early 1970s is also included. A case study

regarding the environmental community's ability to influence the fate of "The Coral Reef Bill" is used to illustrate environmental groups' new strategies and roles. The Coral Reef Bill, introduced in the U.S. House of Representatives in March of 2000, was intended to establish protection and research programs for coral reefs in U.S. waters. The bill was amended in a manner that changed its conservation implications, which raised a great deal of concern among environmental interest groups, specifically marine conservation groups. The environmental (marine conservation) community was instrumental in striking down this undesirable amendment. How the environmental interest groups were successful in affecting policy is demonstrative of their new roles in national policy-making. The current and future status of marine legislation, and the environmental community's potential role in future legislation, is also discussed.

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APPROVED:

Major Professor, representing Marine Resource Management

Dean of the College of Oceanic and Atmospheric Sciences

Dean of the Graduate School

I understand that my thesis will become part of the permanent collection of Oregon State University libraries. My signature below authorizes release of my thesis to any reader upon request.

Brooke S. Simler, Author

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Research Problem and Scope

Introduction

Interest groups' participation in policy-making has historically and consistently been a fundamental component of the American political system. Since the signing of the United States' Constitution, interest groups have formed and acted to influence policy decisions. Interest groups continue to influence policy decisions, although the issues and the mechanisms interest groups utilize today have evolved.

The iron triangle model (also called policy subgovernments, triple alliances, or policy whirlpools) – which include agencies, interest groups, and congressional committees – for studying policy communities has proved to be a useful framework to examine relationships in the policy-making arena. The iron triangle refers to the impenetrable relationships between Congress (specifically congressional committees and subcommittees), executive agencies, and interest groups. It is argued that these three entities have interacted throughout the course of history to pass legislation and make policy decisions that benefit all three "corners" of the triangle.

Critics of the iron triangle model believe that the relationships between these groups are not always rigid and stable. Many of these critics support a variation of the iron triangle model, called the issue network model. The issue network model offers an alternative description of the players involved in the policy-making circles. Issue networks are more open networks of people and players that share common knowledge

about an issue. The players typically include the same groups in the iron triangle – congressional committees, executive agencies, and interest groups – but their positions are more loosely defined. Additionally, other groups – such as state and local governments, the courts, lawyers, or consultants – are introduced as institutional players. The players in the issue network communicate amongst one another to reach mutually beneficial policy decisions.

Historically, the interest groups that have most successfully affected policy, and sat on one "corner" of the iron triangle or issue network, have represented economic or material interests. Material or economic interests are those that result in policies regarding wages and salaries, reductions in taxes, changes in tariff levels, or improvements in property values (Wilson, 1995). The past century has given rise to a new type of interest group that represents interests other than material or economic, such as ideals, expressions, or purposes – mainly non-monetary motivations.

Environmental interest groups have emerged as one type of interest group that represents peoples' and members' beliefs and ideals. The number of environmental interest groups boomed in the 1960s and 1970s, concurrent with the passage of national environmental laws. These environmental groups, lacking money and historical rapport with Congress and the executive agencies, did not have the "iron triangle/issue network" relationship at their disposal, so they were forced to find other methods to incorporate their policy initiatives into law. The courts offered these groups an alternative mechanism to affect policy.

The environmental laws passed in the late 1960s and 1970s, such as the National Environmental Protection Act or the Clean Water Act, included the expansion of a

citizen's standing to sue. Prior to the enactment of these laws, a citizen's right to sue was limited to only those instances in which he or she suffered (or could potentially suffer) a substantial economic loss. Cases could only be tried if these narrowly defined requirements were met. The change in court access granted environmental groups the opportunity to bring cases motivated by policy concerns, rather than monetary concerns, to court. Consequently, policy began changing through court action.

Courts proved to be a powerful tool for the environmental groups. The addition of courts to the policy-making arena also begged for new policy models that recognized this shift. The iron triangle, although still in existence, was no longer the default policy-making model. New policy models have emerged that include the expanded role of the courts. Environmental groups' ability to change policy, through the court's definition or vindication of rights, provides an opportunity to test the appropriateness of these newly described policy models. Today, environmental groups, while still using the courts, are finding other methods to influence public policy. This study will examine a new role that environmental groups are assuming, along with the validity of emerging policy models.

Research Background and Statement

This study arose from two areas of interest: the policy-making process and marine conservation issues. With these two areas of interest motivating my work and studies, I embarked on a summer internship in Washington D.C. The internship position with the Marine Conservation Biology Institute (MCBI) offered a unique opportunity to gain insight into the viewpoints of a non-governmental organization toward the policy process.

It also afforded me the opportunity to be involved with ocean legislation and policy-making, a timely and "hot" topic on policy-maker agendas.

After leaving MCBI, I reflected on the experiences and realized that the work and involvement with one particular project, the Coral Reef Bill, was an extremely educational experience on many levels. Work on this bill provided insight into the inner workings of Congress, agencies, interest groups, and the legislative process. It also provided insight into marine conservation issues (specifically coral reefs) in a scientific, legal, and political framework. The specifics of the bill provided an interesting examination of ocean legislation, ocean jurisdiction, and ocean uses.

The internship experience resulted in first hand knowledge about how an environmental interest group can affect national policies. A review of the related interest group and policy-making literature was subsequently conducted. The literature explored the involvement of traditional (economic or material driven) interest groups, but interestingly there was little available literature concerning environmental interest groups and their direct impacts on policy. Additionally, the literature about environmental interest groups did not illustrate the experiences based on experiential observation.

The experiences and theoretical framework are directed toward a specific policy of academic and personal interest, namely the Coral Reef Bill. This thesis describes new roles of environmental groups (as experienced during my internship) and explores the validity of the theoretical models as frameworks that explain these new roles.

Research Goals and Objectives

After working in Washington D.C., researching related studies, learning about the history of interest groups' involvement in the policy-making process, and deepening my understanding of ocean law and policy, I identified the following research goals and objectives:

1. To describe the historic involvement of interest groups in federal policy-making.
2. To describe how the role of environmental interest groups differs from that of the historic and traditional roles of interest groups.
3. To utilize an example from national ocean policy (The Coral Reef Bill) to explore new policy-making strategies emerging for environmental groups.
4. To discuss current and future ocean legislation and environmental interest groups' (specifically marine conservation interest groups) potential contribution to the policy-making process.

Thesis Organization

This thesis is intended to provide background, descriptions, results, and discussions about the research objectives. First, I will describe my experience working for MCBI in Washington D.C., as well as my experiences with other Washingtonian situations that contributed to my understanding and interpretation of the policy process. Scientific approaches and methods relevant to my experiences will also be discussed.

Second, the theoretical framework will be described. This will include a discussion of traditional interest groups' roles in policy-making, the shift in the interest

group society from solely traditional (material) groups to the inclusion of other (non-material) groups, the emergence of environmental interest groups, the role of environmental interest groups in the policy process, and finally a brief description of marine conservation interest groups.

The case study, The Coral Reef Bill, will then be discussed at length. The case study is ultimately intended to provide insight into the theoretical models. The case study will also serve as an in-depth look into marine conservation legislation. Once the case study is discussed the theoretical contexts will be revisited. This theoretical review will be described and modified as appropriate to understand the findings from the case study.

Finally, marine legislation – past, present, and future – will be discussed. The purpose of this discussion will be to put the entire study into a larger context and identify opportunities for marine conservation and environmental groups to recognize and use the strategies discussed in this study to further their interests in future policies.

Research Approach and Methods

Background

I embarked on this research study after completing an internship at the Marine Conservation Biology Institute (MCBI) in Washington D.C., during the summer of 2000. I worked on a number of marine and political issues with MCBI, one of which was the Coral Reef Bill - the focus of this study. This section is intended to describe what led up to and contributed to my experiences with MCBI, what I actually experienced at MCBI, and what approaches I implemented to examine the case study and to achieve the goals of this study.

Prior to the internship with MCBI, I worked in Washington D.C. (from 1997-1999) for both the government and the private sector. I briefly interned for the Environmental Protection Agency, in the Office or Research and Development and I worked as an environmental policy consultant to land managing agencies (mainly the Department of Defense and Department of Interior) regarding environmental justice issues on Native American lands. These positions afforded me the opportunity to become involved with environmental policy, but mostly in terrestrial situations. My position as an environmental consultant allowed me to work with many players in the policy process. I worked directly with federal agencies, but regularly interacted with congressional staff and interest groups. When I began my internship at MCBI I had already been exposed to policy-making circles. The internship at MCBI allowed me to blend my previous experience with Washington politics and policies, with my passion and current education in marine conservation issues.

The graduate degree program in marine resource management requires participation in a project or thesis study. I accepted the internship at MCBI with the hope that I would be afforded the opportunity to work on a project or issue that could be transferrable to a master's thesis. I began my work at MCBI not knowing what the summer would have in store, but paid careful attention to and documented the details of my day-to-day activities and observations, with the anticipation of further researching and analyzing the information in a more formal capacity.

The first day of the internship was rather uneventful, however during my second day at MCBI, I was sent to a House Resources Committee hearing where there was a discussion about the Coral Reef Bill. I was sent to listen, learn about the congressional personalities on the committee, and to learn more about the Coral Reef Bill. The Coral Reef Bill had been introduced in March of 2000 (a few months earlier), and the committee was going to discuss and amend the bill during this hearing. The Coral Reef Bill was amended by Representative Don Young (R-AK) in a manner that concerned the environmental community. (The specifics of this bill and the details of the environmental community's concern are discussed in a later chapter.) An employee from Oceanwatch, another marine conservation organization, and myself were at the hearing and discussed the severity of the amendment with one another following the hearing. It became clear that this amended language would be of concern to MCBI and Oceanwatch. Consequently these two groups spearheaded the effort to get the amended language removed. The senior policy analyst at MCBI (whom I worked under) was preparing to leave the country to participate in an international ocean law class for a month. Given

my previous experience in Washington, this put me in an interesting and fortuitous position, as I now became MCBI's point person on the Coral Reef Bill issue.

In the following months, MCBI and Oceanwatch convened meetings with other environmental organizations, communicated with congressional staff and agency staff, and wrote opinions about the Coral Reef Bill. My position at MCBI afforded me the opportunity to be a major player in all these discussions and activities.

During my time at MCBI, and working with the Coral Reef Bill, I collected careful notes and was conscious to gather any data or information that may later be used to analyze the situation. Although a theoretical framework had not yet been identified, I wanted to make certain all possible information was gathered and documented. At the end of everyday I wrote in a journal and described that day's events and observations - whether they related to the Coral Reef Bill or other marine conservation issues. I took careful notes at all the meetings I attended - whether they be with other environmental groups, congressional staff, or agency staff. I gathered and collected all the documents and opinions available to me that were written by interested parties. I also saved any memorandums and emails that came through our office regarding the Coral Reef Bill. These documents were public government documents, and documented conversations were with government employees, which makes them public information. At the end of the summer, I had two large notebooks containing my personal notes, meeting notes, emails, opinions, letters, memorandums and essentially any document that was related to the Coral Reef Bill.

I left MCBI and Washington D.C. in September of 2000 and returned to Oregon State University to resume my graduate program. I immediately took a political science

class during the Fall of 2000 entitled "Interest Groups." This class described and discussed the different types of interest groups and how they are involved in political situations. Fortunately, natural resource politics and environmental laws were often discussed in class. I found myself relating my experiences at MCBI to the models and descriptions discussed regarding environmental policies and environmental interest groups.

I began further researching environmental interest groups and their role in policy-making, and learned that what I experienced working with the Coral Reef Bill was different than what political scientists and scholars had been describing. I began trying to relate my experience about the Coral Reef Bill with known political science and policy-making models and soon realized that my experiences offer unique insights and challenges to traditional explanations.

Methodology

After reflecting on my experiences, reviewing my information and notes, and exploring theoretical approaches, I embarked on this study. As I reviewed my information, I identified a number of researching methods and approaches that would appropriately analyze my data.

The approach of this study is inductive in nature because I applied theories and models to my data after the information was collected (Babbie, 1989). After reflecting on my activities during my internship, I determined that I could analyze my experiences and data in such a way that models could be applied and conclusions could be drawn regarding environmental groups' roles in policy-making.

My work at MCBI allowed me to be an observer in many political situations. Observation is a research technique that provides first hand knowledge and insight into a subject (Berg, 2001). Observation allowed me to watch, listen, and learn about events and relationships as they occurred. It provided me with a unique experience, and insightful views into the policy-making process. It is important to note that I was more than a mere observer, I was working for a marine conservation organization. My role in this internship was representing conservation interests. Due to my role, it is impossible to be free from bias. However, I attempted to describe the events of this study with minimum biases and to identify instances where my involvement may have clearly compromised objectivity.

I collected a great deal of data and information about a specific issue, the Coral Reef Bill. Therefore, it was appropriate to apply the theoretical models to a case study. After determining a case study approach was most appropriate, I considered the different methodological approaches used when analyzing case studies. The approach selected is based on the purpose of the case study. The purpose of a case study should be identified as intrinsic, instrumental, or collective (Berg, 2001). An intrinsic case study is undertaken when the researcher wants to better understand a specific case for its own sake, not because the case is part of a larger theoretical whole. In contrast, an instrumental case study seeks to discover supporting evidence to a greater body of knowledge or theory. A collective case study involves several cases in one project. The Coral Reef Bill case study provides information contributing to the discussion of environmental interest groups' roles in policy-making. This makes the case study instrumental because it serves to elicit evidence to contribute to a broader body of

knowledge. Additionally, the case study serves as an in-depth look into marine legislation and the implication of the Coral Reef Bill. Jurisdictional and legal implications of the bill are also discussed in order to provide insight into ocean management issues. Because the details of the case study are discussed at length this case study is also intrinsic.

Case studies can be designed in a number of ways: exploratory, explanatory, or descriptive. An exploratory case study is when data collection occurs prior to the formulation of a research question. An explanatory case study is used in causal studies (Berg, 2001). Finally, a descriptive case study begins with a theory, followed by a determination of the appropriate research context or case study to test this theory. The events of the case study occurred before the researcher decided to use it as a component of this research study. While participating in the Coral Reef Bill actions, I attended meetings, wrote opinions, read opinions, spoke with involved parties and noted the events associated with this bill. After my involvement with the Coral Reef Bill was completed, the data was reviewed, and a theoretical approach was applied. Consistent with the inductive nature of this study, the case study is exploratory in nature because the data was gathered before the theories were applied and conclusions were drawn.

Most events do no occur in spatial or temporal isolation. Therefore, it is important to recognize the context (i.e. time, place, and setting) of the case study and how external events may have influenced the current study. The case study took place over a four month period from June 2000 to September 2000. During this time, Democrat William Clinton was President and the 106th Congress was in session. This Congress was comprised of a Republican House and Senate. This was the end of Clinton's presidency; he left office in January of 2001, and was replaced by Republican George W.

Bush. It is important to put a political context onto this research and case study because the party representation in government can influence and alter the outcome of the case. It is also important to note that this case study is very specific to this administration and Congress.

This study also reflects two concerns that are often used to criticize case studies: objectivity and generalizability. This single case study is not intended to prove or disprove other policy or political science theories, it is simply intended to deepen and possibly challenge the understanding of current thoughts on these subjects.

The use of multiple methods and approaches are illustrative of triangulation of research. Triangulation calls for two or more methods when researching, in order to deepen the validity of the results (Berg, 2001). The observation and collection of information, notes, meetings, etc. comprise the triangulation of methods used in this study.

Theoretical Approach

It is helpful to provide some background and discussion regarding interest groups' roles in the policy-making process. Research and theorizing about interest groups' influence in federal policy-making has been dominated by traditional interest groups' relationships with agencies and congress. After a discussion of the models describing traditional interest groups and a review of the critiques of the model, how interest groups themselves have changed is examined. This discussion will include information regarding the proliferation of environmental interest groups and the mechanisms available to these groups to affect policy. Consequently, how we think about interest groups' interactions with major policy players will also be examined. Throughout the following descriptions and discussions, relevant existing literature will be identified. An understanding of the existing literature, models, and descriptions also demonstrate how this study contributes to the greater body of literature about interest groups.

Interest Groups

An interest group is an organization that tries to influence government (Berry, 1997). These groups represent their constituents and attempt to further the interests of their constituents through governmental mandates. Why these groups form and what these groups represent is important to understand when engaging in a discussion of how these groups behave. Before discussing the types of models applied to the policy-making process, it is important to engage in a brief discussion about the nature and types of interest groups.

Traditional Interest Groups

Historically, the most common type of interest group is a traditional interest group. These interest groups are (or were) motivated by material or economic incentives. This means there are tangible rewards - money, goods or, services – available to them if they are successful. These rewards can be in the form of benefits, tax reductions, and increased property values.

In his 1965 book The Logic of Collective Action, Mancur Olson, an economist, was the first to describe interest groups in the context of money and economic interests. Most interest groups until 1965 were formed to further economic interests, such as better wages or tax breaks. For example, the American Farm Bureau Federation may work to get cheaper insurance rates, or the AFL-CIO may work to get better wages. Essentially traditional interest groups form and act because their members' material interests would be furthered. Academically, interest group discussion was centered on economic concepts and the policy-making models (iron triangle and issue networks) discussed here were designed to accommodate these traditional interest groups.

Idea-Based Interest Groups

Idea-based interest groups are motivated by a desire to contribute to a worth-while cause. Idea-based groups have existed for a long time – for example, there were anti-slavery groups working to make changes in the 1800s. Although idea-based groups have existed, the 1960s and 1970s brought a shift in the interest group society from mostly monetary-based traditional interest groups to the inclusion of more idea-based interest groups. Broad social changes such as the rise of television, the civil rights movement,

and the increase of education and affluence, all contributed to the change in interest groups (Lunch, 1987). The use of television was a powerful tool that provided the general public with visual images of what was going on in the country and other parts of the world. Events witnessed by the public on television, coupled with increased education, awareness, and affluence in the American society, sparked idea-based interest group formation.

The organizations that resulted in the 1960s and 1970s represented public interests. These lobbying groups were not concerned with economic and material interests, but rather represented "a collective good, the achievement of which will not selectively and materially benefit the membership" like that of traditional organizations (Berry, 1996, p. 31). Examples of such groups are Environmental Defense Fund (now, Environmental Defense), The Children's Foundation, and The Health Research Group. These emerging "public interest" groups began challenging traditional interest groups in the 1960's.

It is important to recognize that in addition to these public interest groups, which we may consider on the "left" side of the political spectrum, there are also idea-based interest groups that fall on the "right" side of the spectrum. Conservative political groups or pro-life groups are also idea-based groups. It is also important to recognize that some groups can represent both material and idea-based incentives. For example Labor Unions work to get better working conditions for their members, but they also work to better the morale and ideals of their workers.

The surge of idea-based interest groups resulted in traditional interest groups not only trying to further their own initiatives, but also defending themselves from the public

interest or idea-based groups. For example, public and environmental health groups attacked many industry associations. This caused traditional interest groups to expand because they had to defend themselves, in addition to continuing to communicate their policy goals. All of these events resulted in a proliferation of advocacy groups, including the strong introduction of idea-based interest groups, as well as an increase and expansion of traditional groups.

Solidary Interest Groups

Although the focus of this study includes traditional interest groups and idea-based interest groups, a description of interest group incentives would not be complete without describing solidary interest groups. An individual or a collective group can hold solidary incentives. An individual, or specific, solidary incentive is an intangible reward coming from the act of associating or belonging to a group (Wilson, 1995). This can include offices or honors or awards. Collective solidary incentives are intangible rewards created by the act of associating that must be enjoyed by a group (Wilson, 1995). These rewards come from the fun or conviviality of coming together (Wilson, 1995), such as a Rotary Club or a Kiwanis Club.

The Iron Triangle Model

Through the years, political scientists have developed models to describe interest groups involvement in policy-making communities. The first descriptions of a model to describe this arrangement – the iron triangle model – can be traced to a 1939 publication of Ernest Griffith's Impasse of Democracy. Griffith's work received support from many

political scientists who were looking for ways to describe the policy-making relationships, but increased attention was given to this model in the 1960s.

Interest groups utilize a number of methods to get their policy initiatives instituted. Relationships between interest groups, congressional committees, and bureaucracies, resulting in national policies, have been described by political scientists and interest group scholars using the iron triangle model. The iron triangle is defined as a small group of political actors, both governmental and non-governmental, which focuses on a specific, fairly tightly defined policy (Ripley and Franklin, 1991). Ernest Griffith first described these relationships as whirlpools (Berry, 1996). Whirlpools and iron triangles are synonymous. The terms "triple alliances" and "subgovernments" have also been used to describe the same model.

A typical iron triangle consists of three entities: congressional committees, bureaucrats, and representatives of private groups and organizations (See Figure 1). Essentially, "triangle" refers to the three groups involved in the process: 1) congressional committees and the congressional staff; 2) bureaucracies/agencies; and 3) interest groups. "Triangle" also describes the lines or relationships between these groups, which shows how they interact. The arrows are double headed because the interactions between the groups are a two-way interaction. For example, the interest groups communicate with the federal agencies or the congressional committee staff, but the agencies and committees also initiate communication with the interest groups. All the groups involved are looking for information and support from the other involved parties. "Iron" refers to the impenetrable and stable relations between the involved groups. The relationships between an interest group and an agency and a congressional committee or staff member are tight

and stable. Typically, once these relationships are formed, they are lasting. They are also unchangeable, meaning rarely are other groups allowed in the triangular relationships.

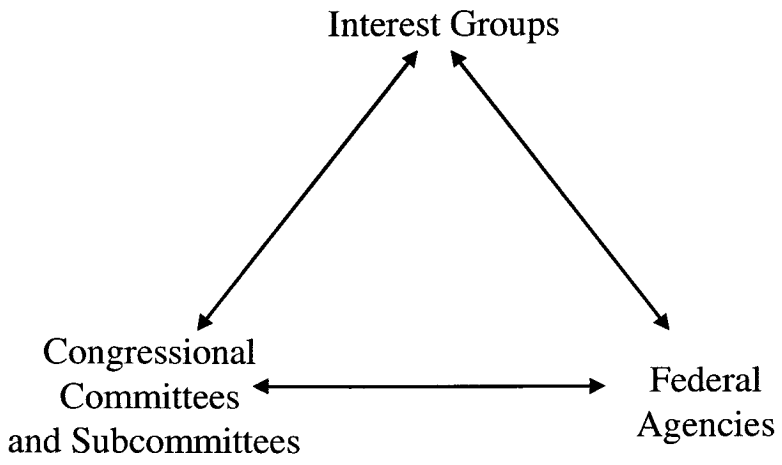

Figure 1. The Iron Triangle

To illustrate this model, in 1964 Douglass Cater describes the sugar subgovernment or iron triangle. Cater suggests that policies regarding the sugar industry are influenced by the House Agriculture Committee (congressional committee), the Department of Agriculture (federal agency), and representatives of the sugar industry (interest groups).

> Political power within the sugar subgovernment is largely vested within the Chairman of the House Agriculture Committee who works out the schedule of quotas. It is shared by a veteran civil servant, the director of the Sugar Division in the US Department of Agriculture (USDA), who provides the necessary "expert"

> advice for such a complex marketing arrangement. Further advice is provided by Washington representatives of the domestic beet and cane sugar growers, the sugar refineries, and the foreign producers (Cater, 1964).

The groups interact with one another, and probably not with any other groups. The USDA looks to the sugar growers and sugar refineries, as well as members of the House Agriculture Committee, for advice and information. The House Agriculture Committee looks to the sugar interest groups and the USDA for information. All the involved groups communicate with each other, and ultimately all reach successful policy decisions that all involved groups embrace.

Many examples of iron triangles exist in the federal policy making process. The "agriculture iron triangle" is a broad, popular example. The House Agriculture Committee, the Department of Agriculture and farm groups have been interacting for decades developing and changing farm policy. A general principle of the iron triangle is that each "corner" of the triangle communicates with the other corners, and each group benefits. This can be examined using the agriculture iron triangle. The House Agriculture Committee provides authority and funds to the Department of Agriculture. The Department of Agriculture provides guidance, assistance, or even limitations to the farmers and farming communities. The farmers form interest groups to represent their beliefs in Washington D.C. and to influence their own representatives. These groups influence the decisions of the House Agriculture Committee through lobbying. The congressional members gain support from their constituents (the farmers), if they make decisions according to their beliefs and needs. In the end, each corner of the triangle gains something through the relations to the other corners.

There has been much criticism about the United State's government due to the rigid relationships illustrated in the iron triangle. Once all of the organized groups in an iron triangle are considered together, a strong "business of upper-class bias" becomes evident (Schattschneider, 1960). This is associated with the typical "money and politics" criticism of the United States government. The criticism states that the more money a group or individual has, the easier it is to influence policy. Once a group influences policy, it typically continues to do so. Consequently, the relationships that the iron triangle depict are criticized as being impenetrable or unchangeable.

The iron triangle model, although certainly not applicable to every policy decision in Washington, seems to fit best when traditional interest groups are considered. Until the 1960s, traditional interest groups were essentially the only groups represented in Washington. When non-material and non-economic motivations began driving interest groups after the 1960s, the applicability of the iron triangle model was criticized. The shift in interest group society, to include ideological groups, led some scholars to believe that not all relationships are as rigid as the iron triangle model describes.

Issue Networks

There has been some discussion among scholars challenging the validity of the iron triangle to completely describe what is actually occurring in the policy-making process. One notable scholar that challenged the iron triangle model was Hugh Heclo. Heclo noted that the iron triangle theory was " not so much wrong as it was incomplete" (Harris and Milkis, 1989, p. 239).

Similarly, scholar James Q. Wilson commented that "there is supposed to be an 'iron triangle' of influence linking each agency, congressional, committee, and interest group into a tight and predictable pattern of action. Those we have seen appear to made of a metal far more malleable than iron," (Harris and Milkis, 1989, p. 240). These scholars consequently described "issue networks" to provide a slightly different approach for examining the process.

Unlike the rigidly defined iron triangle, issue networks are defined as an open and limitless model. The description of an issue network is "a shared and open group of knowledge that ties together a large number of participants with common technical expertise" (Harris and Milkis, 1989, p. 241). This definition is demonstrative of this model's flexibility because, unlike the iron triangle, it includes a large number of people, whose relationships may not be mutually beneficial. Issue networks offer an alternative way to describe the policy process other than what the iron triangle model proposes. Not all relationships in politics and policy-making can be or are as rigid as the iron triangle suggests.

Issue networks' membership is similar to that of an iron triangle. Issue networks are comprised of congressional committees and congressional staff, executive agencies, and interest groups. There are often additional players in issue networks, such as lawyers, journalists, members of advisory panels, mayors, state legislators and their staff, professors, and other experts (Lunch, 1987). Information exchange in an issue network makes it different from an iron triangle. First, the information exchange is open and not restricted to the relationships defined in an iron triangle. Aside from the typical players in an iron triangle – congressional committee, agencies, and interest groups – other

groups are included in the discussion of the policy topics. Secondly, the information that is exchanged does not always benefit all parties, unlike in an iron triangle relationship.

The American Environmental Movement, Environmental Interest Groups, and Environmental Legislation

Environmental interest groups comprise part of the ideologically motivated interest group sector. Examining the environmental movement and the history of environmentalism will provide some background to further discuss the roles of environmental interest groups today.

The environmental movement in the United States arguably began in the 1850's when the Department of Interior was established. The Department of Interior's original mission was to settle the west. In 1875 the American Forestry Association (AFA) was established and considered the first environmental group in the United States. The AFA's mission was to protect trees for their aesthetic qualities. Many other organizations were formed during this time, such as the Audubon Society. The goals and missions of these organizations were typically to protect an aspect of aesthetic environmental quality.

The late 1800s and early 1900s brought new kinds of environmental concerns. Instead of being concerned about aesthetics of places, resource management concerns were raised (Earth Institute Website, 2001). Forest practices became the center of many environmental and resource conflicts. People became concerned with the deforestation of many U.S. forests, and called for sustainable forestry. This sparked the preservationist vs. conservationist conflict. Conservationists believed in developing resources for the present generation, but to also use resources wisely to provide for future generations. Gifford Pinchot, the first chief of the Forest Service, was an avid conservationist. In

contrast, preservationists believed that some areas should not be exploited, but should be maintained as wilderness areas. John Muir was perhaps the most notable spokesperson for the preservation of wilderness areas. The Sierra Club was founded in 1892 by John Muir to "do something for the wilderness and make the mountains glad," (Sierra Club website, 1995). John Muir, through his communication and friendship with Theodore Roosevelt, was instrumental in sparking the creation of the National Park System in 1916, under President Woodrow Wilson.

In 1919 the National Parks and Conservation Association (NPCA) was created and furthered what John Muir had begun at the turn of the century. NPCA was created to protect and preserve the National Park System. The conservationist groups were also active during this time, but they were interested in conserving parts of the environment for sport. For example, the Izaak Walton League and Ducks Unlimited were formed to preserve streams and wetlands, not for ecological or wilderness benefits, but to maintain a healthy resource to support fishing or hunting.

During the Great Depression and World Wars I and II, environmental groups were not as active and did not grow because the country had other priorities. Using natural resources for war supplies and jobs took precedence over natural resource protection. Although environmentalism and environmentalists still existed, the country's concerns of war, poverty, and jobs overshadowed environmental and natural resource concerns.

The 1960s and 1970s brought the biggest change to the environmental movement, as it became mainstream in American society. With the publication of Rachel Carson's Silent Spring in 1962, which raised public health concerns about the use of the pesticide

DDT, the country became concerned about the state of environmental and public health. Carson's publication sparked awareness, but other events fed citizens' concerns. A series of events occurred during this time that continued to raise people's awareness of environmental and public health issues. These catastrophes included: Love Canal, in 1978, when toxic substances were found contaminating neighborhood yards and consequently community members were ill; Three Mile Island, a near-nuclear meltdown in 1979; Times Beach in 1982 where a toxic chemical was used to control dust; and, the explosion in Bhopal India where a toxic cloud killed 2000 people in 1984. Events such as these raised a great deal of fear and concern in the public regarding environmental and public health conditions, and caused people to vocalize their concerns.

The United States Congress heard the public's vocal concern for human and environmental safety and health. Beginning in 1969 a series of environmental laws were passed. Laws such as the National Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act are a few examples of the environmental laws passed in the late 1960s and early 1970s. These laws contained language that expanded the citizen's standing to sue. This meant that citizens had greater powers to use legal means to achieve lawfulness. As a result, many industries and government agencies were brought to court because of legal action taken by concerned citizens or citizen groups.

As the concern for environmental and public health increased, and citizens were given a greater opportunity to be heard in the political system, many environmental interest groups grew and new environmental interest groups were formed. There was a

proliferation of environmental interest groups during this time, and these groups were afforded the opportunity to participate in the policy-making arena.

Environmental Groups Influence Policy – Shift to Wobbly Diamond

When idea-based interest groups boomed in the late 1960s and early 1970s, the typical and comfortable relationships between governmental and non-governmental groups comprising iron triangles and issue networks changed. Traditional interest groups had comfortably been residing on a corner of the triangular policy relationships. Environmental legislation contained language that altered those cozy relationships and lessened the historic stability of the triangles.

Environmental legislation expanded citizens' standing to sue. Citizens and public interest groups could now affect policy decisions through litigation. Environmental policy was arguably most affected by this new citizen right. In the 1960s there was an average of one court case a year brought against the United States Forest Service (USFS). In the 1970s there were about 25 court cases (Clary, 1986). Between the years of 1975 and 1988, there were 218 cases decided in the federal court regarding environmental issues involving the USFS (Ellefson, 1992).

In 1994 Mark Wilson published his doctoral thesis entitled "Origins of the Old-Growth Forest Conflict (1971-1989): A New Model for Resource Allocation." The thesis discussed a number of environmental issues and conflicts regarding old growth forests. These issues involved environmental interest groups, and Wilson applied a political science model to the relationships he witnessed between the environmental groups and governmental entities. Wilson clearly recognized iron triangle and issue network models

were not sufficient to describe the relationships, so he described a new model, the wobbly diamond. The wobbly diamond describes the new involvement environmental interest groups had in the policy and legislation process.

The wobbly diamond, shown in Figure 2, includes the same three groups represented in the iron triangle (interest groups, congressional committees and subcommittees, and agencies), but it also adds the new role of the federal courts. The descriptor "wobbly" is used because the once stable relationships in the iron triangle became unstable when the courts were added. Court cases are continually changing policy; therefore policy decisions are never completely stable or certain. The interest groups are placed at the top of the model because they define the issues and embark on the litigation. The federal agencies are furthest from the interest groups because they react to the courts' rulings.

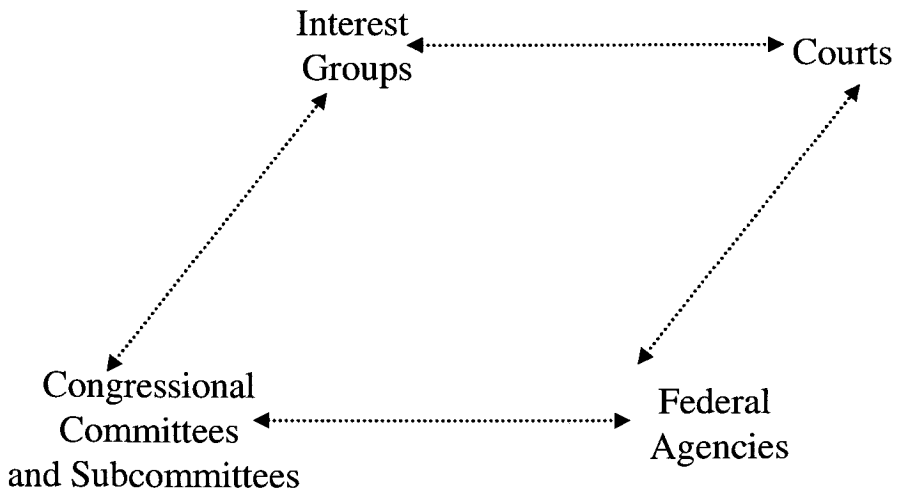

Figure 2. The Wobbly Diamond

The expansion of the "standing to sue" right opened numerous new doors for the environmental community. Environmental interest groups were able to utilize the courts to get their policy initiatives through the government system. There is certainly public opinion that connects "environmental groups" with "suing." Often this connection has negative connotations, yet increased court access has served as an effective means for environmental groups to get involved in the policy process and has often been most effective at making differences. Since the proliferation of environmental interest groups and the passage of environmental legislation in the 1960s and 1970s, environmental groups have been capable of making changes and making a position for themselves in the political process. Iron triangles were no longer the strong, stable systems they once were and issue networks were no longer the alternative to iron triangles. Idea-based groups, such as environmental interest groups, were now players in the policy process. The introduction of courts into the policy-making models altered the system from the traditional iron triangle to a new, dynamic model.

Marine Interest Groups: The Marine Conservation Biology Institute

In response to the passage and implementation of environmental legislation, environmental groups proliferated. Most of these groups were created to advance land conservation and preservation initiatives, and very few groups solely represented the ocean. The exception was the Center for Marine Conservation (CMC), an organization created in 1972, formed to address ocean issues.

The 1990s brought a wave of change, with an increasing number of environmental groups concerned with marine conservation. Not only have a handful of

groups emerged that focus only on marine issues (i.e. American Oceans Campaign, Oceanwatch, and Reefkeepers), but existing environmental groups have instituted marine divisions or allocated some funds into marine conservation initiatives. For example, the World Wildlife Fund and Conservation International now have a marine division as well as terrestrial divisions.

The group that is the focus of this thesis is the Marine Conservation Biology Institute (MCBI). Although many other environmental groups were involved in the policy activities described in this study, MCBI was a lead group in the case study as well as the group I represented, and is used to illustrate the changing roles of environmental groups.

MCBI was established in 1996 in response to the increasing worldwide loss of marine biodiversity by marine and forest conservation biologist Elliott Norse. MCBI's founding Board of Directors, made up of 7 members, has the responsibility for MCBI's program activities and compliance with all appropriate state and federal laws.

MCBI has a number of mission goals to address the loss of marine biodiversity including: advancing the multidisciplinary science of marine conservation biology; generating and disseminating scientific information about marine biodiversity issues to scientists, policy makers, and the general public; and promoting alliances for protecting, restoring, and sustainably using the oceans and the life they support (MCBI website, 1997).

Conservation science has made a major difference in conservation issues such as in the fights over the northern spotted owl or ancient forests; however, the science is largely focused in the terrestrial realm. MCBI's goal is to strengthen conservation in the

ocean, similar to terrestrial scientists' contribution to conservation on land. MCBI also tries to strengthen the use of marine conservation science in policy-making decisions. MCBI recognizes that there is little national policy that protects marine biodiversity, and hopes their science and ideals can alleviate this gap in policy.

MCBI works through two offices: one in Washington D.C. and one in Redmond, WA. The staff at MCBI is small, there are between 4 and 6 employees in the Redmond office and 2 to 3 employees in the Washington D.C. office. The Redmond office works to advance the science of marine conservation. The Washington D.C. office works to advance the organization's beliefs and goals into national policy. This latter office keeps close watch on ocean policy and legislation in all areas of government in Washington D.C. MCBI's Washington D.C. staff works with congressional staff, agency staff, and White House staff to further marine conservation initiatives. Due to the organization's financial make up (funding by foundations, rather than a membership), MCBI is legally restricted to the amount of lobbying they can engage. Although MCBI cannot lobby limitlessly, they have been able to establish themselves as a scientific organization that government employees utilize when considering marine issues. MCBI has been used as a resource by governmental employees. The Washington D.C. office, as an advocate of marine conservation science in ocean policy, was extremely active in the case study used in this thesis.

The Coral Reef Bill: A Case Study

Overview

In 1998 President Clinton signed Executive Order 13089, "Coral Reef Protection," which created the Coral Reef Task Force co-chaired by the Secretaries of Interior and Commerce to reduce and mitigate coral reef ecosystem degradation. H.R. 3919, "The Coral Reef" bill was introduced in the United Sates House of Representatives to the House Resources Committee on March 14, 2000. This bill sought to codify Executive Order 13089. Democrats, Republicans, involved agencies and the environmental interest groups supported the introduced Coral Reef Bill.

Approximately three months after the introduction of this bill, it was amended. One particular amendment to the Coral Reef Bill caused controversy and conflict among the involved parties. The involvement of the environmental interest groups, and their capabilities to affect the outcome of the bill was pivotal. Prior to discussing the environmental community's involvement, some background about coral reefs and the Coral Reef Bill is provided.

Coral Reefs

Coral reefs cover less than 1% of the planet, and less than .2% of the ocean, yet the reefs, their associated mangroves and seagrass provide habitat to one-third of all marine fish species, and thousands of other species. Reefs are some of the most biologically diverse, as well economically productive areas, in the world. Coral reefs are

also some of the oldest ecosystems on earth, believed to have first appeared about 225 million years ago (Craig, 2000).

A reef consists of a colony of coral polyps, which are small animals in the Cnidaria family (which also includes jellyfish and anemones). The polyps secrete calcium carbonate, which forms the hard structure around the coral. Most reefs are found in warm, tropical waters that are typically low in nutrients. The low nutrient water is not a concern for corals because they mostly depend on energy from the algae living with them. The alga forms a symbiotic relationship with the coral. Algae is a green plant, so it photosynthesizes for food energy. The algae's photosynthesis process provides food and energy for the coral. Because the photosynthesis process is so important, it is necessary for coral to live in clear and shallow waters where it can obtain the necessary sunlight.

Reefs offer countless ecological benefits to their surrounding areas. They provide natural barriers to coastal areas, which provides protection from storms and wave action. They also provide critical habitat for tens of thousands of marine species and they support endangered and threatened species including marine mammals.

Almost half a billion people (8% of the world's population) live within 100 km of reef systems (Craig, 2000). Coral reefs are valuable to communities and nations throughout the world. They provide fisheries and other food, materials for new medicines, and income and jobs through tourism and recreation (CRTF website, 2001). Coral reef fisheries also yield 6 million metric tons of fish annually (CRTF website, 2001). Coral reefs provide an estimated $375 billion per year of resources and services to humans (Craig, 2000).

Although many people recognize the importance of coral reefs, there is still a consistent worldwide decrease in reef habitat and a decline in coral species. D. Bryant stated in the World Resource Institute's (WRI) Reefs at Risk Report (2001) that an estimated 58% of the world's coral reefs are threatened by human activity. Human activities that adversely affect coral reefs include growing coastal populations; shoreline and inland development; pollution and run-off; over-fishing and over-use; destructive fishing practices; and ship groundings and anchor damage (CRTF website, 2001). These impacts can be worsened by environmental factors, such as coral disease or severe weather disturbances.

One of the greatest threats to coral reefs is increasing seawater temperatures and increased carbon dioxide concentrations in the oceans. When seawater temperatures are too high, coral reefs can undergo bleaching. Coral bleaching occurs when the coral tissue expels the algae living inside the coral because the temperatures are too high. This algal is essential to the coral's survival, so when it is expelled the coral will suffer or die. The most drastic coral bleaching event, which is attributed to a rise in ocean carbon dioxide and temperature, occurred in 1998. This event adversely affected 70 – 80% of the corals in the Indo-Pacific reefs (Global Coral Reef Monitoring Network, 1998).

Coral reefs provide many valuable goods and services to humans and ecosystems. Protecting these reefs also protects these valuable goods and services. Coral reefs are sensitive organisms, and are thus important indicators of overall ocean health. Their sensitivity also makes coral communities incredibly susceptible to harm and damage by both human and environmental factors. Consequently, international interest in learning more about these systems and ultimately how to protect them is increasing.

Coral Reefs in the US

There are approximately 4.2 million acres of coral reefs within the jurisdiction of the United States, which extends 200 nautical miles off shore (CRTF website, 2001). US reefs are found off the coasts of Florida, Hawaii, Texas, Louisiana, Puerto Rico, the US Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa. Over 500 commercially valuable coral reef fishes and invertebrates are under federal management in the United States (CRTF website, 2001). The 1998 WRI Reefs at Risk report, stated the following about US coral reefs:

> "Most United States reefs are threatened. Almost all the reefs off the Florida coast are at risk from a range of factors, including runoff of fertilizers and pollutants from farms and coastal development. Close to half of Hawaii's reefs are threatened, while virtually all of Puerto Rico's reefs are at risk."

Although some reefs receive protection because they are part of a National Park or National Wildlife Refuge, there has been no comprehensive coral reef protection and management plan. The first attempt at coral reef legislation was in 1992 by Representatives James Scheuer (D-NY), Tom Lewis (R-FL), Dante Fascell (D-FL), George E. Brown Jr. (D-CA), and Dennis Hertel (D-MI). This bill called for national policy towards sustaining coral reef resources, as well as establishing a reef research and monitoring program. This bill failed to gain congressional support, and was not enacted (Craig, 2000).

The United States became involved in an international effort in 1994 when they joined the International Coral Reef Initiative (ICRI) partnership. IRCI consists of eight countries – the United States, Japan, Australia, France, Jamaica, the Philippines, the

United Kingdom, and Sweden – as well as non-governmental organizations, development banks, and United Nation organizations (Craig, 2000). In 1996, the ICRI proposed that 1997 be designated "The International Year of the Reef." Consequently, Representatives Jim Saxton (R-NJ) and Neil Abercrombie (D-HI) passed resolution H8866 in the US Congress that stated the United States recognized the importance of coral reefs. It also expressed that Congress was committed to "maintaining healthy and stable coral reef ecosystems." Approximately six months after this resolution was passed, Representatives Saxton and Abercrombie unsuccessfully introduced H.R. 2233, to enact the Coral Reef Conservation Act of 1997.

In 1998 President Clinton passed Executive Order 13089 "Coral Reef Protection." The President, without approval from Congress, issues an Executive Order – so it does not carry the same legal implications as a law. Executive Orders can be overturned by a President, so they do not have the staying power that laws have – which would require the majority of Congress to overturn. There are two key Presidential directives described in E.O. 13089: 1) "all Federal agencies whose action may affect US coral reef ecosystems" must affirmatively act to become aware of and to protection the nation's coral reefs; 2) the creation of the Coral Reef Task Force (CRTF website, 2001), be co-chaired by the Secretary of Commerce and the Secretary of the Interior.

The CRTF has four specific duties: 1) coral reef mapping and monitoring; 2) research; 3) conservation, mitigation, and restoration; and 4) international cooperation. CRTF's conservation and restoration mandate is emphasized in E.O. 13089 "[CRTF] shall develop, recommend, and seek or secure implementation of measures necessary to

reduce and mitigate coral reef ecosystem degradation and to restore damaged coral reefs."

The Secretary of Commerce and the Secretary of Interior were instructed through E.O. 13089 to jointly chair the CRTF. All agencies that are involved in activities affecting coral reefs are also part of the CRTF. These agencies include the Department of Commerce, Department of Interior, Environmental Protection Agency, Department of State, Department of Defense, National Science Foundation, Department of Agriculture, and Department of Transportation. The Governors of seven states, territories, and commonwealths are also involved in the CRTF's actions. The CRTF was tasked to create a national coral reef action strategy that develops a comprehensive mapping plan, monitoring and assessment program. They are also tasked to develop plans to mitigate and reduce coral reef ecosystem degradation and restore damage to reef systems, as well as provide regular reports to Congress on activities to conserve coral reefs.

The Coral Reef Bill, H.R. 3919

On March 14, 2000 Representative Jim Saxton (R-NJ) introduced H.R. 3919, "The Coral Reef Conservation and Restoration Partnership Act of 2000," in the US House of Representatives. The short name for this bill is "The Coral Reef Bill." This original bill sought to preserve, sustain and restore the health of the 4,200,000 acres of coral reef resources in United States' waters. The bill improved coordination among federal agencies by forming an interagency task force and the bill provided grants to undertake conservation projects. The bill authorized $15 million per year for coral reef conservation, for a total of $60 million over four years. The proposed legislation was

consistent with existing marine and coastal policy acts, such as the Magnuson-Stevens Fishery Conservation Act, the Coastal Zone Management Act, and the National Marine Sanctuaries Act.

The bill sought to codify President Clinton's E.O. 13089, "Coral Reef Protection." By providing statutory authority to E.O. 13089, the Department of Commerce and the Department of the Interior would be charged with working in a joint-agency fashion. The responsibilities given to CRTF in E.O. 13089, discussed above, are codified in the Coral Reef Bill.

The Coral Reef Bill was introduced to the House Resources Committee with bipartisan support. When the bill was introduced to the House Resources Committee, there was no objection that a comprehensive mechanism to protect the nation's coral reefs was needed. The House Resources Committee viewed this bill as a productive step toward successful interagency interactions, bipartisan agreement on a bill, as well as a progressive step toward conservation of a valuable resource.

Amendment to the Coral Reef Bill

On June 20, 2000 House Resources Committee Majority Chair, Don Young (R-AK) proposed amendments to the Coral Reef Bill during a committee mark-up meeting. Don Young's proposed amendments appeared to come as a surprise to several congressional members on the House Resources Committee, even though it is considered a "congressional courtesy" to make other committee members aware of any amendments that may be brought up during a mark-up hearing. My impression while sitting in on the hearing was that Rep. Young, as Chair of the committee, was capable of introducing the

amendment without warning and quickly passed the amendment with the needed congressional support.

One particular amendment, which is referred to as Sec. 4(c), triggered responses, as well as concerns, in all involved parties, organizations, and agencies concerned with the Coral Reef Bill and coral reefs.

Recall that the original bill called for joint management between the Secretary of Commerce and the Secretary of Interior. Sec. 4(c) shifted this balance of management responsibilities. Sec. 4 (c) inserted the following language ("Secretary" refers to the Secretary of Commerce):

"Coral Reef Management Authority in the EEZ –

(1) In general. – Subject to other provisions of this subsection, the Secretary has exclusive authority to manage coral reef ecosystem fish in the exclusive economic zone as provided by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. Seq.).

(2) Delegation. – The Secretary may delegate the authority refered to in paragraph (1) to any other Federal official.

(3) Authorities of Secretary of Interior Not Affected. – (A) Paragraph (1) does not affect any authority vested in the Secretary of the Interior on the date of enactment of this Act by the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668d et seq.) with respect to any area –

(i) that was in the National Wildlife Refuge System before the date of the enactment of this Act; or

(ii) that is added to the National Wildlife Refuge System after the date of enactment of this Act and for which there is no fishery management plan in effect under the Magnuson-Stevens Fishery Conservation and Management Act.

(B) Nothing in this Act shall be construed to authorize the Secretary of Interior to designate any National Wildlife Refuge or other unit of the National Wildlife Refuge System.

(4) Consultation. – The Secretary shall consult with the Secretary of Interior during the development and implementation of any fishery management plan under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) that will apply to any area in the National Wildlife Refuge System, including any area added such system after the date of the enactment of this Act.

(5) Regional Councils. – Nothing in this Act affects the authority of the Regional Fishery Management Councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).
(6) Definitions. - In this subsection, the terms "exclusive economic zone" and "fish" have the meaning of those terms under section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802 et seq.)."

In sum, under Sec. 4(c) the Secretary of Commerce is given exclusive authority in coral reef ecosystems. The Secretary of Interior can maintain authority *if* a National Wildlife Refuge or National Park exists in a coral reef environment at the time of the enactment of this bill. Other than this "grandfather clause" retaining authority in existing refuges, the only role of the Secretary of Interior is that of consultation to the Secretary of Commerce.

The addition of the language in Sec. 4(c) changed some of the fundamental management underpinnings of the bill. When Rep. Young proposed this language as an amendment during the full House Resources Committee meeting, there was objection from other House Resource Committee members including Ani Faleomavaega (D-AS) and Neil Abercrombie (D-HI). Rep. Faleomavaega and Rep. Abercrombie represent territories and states that contain coral reef resources. While witnessing the objection to the amendment, I became distinctly aware that the representatives from places containing coral reefs were extremely concerned about the successful passage of this bill if Sec. 4(c) language was contained. These two representatives voiced their concern that the amendments may receive some criticism that could delay or prevent the successful passage of the bill. The committee recognized the conflict among the members, so Rep. Young agreed to work out some sort of compromise amongst themselves following the hearing, before the bill went to the House floor for a vote.

Rep. Young, a congressman from Alaska, never made clear during this hearing why he was interested in coral reef jurisdictional issues. Since there are no coral reefs in Alaska, it does not readily appear to be an issue he should be concerned about. Other environmental interest group representatives and myself speculated it was due to his interest in maintaining fisheries. Keeping jurisdiction in the Department of Commerce would most likely result in the allowance of commercial fishing in waters surrounding coral reefs. A portion of Rep. Young's constituency in Alaska is commercial fishermen, an extremely large industry and source of income for the state of Alaska. Rep. Young's amendment to the Coral Reef Bill, although not directly affecting Alaska, may set precedents that could later benefit Alaskan fishing groups.

Primary Effects of Sec. 4(c), Change in Ocean Jurisdiction and Management

E.O. 13089 and the original Coral Reef Bill both called for joint management of coral reef ecosystems by the Department of Commerce and the Department of Interior. The intent of the original bill was to maximize interagency efforts to conserve coral reef ecosystems. The addition of Sec. 4 (c) changed this original intent regarding agency jurisdiction.

Sec. 4(c) provides the Secretary of Commerce exclusive authority over coral reef ecosystem management via the Magnuson-Stevens Fishery Conservation and Management Act. Magnuson-Stevens governs commercial and recreational fisheries in the exclusive economic zone (EEZ), which is 200 miles out to sea. Regional Fishery Management Councils manage these fisheries. The Department of Commerce is instructed to manage "fish" and "fisheries." "Fish," as defined by Magnuson-Stevens, is

very broad. It includes finfish, mollusks, crustaceans, and all other forms of marine plant and animal life (including corals) other than marine mammals and birds. As a result, if the Secretary of Commerce is tasked to manage coral reef resources, management will do so under Magnuson-Stevens. When managing under Magnuson-Stevens, the Department of Commerce is instructed to manage fisheries for optimal yield. Thus, Sec. 4(c) would trigger management via Magnuson-Stevens, and coral reef resources would be managed as fisheries for optimal yield.

Passage of Sec. 4(c) results in diminished authority for the Secretary of the Interior. The role of the Secretary of Interior in future National Wildlife Refuges and other Interior managed units would be lessened to a role of "consultation." Legally, "consultation" means the Secretary of Commerce should communicate with the Secretary of Interior, but is in no way obligated to formally include the Secretary of Interior in decisions. Although Sec. 4(c) grandfathers in existing National Wildlife Refuges, the Secretary of Interior's authority in any new refuges or management units would be diminished, or even depleted.

Other Effects of Sec. 4(c), Jurisdictional Uncertainties

The proposed 4(c) language undoubtedly alters the management authorities of the Departments of Commerce and Interior. To what extent these authorities are changed is not entirely clear. Although the Secretary of Interior's authority is diminished, all the repercussions are not fully understood. This is due to the fact that Magnuson-Stevens speaks very generally to jurisdictional matters, and there is also little legal clarity about where the Department of Interior has jurisdiction in the EEZ.

The Department of Commerce has jurisdiction to regulate fish and fishery resource in the EEZ via Magnuson-Stevens. This act charges eight regional fishery management councils with preparing fishery management plans (FMPs) for fish stocks in their jurisdiction (Kalo, 1999). It is not entirely clear where this jurisdiction begins, especially in the Pacific Islands, where there are a great deal of coral reefs (Baldwin, March 31, 2000). Additionally, the definitions of "fish" and "fishery" are broadly defined in Magnuson-Stevens. "Fish" means "finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals, (sic) and birds," (16 U.S.C. §1802 (12)). "Fishery resource" means "any fishery, any stock of fish, any species of fish, and any habitat of fish." (16. U.S.C. §1802 (14)). These broadly defined terms could arguably conflict with other agencies' management purposes, specifically the Fish and Wildlife Service (FWS). For instance, the FWS could be trying to manage an area for conservation purposes, but the Department of Commerce could have jurisdiction in this area. The Department of Commerce would be obligated to manage for "fish," in this case coral, as an extractive resource. This is contradictory to FWS's conservation mandate.

It is not clear where, in the EEZ, the jurisdiction of regional councils begins. Congress has directed entities other than regional councils to carry out activities in the EEZ, such as naval defense operations of Department of Interior's management of a wildlife refuge. The relationship of these duties to the authority of the councils and the FMPs promulgated by them is unclear (Baldwin, March 31, 2000). The probability of conflicting mandates exists. For example, the National Park Service may be directed to set aside an area for conservation purposes. This area may fall under a fishery

management council's jurisdiction, in which the council will manage the fishery for optimal yield. Managing an area for conservation as well as optimal fishing will likely result in conflict.

These jurisdictional boundaries are especially unclear in the Pacific Islands, where the majority of the United States' coral reef resources are found. FWS manages some Pacific Islands as part of the National Wildlife Refuge System. The Western Pacific Council (WPC) is the fishery management council charged with management, through Magnuson-Stevens, of the ocean fisheries in the western pacific areas. Where WPC's jurisdiction begins is unclear. A legal examination of the Pacific Islands jurisdiction is necessary to fully understand the implications of Sec. 4(c).

In order to examine the jurisdictional issue completely in the Pacific Islands, different contexts of the issue must be addressed. These contexts include state and national boundaries; "ownership" of natural resources and; authorities and jurisdictions. The legal analysis can change depending on what context is used to examine the issue (Baldwin, March 31, 2000). It can also change when territories or possessions are the subject, rather than states, which is often the case in coral reef issues.

An understanding of the boundaries of state and national jurisdiction in the ocean helps provide a basis for a jurisdictional discussion. States typically control the waters from the mean high tide line out to three miles. The territorial sea begins at this three-mile boundary, and continues out twelve miles. Contiguous to the territorial sea is the EEZ, which extends 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. President Reagan's EEZ Proclamation in 1983 was consistent with international law, which states the Untied States has sovereign rights to explore for

and exploit, conserve and manage natural resources, both living and non-living, within the beds and waters of the EEZ. President Reagan expanded the territorial sea to its current 12-mile boundary in 1988. The territorial sea was asserted to advance "national security and other significant interests of the United States." President Reagan emphasized that this includes all States, "Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and any other territory or possession over which the United States exercises sovereignty" (Proclamation 5928).

The President has constitutional authority to act in regard to the Pacific Island territories for the interest of defense, international commerce, or treaties. It is implied that United States assumes a territorial sea around these islands, but this is not specifically defined in any law or policy. Although it is not explicitly legally stated, the United States has asserted a 200-mile EEZ boundary around the territories.

Whether or not Magnuson-Stevens applies to the territories is unclear. Magnuson-Stevens states that FMCs have jurisdiction beginning at the boundary of each coastal state. Magnuson-Stevens defines "states" to include territories, but this definition is inconsistently used, therefore raises some concern. If Magnuson-Stevens does not apply to territories, then the passage of Sec. 4(c) may not affect any existing authorities. But, if Magnuson-Stevens does apply, Sec. 4(c) would greatly affect the management of coral reef resources in these territories.

The language in Sec. 4(c) affects both the FWS and the Department of Commerce. The FWS is the lead agency that manages National Wildlife Refuges. Sec. 4(c) gives the Secretary of Commerce "exclusive authority to manage coral reef ecosystem fish in the EEZ," however "does not affect any authority "vested" in the

Secretary of Interior on the date of enactment "by" the National Wildlife Refuge System Administration Act of 1966" with respect to any system already in existence before the enactment of the Coral Reef Bill. The amendment requires that the Secretary of Commerce consult with the Secretary of the Interior when implementation of a FMP will affect any area in the National Wildlife Refuge System. Furthermore, the word "consult" is very ambiguous, and does not carry any legal obligation.

Involved Parties' Concerns and Involvement Regarding Sec. 4(c)

Many groups were interested in the fate of Sec. 4(c) and the Coral Reef Bill. These groups include the environmental community; agencies such as the Department of Interior and the Department of Commerce; and the House Resources Committee. These groups' views regarding Sec. 4(c) are explained below. The environmental community's views are expanded upon in great detail, since they are the primary focus of this study.

Environmental Community's Concerns

The acceptance by the House Resources Committee of Sec. 4(c) raised great concern in the environmental and conservation community. "Environmental community" refers to the wide range of conservation interests including ocean and coastal protection, fisheries conservation, and National Park and National Refuge conservation, that responded to this language. The groups that were actively involved in the opposition of Sec. 4(c), and are collectively referred to as the "environmental community," consisted of the American Oceans Campaign, Center for Marine Conservation, Defenders of Wildlife, Environmental Defense, Marine Conservation Biology Institute, National Audubon

Society, National Parks and Conservation Association, National Wildlife Refuge Association, Natural Resources Defense Council, Oceanwatch, ReefKeeper International, Sierra Club, The Cousteau Society, The Wilderness Society, and the World Wildlife Fund. During the activities involving the Coral Reef Bill I attended meetings (representing MCBI) where the representatives from the environmental community were present, I received emails from representatives of the environmental community, and I engaged in conversations with other members of the environmental community. The feelings and beliefs expressed by the environmental community, discussed here, were from my direct observations and involvement with the environmental community.

The environmental community supported the original Coral Reef Bill that was introduced by Rep. Saxton. This bill protected coral reef ecosystems by codifying E.O. 13089, which created a desirable interagency task force and provided federal grants for local reef protection activities. The environmental community viewed the original bill as constructive and necessary. They recognized that the 4,200,000 acres of US coral reef resources in the United States are in need of protection and increased management. The Coral Reef Bill originally created an interagency management mechanism to address the issue. This not only addressed coral reef protection, but it was a positive step toward an overall governmental goal to increase the capabilities of agencies to share management responsibilities.

E.O. 13089 created the CRTF, which has been fully operational and managed in a joint agency manner by both the Departments of Commerce and Interior. These cooperative efforts have successfully led to management plans in the Florida Keys and Flower Garden Banks National Marine Sanctuaries; a successful public scoping process

to develop the Tortugas Ecological Reserve; the development of the National Coral Reef Action Plan; and management plans for coral reef resources in the Northwest Hawaiian Island (Jansen, 2000). The environmental community believed that Sec. 4(c) language would completely eradicate any progress made toward joint management. Congress would be taking steps backwards towards harmonizing management strategies, when one of their own goals was to move away from the historical "single agency" management regime.

Jurisdictional issues and management responsibilities are ambiguous areas. Where one agency's jurisdiction begins and where the other one ends is not always clear. The environmental community preferred keeping this unclear jurisdiction as the status quo, rather than clearly giving the Department of Commerce the responsibility of coral reef management. Authorizing the Department of Commerce with exclusive authority for managing coral reef ecosystem fish would remove the authority of the Department of Interior to manage coral reef ecosystems within certain areas of National Parks, future National Wildlife Refuges and other Department of Interior holdings.

Some who support Sec. 4(c) think the language simply restates existing authority vested in the Secretary of Commerce (Jansen, 2000) and that the Department of Commerce is already given control of coral reef resources via Magnuson-Stevens. The environmental community believes that the language clearly gives the Secretary of Commerce authority, where he may not have necessarily had it. Although ocean management jurisdiction is not always clear, the environmental community prefers the status quo rather than giving exclusive authority to the Secretary of Commerce.

The environmental community recognizes National Parks and Wildlife Refuges are managed to protect unique natural areas and wildlife, as well as protecting for recreational and aesthetic reasons. The purposes of these areas are not commercial extraction. In contrast, Magnuson-Stevens is intended to improve management of commercial and recreational extraction. If the Secretary of Commerce is given exclusive authority, the reef systems will be managed for fisheries through Magnuson-Stevens. The environmental community does not think imposing Magnuson-Stevens goals on National Parks and Wildlife Refuges is acceptable.

On a broader scale, managing all areas of the ocean through Magnuson-Stevens is also not practicable. The environmental community recognizes that natural resources are best managed through a variety of management regimes. The diversity of land management regimes is analogous to what the environmental community deems appropriate in the ocean. On land, many agencies manage different areas according to specific needs. For instance, the Forest Service manages for timber harvest, but the National Park Service manages for conservation purposes. The environmental community believes that managing the entire ocean through fishery management councils for fish would not be logical, but rather a myriad of management regimes through a variety of agencies may be more successful.

During the same time of the Coral Reef Bill controversy, there were other marine related bills floating through Congress. Some of these bills contained the same jurisdictional implications as Sec. 4(c), but on an even broader scale. Some of these bills were drafts, while others were actually introduced. For example, Senator Olympia Snowe (R-ME) introduced a reauthorization bill of the Magnuson-Stevens Act (S. 2832). This

bill extended exclusive authority to the Department of Commerce throughout the entire EEZ. The environmental community believed it was important to strongly oppose and strike Sec. 4(c) in the Coral Reef Bill, in order to set a precedent for future bills containing similar language.

Additionally, in May of 2000 President Clinton signed an Executive Order regarding Marine Protected Areas (MPA), E.O. 13158. E.O. 13158 stated the need for more marine conservation strategies in US waters, and clearly recognized that many agencies and authorities should be involved in the MPA design and implementation process to better protect US ocean environments. The environmental community believed that if Sec. 4(c) language passed it would undermine this E.O. by taking away Department of Interior's authority in areas where MPAs could be created in coral reef ecosystems. According to Sec. 4(c). if an MPA were established in a coral reef ecosystem, the Secretary of Commerce would have exclusive control in the area. Consequently, the area would be managed through the Magnuson-Stevens Act for fish and fisheries. The "optimal yield" principle in Magnuson-Stevens would be triggered as the operative management technique. MPAs are typically established as "no-take" zones; so managing them for "optimal yield" would certainly lessen the intent and purposes of the protected area.

Overall, the environmental community thought that is was important to retain management of both the Department of Commerce and the Department of Interior. If joint management is utilized, both conservation and fishery management mandates will be applied to coral reef ecosystems. Managing coral reef ecosystems simply for fisheries purposes was not desirable by the environmental community. The environmental

community did think the original bill was constructive, and a good step towards coral reef protection and interagency cooperation. The environmental community thought it was unfortunate that they would oppose an otherwise constructive bill, and also thought it was unfortunate that Congress created a situation that may prevent a potentially constructive bill from passing.

Agencies' Concerns

The Department of Commerce and the Department of Interior were the two federal agencies primarily involved, and most directly affected by, the language in Sec. 4(c). My position with MCBI afforded me the opportunity to engage in conversations with agency employees and I also had access to agency documents, opinions and memorandums concerning the Coral Reef Bill. This allowed me to learn about each agency's unique views and opinions about the Sec. 4(c) language.

The Coral Reef Bill would provide authority and funds to the Department of Commerce for coral reef management, with or without the Sec. 4(c). Therefore, the Department of Commerce was not necessarily concerned with the language in Sec. 4(c), but rather, the language's potential to kill the bill altogether. The Department of Commerce recognized that the controversy regarding Sec. 4(c) was capable of killing the bill (i.e., environmental group's opposition). Consequently, the Department of Commerce worked with the interested parties to try to reach a compromise, so the bill would pass.

In particular, the Director of the National Marine Fisheries Service (NMFS), who would likely manage the coral reef programs created by this bill, called a meeting with

the active members of the environmental community to discuss a compromise. This meeting was requested, by the Director of NMFS, two weeks after the environmental community strongly expressed their opinions regarding Sec. 4(c) via a letter distributed to the members of the House Resources Committee. Language was drafted by Department of Commerce attorneys that was related to the intent of Sec. 4(c), that hopefully the environmental community, as well as the majority in House Resources Committee, would likely accept. Neither the environmental community nor the House Resources Committee accepted the substitute language proposed by the Department of Commerce.

The Department of Interior, particularly those working with National Wildlife Refuges (Fish and Wildlife Service) and the National Park Service, was also extremely concerned with the fate of Sec. 4(c) and the fate of the Coral Reef Bill. The Department of Interior wanted the Coral Reef Bill to pass because it would establish programs that would further the Department's conservation mandates in the ocean. But, the Department of Interior did not want to see Sec. 4(c) passed because it would diminish its own authority in ocean areas, and therefore diminish conservation projects in these areas.

The Department of Interior wrote an opinion that expressed their views about Sec. 4(c), and distributed it to interested parties including the Department of Commerce, the House Resources Committee, and members of the environmental community. The opinion expressed concern that passing Sec. 4(c) would repeal the authority of departments, other than the Department of Commerce, to manage coral reef ecosystems in the EEZ. The only exceptions would be current FWS management of National Wildlife Refuge or the newly created National Wildlife Refuges where the Department of Commerce does not have an FMP under the Magnuson-Stevens Act. Because the

jurisdictional boundaries defined by ocean laws are unclear, and "fish" defined by Magnuson-Stevens is also unclear, this could lead to conflict when determining who has jurisdiction in newly created National Wildlife Refuges.

When the Coral Reef Bill was introduced, the Department of Interior managed two national parks and nine refuges that extend into the EEZ. The Department of Interior was concerned about the following potential effects authorizing the Department of Commerce to manage these areas under the Magnuson-Stevens, if Sec. 4(c) is passed: 1) Permitting commercial fishing in parts of Dry Tortugas National Park, where it is currently prohibited; 2) Allowing commercial fishing in expansions of National Wildlife Refuges; 3) Allowing commercial fishing in new National Wildlife Refuges; 4) Preventing the creation of "no-take" reserves, where both recreational and commercial fishing are prohibited; and 5) Preventing the National Park Service (NPS) and the FWS from carrying out restoration projects in the case of oil spills, boat grounding, and other environmental disasters to coral reef.

The Department of Interior was very clear about their opposition to Sec. 4(c). If the language passed, Department of Interior's authority and conservation capabilities would be diminished. Consequently, the Department of Interior communicated with the Department of Commerce and members of the House Resources Committee to attempt to remove Sec. 4(c).

Although the Department of Commerce and the Department of Interior were the two agencies most concerned with Sec. 4(c) and the Coral Reef Bill, other agencies had a stake in it as well. I engaged in conversations with colleagues from The Department of Defense (from my previous position as an environmental consultant). My acquaintances,

representing the Secretary of Defense's legal counsel, informed me that the Department of Defense became concerned about the Sec. 4(c) language because the Navy had some interest in waters containing coral reefs in which military activities occur. The Department of Defense did not want to see jurisdiction changed to the Department of Commerce. The agencies involved in the Coral Reef Task Force would also be affected by the passage of Sec. 4(c). If the Department of Commerce is granted exclusive authority, the joint management of the CRTF would be altered, and potentially alter the roles of the other agencies.

House Resource Committee's Concerns

The opinions of the House Resource Committee are varied, depending on the member's party affiliation, and the state the member represents. Don Young, a Republican, introduced the Sec. 4(c) language. Young and other Republicans were most likely interested in this language because they prefer oceans to be managed for fisheries and resource extraction. The opinions among the minority (the Democrats) varied. During conversations with congressional staff members, I gained insight into the feelings of some of the congressmen. Some Democrat members were opposed to the Sec. 4(c) language because they wanted to retain conservation possibilities through Department of Interior management. Other democrats were more interested in getting the bill passed, in order to establish some sort of coral reef program. These Democrats were not adamantly opposed to Sec. 4(c), so long as the bill passed.

Few House members spoke up when Representative Young called the vote to accept his proposed amendments, including Sec. 4(c). Representatives Faleomavaega and

Abercrombie offered replacement amendments, but they were not accepted. These Representatives, both representing areas containing coral resources, did not continue to object because they ultimately wanted to see the Coral Reef Bill passed. These Representatives from Hawaii and America Samoa originally objected to the Sec. 4(c) language, but then conceded. They wanted coral reef legislation passed because it would provide many benefits to their states and territories. Consequently, they were likely to agree to most amendments, provided the bill would pass.

There was a notable lack of objection from minority chair of the House Resources Committee, George Miller (D-CA). Rarely do the majority and minority chairs not object to one another. Consensus between them usually leaves little incentive for others on the committee to object.

After the environmental community's concern was expressed and objections were made to the Sec. 4(c) language, the minority wrote an opinion that was distributed to the majority and other committee members. The opinion, written by George Miller's (D-CA) staff, included many of the same views of the environmental community. The opinion stated the Coral Reef Bill was constructive, and the minority supported it, until Sec. 4(c) was included. The minority did not believe that exclusive authority should be granted to the Department of Commerce, since the original coral reef executive order and the CRTF both intend joint management of coral reef resources. The minority did not think it was appropriate that these areas be managed via the Magnuson- Stevens Act. The minority was also concerned that Sec. 4(c) may subjugate the management of marine protected areas in EEZ, established by NOAA, to exclusive management under the Magnuson-Stevens Act. The minority expressed its disappointment that the committee was not able

to come to consensus on the Sec. 4(c) language, because the intent of the original bill was very important. The opinion asked that the majority strike Sec. 4(c). The opinion went on to state that if the majority wishes to change the existing authority of executive agencies, that the Coral Reef Bill is not the appropriate vehicle to do it (Jansen, 2000).

The Environmental Community's Strategy and Actions

Immediately following the House Resource Committee meeting where Don Young introduced and passed amendments, including Sec. 4(c), staff from MCBI (including myself) and Oceanwatch met to discuss their concerns about Sec. 4(c). MCBI and Oceanwatch began leading an effort to stop the inclusion of Sec. 4(c). These two groups first met to discuss their stance, intentions, and goals. After deliberation, the groups realized that although a Coral Reef Bill would offer many constructive conservation tools for the ocean, the inclusion of Sec. 4(c) would negate these benefits. Changing the ocean management authority exclusively to the Secretary of Commerce could lead to many potential problems in future ocean management.

MCBI and Oceanwatch contacted representatives from a wide representation of environmental groups to explain their concerns and to ask for their assistance and support in stopping the passage of Sec. 4(c). Many environmental groups became concerned with the legislation for different reasons. For example, the National Wildlife Refuge Association became concerned when they learned the Department of Interior's authority would be taken away in new National Wildlife Refuges containing coral reefs and given to the Department of Commerce. ReefKeeper International became concerned when they

learned coral reefs may be managed by fishery management councils that have no conservation mandates.

In the end, fifteen environmental interest groups worked together to strategize and get the language in Sec. 4(c) removed. The collection of these fifteen groups is referred to as "the environmental community", for the purposes of this study, and because the environmental groups also refer to their collective whole as such. These groups included American Oceans Campaign, Center for Marine Conservation, Defenders of Wildlife, Environmental Defense, Marine Conservation Biology Institute, National Audubon Society, National Parks and Conservation Association, National Wildlife Refuge Association, Natural Resources Defense Council, Oceanwatch, ReefKeeper International, Sierra Club, The Cousteau Society, The Wilderness Society, and the World Wildlife Fund.

Initially, these organizations met to discuss their goals, their opinions, and the compromises they were willing to make. The group decided that reaching a consensus among them would be the most effective way to approach the issue. As a result, the organizations can speak collectively as the "environmental community." In order to reach consensus, a representative from each of the fifteen groups met at the offices of MCBI.

During this meeting these groups felt that it was not worth accepting the good portions of the bill at the expense of promoting poor ocean management. The groups also recognized that language similar to Sec. 4(c) was appearing in broader contexts, such as Magnuson-Stevens reauthorization bills. The environmental community recognized the

importance of strongly opposing this issue now, to set precedent for future policy making.

Stated simply, the environmental community's preference was to strike Sec. 4(c), and if this were not possible, they would prefer that bill be killed altogether. The latter choice was obviously not favorable, since the original bill contained many things the environmental community supported. The environmental community decided it was necessary to take a strong stance on this issue, communicate it effectively, and engage in a strategy that would lead to striking of the language – and if that was not possible, engage in strategy to kill the bill.

The environmental community's intent was to let members of Congress, as well as agencies, know that they did not support Sec. 4(c), and unless the section was removed or restated, they would oppose the bill entirely. The environmental community, representing big name environmental groups as well as a broad range of environmental interests, was very powerful. By communicating and working as a coalition of groups, rather than single groups, they were able to be more effective. The meeting lasted approximately two hours, and everyone in attendance left comfortable with the message the environmental community was to put out regarding Sec. 4(c).

The environmental community's decided their first step following the meeting was to draft a letter stating their collective position. This letter would be "dropped" to the members of the House Resources Committee, meaning that each congressional office would receive a copy of this letter. "Dropping" letters is a standard practice on Capitol Hill. If a group or single person is concerned about a policy issue, they will write an opinion about that issue and "drop it off" at every Congressional office that may be

concerned with the issue or have the ability to affect the outcome of the issue. In this case, the environmental community wrote a letter that was "dropped" to every member of the House Resources Committee exactly one week after Don Young proposed the Sec. 4(c) amendment. The letterhead of the letter contained the names of the fifteen environmental groups that made up the environmental community. The environmental community's hope was that the Congressmen – and/or his/her staff – would recognize the severity of the concern regarding the inclusion of Sec. 4(c) because there was strong opposition from a wide range of well-known, and well-supported environmental interest groups.

The letter expressed the environmental community's strong opposition to Sec. 4(c). The letter explained that the environmental community did not support changes in the Secretary of Commerce and the Secretary of Interior's management authorities in the EEZ. It also emphasized the importance of joint management as well as the negative impact of granting exclusive authority to the Secretary of Commerce. The letter recognized the environmental community's concern that similar language was appearing in other bills, such as a Magnuson-Stevens reauthorization bill in the Senate. The environmental community urged the removal of Sec. 4(c), and if the language was not removed the environmental community could not support the bill.

"Dropping" this letter to the entire House Resources Committee was a good strategy because it let the congressional members know that environmental community would tag the bill "anti-environmental" if Sec. 4(c) remained. Originally, the Coral Reef Bill received bipartisan support. This implies that many congressmen supported the bill, even though they may not often vote for environmental legislation. The environmental

community's letter showed these members that voting for this bill with Sec. 4(c) is not in the environment's best interest, and is even detrimental to the environment. The hope of the environmental community was to target members that typically vote "environmental" on issues in order to point out this bill was no longer environmentally sound, so that sympathetic congressional members may oppose the language.

The environmental community then identified the members of the House Resources Committee that may be sympathetic to the conservation implications of Sec. 4(c). The organizations representing the environmental community each targeted different House Resource Committee Members and staff. The members that were identified as possible adversaries to Sec. 4(c) language were those who had previously voted for environmental issues, those who had expressed interest in ocean policy, and those who represent coastal states. These members included Jim Greenwood (R-PA), Wayne Gilchrest (R-MD), Bruce Vento (D-MN), and George Miller (D-CA). The environmental groups sent staff to meet with staff of the targeted members and member's staff. This lobbying effort involved discussing the importance of striking Sec. 4(c), and the environmental community's strong opposition to any bill containing such language.

The environmental community then sent another letter, similar to the first, which was distributed to the Senate Committee on Commerce, Science and Transportation, the committee that presides over the Department of Commerce. This letter served two purposes. If the environmental community could not stop it in the House, they may be able to stop it when, and if, it reached the Senate. Second, the Senate Committee on Commerce, Science and Transportation is the committee that will draft and pass the Magnuson- Stevens reauthorization. It was important for the environmental community

to make their position clear, in case the same jurisdictional language appeared in Senate bills.

The main thrust of the environmental community's strategy was to clearly state their strong opposition to the Sec. 4(c) language, or any language that would carry the same jurisdictional changes the language implies. Using methods such as lobbying or "dropping" letters, allowed the environmental community to communicate their feelings and opinions.

Outcome of the Coral Reef Bill

After the involved parties (including the agencies, congressional members, and the environmental community) failed to compromise, the Coral Reef Bill was rolled into a greater omnibus package that contained other marine legislation. The environmental community opposed this entire package, because Sec. 4(c) language still remained. This package contained some constructive marine legislation components that the environmental community supported, but because Sec. 4(c) remained in the bill, the environmental community opposed the entire package. This omnibus package failed to receive the necessary congressional support to pass.

Finally, the omnibus package was revised and was again proposed to the House of Representatives and contained the Coral Reef Bill *without* Sec. 4(c). This package included the Marine Mammal Rescue Assistance Act of 2000, the Atlantic Coastal Fisheries Act, the reauthorization of the Striped Bass Conservation Act, and the Coral Reef Bill. It is unclear exactly when and why Sec. 4(c) was removed, but when this package was introduced there was no opposition from the environmental community.

Without the environmental community's avid opposition, the Coral Reef Bill probably would have passed when Rep. Young introduced the amendments (including Sec. 4(c)). The omnibus package that included the Coral Reef Bill, H.R.2903, passed the House and also passed the Senate, and was signed by the President. Once this package was introduced without the contentious Sec. 4(c) language, it passed and was signed. The Coral Reef Bill became Public Law No: 106-555 on December 21, 2000. This law did not contain any language or inference to the language in Sec. 4(c) of the original bill, H.R. 3919.

Theoretical Approach Revisited

Two types of policy models were introduced earlier in this thesis to describe the role of interest groups in policy-making. These models were developed to address traditional interest groups, which are groups primarily motivated by material incentives. The iron triangle model addresses the relationship between the interest group, the congressional committee, and the agency. The iron triangle model asserts that these relationships are virtually impenetrable and mutually beneficial. The related, issue network model, contains the same players plus additional players and asserts that the relationships are more open and loose.

When the environmental groups proliferated in the late 1960s and early 1970s there was an emergence of a different type of interest group. These groups were motivated not by material welfare, but by ideals. During the same time, environmental laws were being passed that expanded a citizen's standing sue. This gave the environmental groups an institutional leg to stand on. Before these laws were passed environmental groups were not effective in federal policy arenas. Now, the courts were added to the playing field. This resulted in a new model, the wobbly diamond (Wilson, 1994). The wobbly diamond added the extra point, or player, to the process – the courts. Since the boom of environmental groups, the wobbly diamond has been an effective model for environmental groups to make policy changes.

The Coral Reef Bill Applied to Policy-Making Models

The Coral Reef Bill offers an opportunity to assess the validity of existing models to current issues. In order to apply this case study to theoretical models it is helpful to review the relationships between the active and interested parties involved in the Coral Reef Bill.

Agencies and the Environmental Community

Representatives from the National Marine Fisheries Service indicated that the Department of Commerce wanted the Coral Reef Bill to pass, with or without Sec. 4(c). After the environmental community distributed their letter expressing their concerns regarding Sec. 4(c), the Director of the National Marine Fisheries Service (NMFS) called a meeting with NMFS staff, including legal counsel, and representatives from the environmental community. The Director of NMFS stated at the meeting that she became immediately concerned with the fate of the Coral Reef Bill when she saw such strong opposition from so many big name environmental groups. The Department of Commerce was concerned that the environmental community's objection to Sec. 4(c) could potentially kill the bill; therefore kill the funding that would go to the Department of Commerce.

The Department of Interior shared the environmental community's concern with Sec. 4(c). As a result these two entities communicated about their concerns and possible actions that may result in removal of the language.

The House Resources Committee and the Environmental Community

The House Resources Committee was split on this issue. The majority remained firm on the retention of Sec. 4(c). The minority felt that it should be removed. Some members of the minority felt so strongly about the passage of coral reef legislation, that they did not care if Sec. 4(c) was included or deleted, as long as the bill passed.

The environmental community worked with all these entities. The environmental community met with the majority, to explain to them why this language was detrimental and why this bill was not the appropriate mechanism to institute these changes. The environmental community also met with the minority to discuss their shared concerns and to develop ways to convince the majority to concede. Lastly, the environmental community met with members of the minority who wanted the bill to pass, to discuss the dangers of Sec. 4c and to convince them to reject the bill with this section.

Although traditional interest groups were not a player in this discussion, it could be implied that they were indirectly involved. The basis for Rep. Young's introduction of the Sec. 4(c) language was most likely to maintain fishing capabilities waters that may be closed to fishing if managed by Department of Interior conservation mandates. Rep. Young, being from Alaska, represents the fishing communities and commercial fishermen. He's actions were in the interest of these fishing folks, even though they were not necessarily involved in the process.

The House Resources Committee and the Agencies

Member of the House Resource Committee and the involved agencies also communicated about this bill. For example, the Department of Commerce (specifically

NMFS) met with the majority to try to get the language struck because they were concerned the bill would not pass with the language. The Department of Interior also met with the majority to express their concerns with the language. Both of these agencies met with the minority to discuss their shared concerns as well as strategies to get the language removed.

Relationships Applied to Policy-Making Models

It is evident from the above relationship that the three major players – interest groups, congressional committee, and agencies – interacted with one another. These general relationships are depicted in Figure 3.

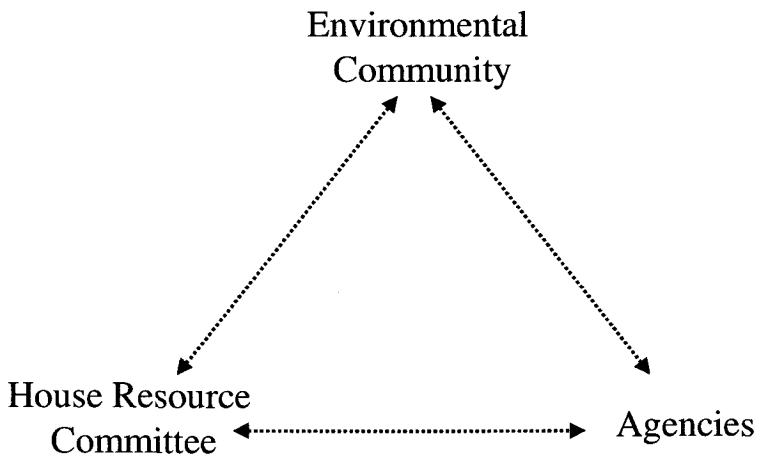

Figure 3. Groups Involved in the Coral Reef Bill

This model is visually similar to the iron triangle and issue network models discussed previously. However, the iron triangle model characteristics do not readily apply to this example. In the iron triangle each corner benefits from the other corner's actions and interests. This was depicted in Figure 1, The Iron Triangle Model, as solid and double-arrow-headed lines because the relationship and communications occurred between the involved parties and benefited all involved parties. The Coral Reef Bill situation certainly contained a number of entities that did not agree with the other entities and players, so it is not fair to denote the relationships above with a solid line. Rather, a dashed line is used to demonstrate the communication and interaction between the parties, but does not imply that all the parties aided each other.

Iron triangles typically deal with one interest group, one agency, and one congressional committee. In the events associated with the Coral Reef Bill, there were many interest groups involved to comprise the environmental community, and there were two major agencies involved, although others raised some concerns at times. Many players besides a single interest group and single agency were involved. Furthermore, even though one congressional committee was involved, there was conflict and disagreement within the committee.

The relationships in an iron triangle are typically rigid and lasting. The relationships described in the Coral Reef Bill case study were formed for the purpose of the particular bill. The environmental community's relationship with agencies and congressional committees is certainly dependent on the issue of concern.

The relationships are more accurately and thoroughly depicted in Figure 4 below. Figure 4 shows the triangular nature of the relationships between interest groups,

agencies, and congressional committees, but it breaks down the relationships. The environmental community, when interacting with the House Resources Committee had different relationships with the minority and the majority. The solid line between the environmental community and the minority shows that both entities helped further their shared interests. The dashed line between the environmental community and the majority indicates the communication between these two groups, but shows that the two groups did not necessarily help each other. Similar relationships occurred between the agencies and the environmental community. The traditional interested groups are included in parentheses because their interests were represented, even though they were not directly involved in the interactions. The Department of Interior shared the same views as the environmental community and these two entities worked to achieve their same goals, depicted by a solid line. The Department of Commerce was concerned about the fate of the Coral Reef Bill, but for different reasons than the environmental community. These two groups provided information to one another to reach their goals, therefore it is shown with a dashed line. Finally, the relationships between the House Resources Committee and the agencies is depicted be a dashed line. Depending on whether the Representative was in the minority or majority, and what agency they were communicating with, the relationships were either mutually beneficial or simply a relationship of information exchange.

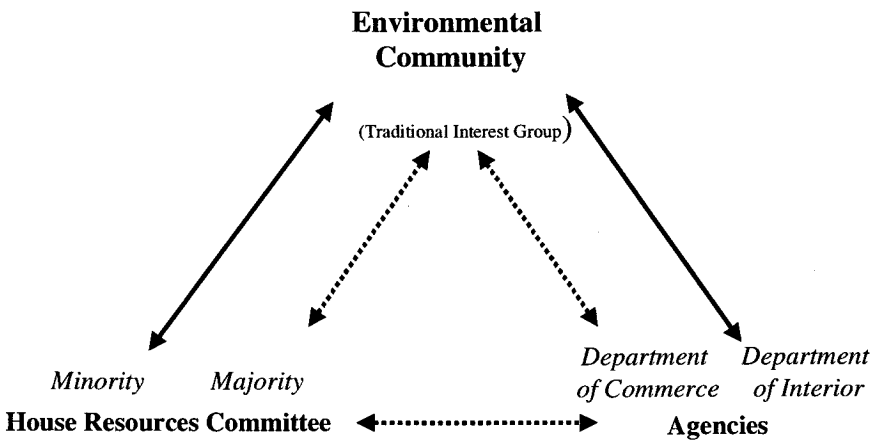

Figure 4. Interactions between Groups Involved with the Coral Reef Bill

The nature of the relationships and interactions in Figure 4 fit into the more loosely defined issue network model. An issue network is dynamic, depending on the issue. It is comprised of a number of players, who do not necessarily interact in a fashion that is favorable to each involved entity. The Coral Reef Bill fits nicely into this model. The players all interacted, but there were conflicts as well as agreements. There were also a variety of players from different interest groups and different agencies. The Coral Reef Bill is illustrative of an issue network and environmental groups' participation in such a network.

It is important to recognize that the policy model involving environmental group, described in the "Theoretical Approach" section, was the wobbly diamond model. This model involves the use of the courts and litigation. Although environmental groups were

certainly involved in this case study, there was no participation or involvement of the courts.

Discussion

When environmental groups first came on the political scene they were at a disadvantage to the traditional interest groups that had already carved their niche in national politics. Fortunately for environmental groups, environmental laws granted expanded rights to citizens allowing environmental groups to voice their concerns in a policy forum through the courts. In the early 1970s environmental groups were outsiders to the traditional interest groups, and were even coined "adversarial groups," who reached policy goals by acting outside the policy triangles. While environmental groups were adversarial to traditional groups, by taking them to court as well as taking government entities to court, the traditional groups still managed to maintain their "corner" in policy-making triangles. Environmental groups, since the passage of environmental laws, have strategically used the courts to successfully incorporate their values into policy.

The Coral Reef Bill case study demonstrates environmental groups affecting policy without using the courts. Today, we are beginning to see environmental groups gaining a seat at the policy table. The case study shows that environmental groups were given a "corner" in the triangular relationships of policy-making.

Marine Conservation Policy and Legislation

The process of passing the Coral Reef Bill has set a timely precedent for environmental interest groups participation in policy-making. Marine conservation groups, who are "new" to the environmental interest group community, should recognize

their new seat at this policy table. A brief look at current and future marine legislation reveals the importance of this new position and the opportunities associated with it.

Current Marine Legislation

Marine legislation is changing. In order to examine how marine and environmental interest groups can become involved in the future of marine legislation, it is helpful to briefly discuss the current state of marine legislation. Marine and ocean laws, in contrast to terrestrial laws, are vague and underdeveloped. The number of laws that address terrestrial issues dwarfs the numbers of marine laws. Additionally, as discussed in the Coral Reef Bill case study, jurisdictional uncertainties exist in ocean laws and policies. Some of the marine laws that do exist are often criticized. Magnuson-Stevens is a good example of this. The intent of Magnuson-Stevens is to manage fisheries and fish stocks, and prevent fishery declines. Since the passage of this law, declines and crashes in many fisheries still persist. The effectiveness of the mechanisms Magnuson-Stevens utilizes to manage fisheries is questionable.

There is also a lack of conservation laws in the sea. Some programs, like the National Marine Sanctuaries (NMS) Program or the National Estuarine Research Reserve Program, somewhat address marine conservation issues. But, the NMS is perhaps a misnomer, because these sanctuaries only prohibit oil and gas exploration, and allow all other extractive ocean uses.

Overall some (but not all) ocean laws are criticized as being ineffective. Additionally, the jurisdictional boundaries, goals, intents, and management mandates of current marine laws are fuzzy.

Future Marine Legislation

There has been a great deal of attention recently given to the ocean and ocean management. The vagueness and ineffectiveness of the laws is becoming more evident. The need to better manage the ocean is also becoming evident. Certain events are increasing the public's concern about the health and safety of the ocean. These concerns are seen in increasing ocean temperatures, marine pollution, decline of fisheries, increase in harmful algal blooms, coral bleaching events, and extinction of important marine species.

There is evidence that the United States government is taking steps to address ocean concerns through the design and implementation of better marine laws. This is seen in the recent recognition of ocean issues by the US government. The United Nations declared 1997 as the International Year of the Coral Reef and 1998 as the International Year of the Ocean. The United States recognized and also declared 1998 as the Year of the Ocean, as a result President Clinton convened the National Oceans Conference in Monterey, California. President Clinton also passed an Executive Order in May 2000 calling for the establishment of marine protected areas in U.S. waters. The 106th United States Congress created an Oceans Caucus to discuss ocean issues. The Oceans Caucus sponsored an Ocean Science Day and policy discussion called "Oceans for the New Millennium" during the summer of 2000. The Oceans Act was also recently passed by the US Congress, which created an Oceans Commission. The task of the Oceans Commission is to research, discuss and make recommendations about the state of the ocean and what steps the government can take to better manage and protect it.

All of these factors imply that changes in ocean management are on the horizon. New ocean management is destined, and given the movement towards conservation minded policies, better ocean protection is inevitable.

Implications of this Study

The main point of this study is that environmental groups are getting a seat at the policy table. It is important to remember the political context of the Coral Reef Bill case study. This case study has provided insight into what roles environmental groups are playing in the national policy-making arena. This case study does not imply that environmental groups always have a seat at the table, or this seat is the only means for environmental groups to affect policy. It does imply, however, that the environmental groups are becoming more involved in the policy process early on in the legislative process.

Marine conservation groups are relatively new to the scene, but as they emerge on the environmental front they can slip directly into this seat that is being carved out. Marine laws and policies are getting a lot of attention, and are a politically hot topic. If marine conservation groups utilize their seat at the table early, they can be involved in the policy and legislation development process. This could ensure that their ideals, needs, and concerns are addressed early. It could also mean that they are able to defend against unwanted marine legislation and policies, such as the language in Sec. 4(c) of the Coral Reef Bill. This will, hopefully, lessen the use of courts to retroactively change policy for the environmental groups. Rather, marine conservation groups could be proactive about

getting their policy initiatives addressed. Ocean laws are afloat, and marine conservation groups should get onboard early.

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